

I_135_0002-1

135th General Assembly
Regular Session
2023-2024

. B. No.

A BILL

To amend sections 124.152, 4981.02, 5503.031, and 5517.011; to enact sections 746.01, 746.02, 746.03, 746.04, 746.05, 746.06, and 746.07; and to repeal section 5501.09 of the Revised Code to make appropriations for programs related to transportation for the biennium beginning July 1, 2023, and ending June 30, 2025, and to provide authorization and conditions for the operation of those programs.

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

Section 101.01. That sections 124.152, 4981.02, 5503.031, and 5517.011 be amended and sections 746.01, 746.02, 746.03, 746.04, 746.05, 746.06, and 746.07 of the Revised Code be enacted to read as follows:

Sec. 124.152. (A) (1) Except as provided in division (A) (2) of this section, each exempt employee shall be paid a salary or wage in accordance with schedule E-1 or schedule E-2 of division (B) of this section.



(2) Each exempt employee who holds a position in the unclassified civil service pursuant to division (A) (26) or (30) of section 124.11 of the Revised Code may be paid a salary or wage in accordance with schedule E-1 or schedule E-2 of division (B) of this section, as applicable.

(B) (1) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, 2021:

Schedule E-1

	1	2	3	4	5	6	7	8	9	10
A	Pay Ranges and Step Values									
B										
C		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	
D	Range									

	1	2	3	4	5	6	7	8	9	10
A	1	Hourly	12.14	12.69	13.21	13.80				
B		Annually	25251	26395	27476	28704				
C	2	Hourly	14.73	15.36	16.01	16.72				

D		Annually	30638	31948	33300	34777	
E	3	Hourly	15.44	16.13	16.84	17.56	
F		Annually	32115	33550	35027	36524	
G	4	Hourly	16.20	16.93	17.75	18.51	
H		Annually	33696	35214	36920	38500	
I	5	Hourly	17.00	17.78	18.51	19.33	
J		Annually	35360	36982	38500	40206	
K	6	Hourly	17.91	18.66	19.47	20.27	
L		Annually	37252	38812	40497	42161	
M	7	Hourly	19.01	19.72	20.54	21.25	22.07
N		Annually	39540	41017	42723	44200	45905
O	8	Hourly	20.11	21.00	21.90	22.89	23.97
P		Annually	41828	43680	45552	47611	49857
Q	9	Hourly	21.45	22.56	23.67	24.85	26.11
R		Annually	44616	46924	49233	51688	54308
S	10	Hourly	23.13	24.41	25.72	27.20	28.64
T		Annually	48110	50772	53497	56576	59571
U	11	Hourly	25.20	26.66	28.20	29.80	31.49

V		Annually	52416	55452	58656	61984	65499			
W	12	Hourly	27.80	29.36	30.93	32.64	34.46	36.34	37.82	39.60
X		Annually	57824	61068	64334	67891	71676	75587	78665	82368
Y	13	Hourly	30.64	32.32	34.09	35.92	37.95	39.99	41.63	43.59
Z		Annually	63731	67225	70907	74713	78936	83179	86590	90667
AA	14	Hourly	33.69	35.61	37.52	39.56	41.80	44.13	45.95	48.10
AB		Annually	70075	74068	78041	82284	86944	91790	95576	100048
AC	15	Hourly	37.02	39.10	41.30	43.57	45.99	48.51	50.50	52.88
AD		Annually	77001	81328	85904	90625	95659	100900	105040	109990
AE	16	Hourly	40.81	43.08	45.45	48.00	50.63	53.53	55.73	58.34
AF		Annually	84884	89606	94536	99840	105310	111342	115918	121347
AG	17	Hourly	44.96	47.44	50.10	52.86	55.83	58.94		
AH		Annually	93516	98675	104208	109948	116126	122595		
AI	18	Hourly	49.55	52.29	55.24	58.28	61.50	64.94		
AJ		Annually	103064	108763	114899	121222	127920	135075		

Schedule E-2

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A	Range		Minimum	Maximum
B	41	Hourly	16.23	48.99
C		Annually	33758	101899
D	42	Hourly	17.89	54.09
E		Annually	37211	112507
F	43	Hourly	19.70	59.56
G		Annually	40976	123884
H	44	Hourly	21.73	65.08
I		Annually	45198	135366
J	45	Hourly	24.01	71.05
K		Annually	49941	147784
L	46	Hourly	26.43	77.65
M		Annually	54974	161512
N	47	Hourly	29.14	84.75
O		Annually	60611	176280
P	48	Hourly	32.14	92.45
Q		Annually	66851	192296
R	49	Hourly	35.44	99.83

S Annually 73715 207646

(2) Each exempt employee who must be paid in accordance 32
with schedule E-1 or schedule E-2 of this section shall be paid 33
a salary or wage in accordance with the following schedule of 34
rates as of the pay period that includes July 1, 2022: 35

Schedule E-1 36

1 2 3 4 5 6 7 8 9 10 37

A Pay Ranges and Step Values

B Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8

C Range

1 2 3 4 5 6 7 8 9 10 38

A 1 Hourly 12.50 13.07 13.61 14.21

B Annually 26000 27185 28308 29556

C 2 Hourly 15.17 15.82 16.49 17.22

D Annually 31553 32905 34299 35817

E 3 Hourly 15.90 16.61 17.35 18.09

F Annually 33072 34548 36088 37627

G	4	Hourly	16.69	17.44	18.28	19.07				
H		Annually	34715	36275	38022	39665				
I	5	Hourly	17.51	18.31	19.07	19.91				
J		Annually	36420	38084	39665	41412				
K	6	Hourly	18.45	19.22	20.05	20.88				
L		Annually	38376	39977	41704	43430				
M	7	Hourly	19.58	20.31	21.16	21.89	22.73			
N		Annually	40726	42244	44012	45531	47278			
O	8	Hourly	20.71	21.63	22.56	23.58	24.69			
P		Annually	43076	44990	46924	49046	51355			
Q	9	Hourly	22.09	23.24	24.38	25.60	26.89			
R		Annually	45947	48339	50710	53248	55931			
S	10	Hourly	23.82	25.14	26.49	28.02	29.50			
T		Annually	49545	52291	55099	58281	61360			
U	11	Hourly	25.96	27.46	29.05	30.69	32.43			
V		Annually	53996	57116	60424	63835	67454			
W	12	Hourly	28.63	30.24	31.86	33.62	35.49	37.43	38.95	40.79
X		Annually	59550	62889	66268	69929	73819	77854	81016	84843

Y	13	Hourly	31.56	33.29	35.11	37.00	39.09	41.19	42.88	44.90
Z		Annually	65644	69243	73028	76960	81307	85675	89190	93392
AA	14	Hourly	34.70	36.68	38.65	40.75	43.05	45.45	47.33	49.54
AB		Annually	72176	76294	80392	84760	89544	94536	98446	103043
AC	15	Hourly	38.13	40.27	42.54	44.88	47.37	49.97	52.02	54.47
AD		Annually	79310	83761	88483	93350	98529	103937	108201	113297
AE	16	Hourly	42.03	44.37	46.81	49.44	52.15	55.14	57.40	60.09
AF		Annually	87422	92289	97364	102835	108472	114691	119392	124987
AG	17	Hourly	46.31	48.86	51.60	54.45	57.50	60.71		
AH		Annually	96324	101628	107328	113256	119600	126276		
AI	18	Hourly	51.04	53.86	56.90	60.03	63.35	66.89		
AJ		Annually	106163	112028	118352	124862	131768	139131		

Schedule E-2

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	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	50.46
C		Annually	33758	104956

D	42	Hourly	17.89	55.71
E		Annually	37211	115876
F	43	Hourly	19.70	61.35
G		Annually	40976	127608
H	44	Hourly	21.73	67.03
I		Annually	45198	139422
J	45	Hourly	24.01	73.18
K		Annually	49941	152214
L	46	Hourly	26.43	79.98
M		Annually	54974	166358
N	47	Hourly	29.14	87.29
O		Annually	60611	181563
P	48	Hourly	32.14	95.22
Q		Annually	66851	198057
R	49	Hourly	35.44	102.82
S		Annually	73715	213865

(3) Each exempt employee who must be paid in accordance 41
with schedule E-1 or schedule E-2 of this section shall be paid 42
a salary or wage in accordance with the following schedule of 43
rates as of the pay period that includes July 1, 2023: 44

Schedule E-1

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	1	2	3	4	5	6	7	8	9	10
A	Pay Ranges and Step Values									
B			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
C	Range									
D	1	Hourly	12.88	13.46	14.02	14.64				
E		Annually	26790	27996	29161	30451				
F	2	Hourly	15.63	16.29	16.98	17.74				
G		Annually	32510	33883	35318	36899				
H	3	Hourly	16.38	17.11	17.87	18.63				
I		Annually	34070	35588	37169	38750				
J	4	Hourly	17.19	17.96	18.83	19.64				
K		Annually	35755	37356	39166	40851				
L	5	Hourly	18.04	18.86	19.64	20.51				
M		Annually	37523	39228	40851	42660				
N	6	Hourly	19.00	19.80	20.65	21.51				
O		Annually	39520	41184	42952	44740				

P	7	Hourly	20.17	20.92	21.79	22.55	23.41			
Q		Annually	41953	43513	45323	46904	48692			
R	8	Hourly	21.33	22.28	23.24	24.29	25.43			
S		Annually	44366	46342	48339	50523	52894			
T	9	Hourly	22.75	23.94	25.11	26.37	27.70			
U		Annually	47320	49795	52228	54849	57616			
V	10	Hourly	24.53	25.89	27.28	28.86	30.39			
W		Annually	51022	53851	56742	60028	63211			
X	11	Hourly	26.74	28.28	29.92	31.61	33.40			
Y		Annually	55619	58822	62233	65748	69472			
Z	12	Hourly	29.49	31.15	32.82	34.63	36.55	38.55	40.12	42.01
AA		Annually	61339	64792	68265	72030	76024	80184	83449	87380
AB	13	Hourly	32.51	34.29	36.16	38.11	40.26	42.43	44.17	46.25
AC		Annually	67620	71323	75212	79268	83740	88254	91873	96200
AD	14	Hourly	35.74	37.78	39.81	41.97	44.34	46.81	48.75	51.03
AE		Annually	74339	78582	82804	87297	92227	97364	101400	106142
AF	15	Hourly	39.27	41.48	43.82	46.23	48.79	51.47	53.58	56.10
AG		Annually	81681	86278	91145	96158	101483	107057	111446	116688

AH	16	Hourly	43.29	45.70	48.21	50.92	53.71	56.79	59.12	61.89
AI		Annually	90043	95056	100276	105913	111716	118123	122969	128731
AJ	17	Hourly	47.70	50.33	53.15	56.08	59.23	62.53		
AK		Annually	99216	104686	110552	116646	123198	130062		
AL	18	Hourly	52.57	55.48	58.61	61.83	65.25	68.90		
AM		Annually	109345	115398	121908	128606	135720	143312		

Schedule E-2

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48

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	51.97
C		Annually	33758	108097
D	42	Hourly	17.89	57.38
E		Annually	37211	119350
F	43	Hourly	19.70	63.19
G		Annually	40976	131435
H	44	Hourly	21.73	69.04
I		Annually	45198	143603

J	45	Hourly	24.01	75.38
K		Annually	49941	156790
L	46	Hourly	26.43	82.38
M		Annually	54974	171350
N	47	Hourly	29.14	89.91
O		Annually	60611	187012
P	48	Hourly	32.14	98.08
Q		Annually	66851	204006
R	49	Hourly	35.44	105.90
S		Annually	73715	220272

(C) As used in this section: 49

(1) "Exempt employee" means a permanent full-time or 50
permanent part-time employee paid directly by warrant of the 51
director of budget and management whose position is included in 52
the job classification plan established under division (A) of 53
section 124.14 of the Revised Code but who is not considered a 54
public employee for the purposes of Chapter 4117. of the Revised 55
Code. "Exempt employee" also includes a permanent full-time or 56
permanent part-time employee of the secretary of state, auditor 57
of state, treasurer of state, or attorney general who has not 58
been placed in an appropriate bargaining unit by the state 59
employment relations board. 60

(2) "Base rate of pay" means the rate of pay established 61

under schedule E-1 of this section, plus the supplement provided 62
under division (E) of section 124.181 of the Revised Code, plus 63
any supplements enacted into law that are added to schedule E-1 64
of this section. 65

~~(D)(1) The director of administrative services shall adopt 66
rules establishing pay range 19 in schedule E-1 of division (B) 67
(3) of this section. In the rules, the director shall do both of 68
the following: 69~~

~~(a) Require that an individual paid in accordance with 70
range 19 be paid a minimum annual salary of \$101,935 up to a 71
maximum annual salary of \$122,465. 72~~

~~(b) Establish the step values within range 19 and 73
determine the hourly rates of pay that correspond to the annual 74
salaries assigned to the steps. 75~~

~~(2) The director of administrative services shall adopt 76
rules identifying a step value 7 in range 17 of schedule E-1 of 77
division (B) (3) of this section. In the rules, the director 78
shall identify the hourly and annual pay for step value 7 in 79
range 17, which shall be proportionally higher than the hourly 80
and annual pay for step value 6 in range 17. 81~~

Sec. 746.01. As used in this chapter: 82

"Ferguson Act of 1869" means the act titled "An act 83
relating to cities of the first class having a population 84
exceeding one hundred and fifty thousand inhabitants" passed May 85
4, 1869, (66 O. L. p. 80) pursuant to which the city of 86
Cincinnati established the Cincinnati Southern Railway, as well 87
as acts subsequently amending the act passed May 4, 1869, which 88
included sections 15093 to 15150-20 of the General Code, as 89
subsequently amended by Section 2 of S.B. 200 of the 98th 90

general assembly, Section 1 of H.B. 314 of the 102nd general 91
assembly, Section 1 of S.B. 562 of the 104th general assembly, 92
and Sections 1 and 2 of H.B. 69 of the 112th general assembly. 93

"Railway" means any railroad built under and governed by 94
the Ferguson Act of 1869, and does not include property, land, 95
right-of-way, or easements which are a part of the railroad line 96
but are no longer necessary for the operation of the railroad, 97
as determined by the railway board of trustees. 98

"Railway board of trustees" means a board of trustees 99
established by a municipal corporation pursuant to H.B. 69 of 100
the 112th general assembly as successor to a board of trustees 101
that was established by the Ferguson Act of 1869. 102

Sec. 746.02. (A) (1) A railway board of trustees may 103
solicit or receive offers for, and sell, all or any portion of a 104
railway in accordance with the provisions of this chapter. The 105
board of trustees may approve and enter into a sale agreement by 106
adopting a resolution that shall include the terms of the 107
proposed sale, and the method that will be used to determine the 108
minimum annual amount to be transmitted to the municipal 109
corporation under section 746.05 of the Revised Code, which may 110
only be amended upon consultation with the fiscal officer of the 111
municipal corporation, and which shall result in an annual 112
amount equal to or greater than the minimum approved by the 113
electors under this section. 114

(2) After the railway board of trustees has adopted the 115
resolution described in division (A) (1) of this section, the 116
railway board of trustees may adopt a resolution setting the 117
date of the election in which the question of approval of the 118
sale is to be submitted to the electors of the municipal 119
corporation, along with the applicable ballot language as 120

described in division (D) of this section. 121

The board of trustees shall only sell a railway or portion 122
of a railway upon approval by the electors of the municipal 123
corporation, as described in divisions (B), (C), (D), and (E) of 124
this section. 125

(B) (1) The railway board of trustees, upon adopting a 126
resolution under division (A)(2) of this section, shall certify 127
the resolution to the legislative authority of the municipal 128
corporation and to the fiscal officer of the municipal 129
corporation. The legislative authority of the municipal 130
corporation, upon receiving a copy of the resolution, shall 131
certify the resolution to the board of elections not less than 132
ninety days before the date of the election specified in the 133
resolution. 134

(2) The board of elections shall submit the proposed 135
resolution for the approval or rejection of the electors of the 136
municipal corporation at the election specified in the 137
resolution. 138

(C) (1) The legislative authority of the municipal 139
corporation shall cause a notice of an election under this 140
section to be published in a newspaper of general circulation 141
within the municipal corporation for the two consecutive weeks 142
before the election, or as provided in section 7.16 of the 143
Revised Code. 144

(2) If the board of elections maintains a web site, the 145
board of elections shall post notice of the election on its web 146
site not later than thirty days before the election. 147

(3) A notice published under this section shall state the 148
time and place of the election and shall include a description 149

of the railway or portion of the railway to be sold, the name of 150
the proposed purchaser, the purchase price to be paid, including 151
the amount and due date of any installments of the purchase 152
price, the purposes for which the proceeds of the sale may be 153
used, and the initial minimum annual amount payable to the 154
municipal corporation, as described in section 746.05 of the 155
Revised Code. 156

(D) The ballot for an election under this section shall 157
include the following language, as applicable: 158

"Shall the _____ (name of railway board of trustees) be 159
authorized to sell _____ (name and description of railway or 160
portion of railway being sold) to _____ (name of the proposed 161
buyer) for a purchase price of _____ (amount proposed for the 162
sale), to be paid in _____ (number of installments) installments 163
during the years _____ (years in which an installment will be 164
paid), with the moneys received to be deposited into a trust 165
fund operated by _____ (railway board of trustees), with 166
_____ (municipal corporation) as the sole beneficiary, the 167
moneys to be annually disbursed to the municipal corporation in 168
an amount no less than _____ (dollar amount) per year, for the 169
purpose of the rehabilitation, modernization, or replacement of 170
existing streets, bridges, municipal buildings, parks and green 171
spaces, site improvements, recreation facilities, improvements 172
for parking purposes, and any other public facilities owned by 173
_____ (municipal corporation), and to pay for the costs of 174
administering the trust fund? 175

YES _____ 176

NO _____" 177

(E) If the question is approved by a majority of electors 178

voting on the question, the railway board of trustees may 179
proceed and take all necessary actions to complete the sale on 180
terms consistent with those described in the resolution adopted 181
under division (A) of this section. Notwithstanding any other 182
provisions of the Revised Code, any net proceeds from a sale 183
pursuant to this section shall be deposited into the trust fund 184
established under section 746.03 of the Revised Code. 185

(F) If the question is not approved by a majority of the 186
electors voting on the question, the railway board of trustees 187
shall not move forward with the sale. 188

Sec. 746.03. (A) A railway board of trustees that sells a 189
railway or any portion of a railway under section 746.02 of the 190
Revised Code shall establish a railway proceeds trust fund for 191
the purpose of receiving the net proceeds of the sale. The 192
municipal corporation that owned the railway or portion of the 193
railway before the sale shall be the sole beneficiary of the 194
trust fund. Any funds in the trust fund shall not be considered 195
part of the unencumbered balance or revenue of the subdivision 196
under section 5705.35 or 5705.36 of the Revised Code. 197

(B) The railway board of trustees shall manage and 198
administer the railway proceeds trust fund established under 199
division (A) of this section as trustees, in accordance with 200
this chapter and with ordinances passed by the legislative 201
authority of the municipal corporation not in conflict with this 202
chapter. 203

(C) Notwithstanding section 9.481 of the Revised Code, no 204
individual may be appointed to the railway board of trustees 205
after the effective date of this section unless the individual 206
is a resident of the municipal corporation. 207

Sec. 746.04. (A) A railway board of trustees that 208
establishes a trust fund under section 746.03 of the Revised 209
Code may invest and reinvest the moneys and assets held in the 210
trust fund, subject to this chapter. The railway board of 211
trustees shall invest and reinvest under the prudent investor 212
standard of care, as described in section 5809.02 of the Revised 213
Code. 214

(B) The railway board of trustees shall retain at least 215
one independent financial advisor to assist the railway board of 216
trustees in investing the trust fund. The railway board of 217
trustees may retain managers, administrative staff, agents, 218
attorneys, and employees, and engage advisors, as are 219
appropriate and reasonable in relation to the assets of the 220
trust fund, the purposes of the trust, and the skills and 221
knowledge of the members of the railway board of trustees, in 222
order to fulfill the board's duties and responsibilities in 223
administering the trust fund. The railway board of trustees 224
shall provide for payment of these and other reasonable expenses 225
of administering the trust fund from the investment earnings on 226
the trust fund. 227

(C) The railway board of trustees shall adopt management 228
and investment policies containing objectives and criteria 229
designed to ensure the trust fund is administered efficiently 230
and self-sustaining, and that the money and assets in the trust 231
fund are not diminished while providing the municipal 232
corporation payments pursuant to section 746.05 of the Revised 233
Code. These policies shall address asset allocation targets and 234
ranges, risk factors, asset class benchmarks, eligible 235
investments, time horizons, total return objectives, a strategy 236
for long-term growth of the principal of the trust fund, 237
competitive procurement processes, fees and administrative 238

expenses, and performance evaluation guidelines. 239

The management and investment policies, and any amendments 240
to those policies, shall be adopted after consultation with the 241
fiscal officer of the municipal corporation. 242

The railway board of trustees shall make public any 243
management and investment policies it adopts under this section. 244

(D) The railway board of trustees, following the creation 245
of a trust fund under this chapter, shall report to the fiscal 246
officer of the municipal corporation, each calendar year, the 247
fiscal transactions of the trust fund for the calendar year, the 248
amounts of accumulated moneys and securities, and the most 249
recent balance sheet showing the financial condition of the fund 250
by means of audited financial statements. The reports shall be 251
delivered at such times, and shall be in a form and content, as 252
reasonably requested by the fiscal officer of the municipal 253
corporation. 254

(E) Except as otherwise provided in this chapter, no 255
member of the railway board of trustees shall have any direct or 256
indirect interest in the gains or profits of any investment made 257
by the railway board of trustees. No member or person connected 258
with the railway board of trustees directly or indirectly, for 259
self or as an agent or partner of others, shall borrow any of 260
the funds or deposits of the railway board of trustees or trust 261
fund, or in any manner use the same except to make such current 262
and necessary payments as are authorized by the railway board of 263
trustees. No member or agent of the railway board of trustees 264
shall become an indorser or surety or become in any manner an 265
obligor for moneys loaned by or borrowed from the railway board 266
of trustees. 267

(F) The railway board of trustees, and the management and investment of the trust fund, is not subject to Chapter 135., sections 731.56 to 731.59, or any other conflicting provisions of the Revised Code. 268
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Sec. 746.05. Not later than the thirtieth day of September of each year, the railway board of trustees shall certify to the municipal corporation the amount of funds that the railway board of trustees will disburse to the municipal corporation over the course of the municipal corporation's immediately following fiscal year. During the municipal corporation's immediately following fiscal year, and with such frequency and in such installments as may be determined by the railway board of trustees after consultation with the fiscal officer of the municipal corporation, the railway board of trustees shall transmit to the municipal corporation the certified amount. 272
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The railway board of trustees shall determine the amount transferred pursuant to this section, which shall be not less than the amount approved by the electors as provided in section 746.02 of the Revised Code, increased each year in the manner set forth in the methodology approved pursuant to that section. Amounts transferred pursuant to this section shall be paid from investment earnings of the trust fund after payments of expenses incurred under section 746.04 of the Revised Code. If there are not sufficient investment earnings in a year to pay the amount certified pursuant to this section, the railway board of trustees shall remit the remainder of the certified amount to the municipal corporation from the principal amount of the trust fund. 283
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Sec. 746.06. (A) As used in this section: 296

"Debt service" means the principal, interest, and 297

redemption premium payments, and any deposits pertaining 298
thereto, required with respect to bonds. 299

"Existing infrastructure improvements" means streets, 300
bridges, municipal buildings, parks and green space, site 301
improvements, recreation facilities, improvements for parking 302
purposes, and any other public facilities that are owned by a 303
municipal corporation with a useful life of five or more years. 304
"Existing infrastructure improvements" does not include the 305
construction of new infrastructure improvements. 306

(B) A municipal corporation that receives disbursements 307
under section 746.05 of the Revised Code shall deposit the 308
moneys received into a fund designated by the fiscal officer of 309
the municipal corporation. The municipal corporation shall spend 310
the funds received solely on the rehabilitation, modernization, 311
or replacement of existing infrastructure improvements. The 312
municipal corporation shall not use the funds received for 313
payment of debt service or for the construction of new 314
infrastructure improvements. 315

Sec. 746.07. All net earnings and income from the lease of 316
a railway established under the Ferguson Act of 1869 shall be 317
paid into the treasury of the municipal corporation that 318
established the railway, to the credit of the sinking fund or 319
bond retirement fund. 320

Sec. 4981.02. (A) There is hereby created the Ohio rail 321
development commission, as an independent agency of the state 322
within the department of transportation, consisting of ~~seven~~ 323
~~members appointed by the governor with the advice and consent of~~ 324
~~the senate, two~~ the following members: 325

(1) Two members of the Ohio senate, one of whom shall be 326

appointed by and serve at the pleasure of the president of the senate and one of whom shall be appointed by and serve at the pleasure of the minority leader of the senate, ~~two~~;

(2) Two members of the Ohio house of representatives, one of whom shall be appointed by and serve at the pleasure of the speaker of the house of representatives and one of whom shall be appointed by and serve at the pleasure of the minority leader of the house of representatives, ~~and two~~;

(3) Two members representing the general public, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the speaker of the house of representatives. ~~The director of transportation and the director of development, or their designees, shall be ex officio members of the commission. Of the~~;

(4) The director of transportation, or the director's designee, who shall be an ex officio member;

(5) The director of development, or the director's designee, who shall be an ex officio member;

(6) The following members appointed by the governor, ~~one~~ with the advice and consent of the senate:

(a) One member, who shall serve as chairman-chairperson of the commission, ~~one~~ until October 21, 2025, or an earlier date if the member resigns or otherwise leaves office;

(b) One member, who shall represent the interests of a freight rail company, ~~one~~;

(c) One member, who shall represent the interests of passenger rail service, ~~one~~;

(d) One member, who shall have expertise in infrastructure

financing,~~one~~; 355

(e) One member, who shall represent the interests of 356
organized labor,~~one~~; 357

(f) One member, who shall represent the interests of 358
manufacturers,~~and one~~; 359

(g) One member who shall represent the general public, 360
subject to division (B) of this section. All 361

(B) Beginning on October 21, 2025, or at an earlier date 362
if there is a vacancy in the position of chairperson, the 363
director of transportation or the director's designee shall 364
serve as the chairperson of the commission. Upon the director or 365
director's designee assuming the position of chairperson, the 366
governor shall appoint an additional member to the commission to 367
represent the general public. 368

(C) All members shall be reimbursed for actual expenses 369
incurred in the performance of their duties. The members of the 370
commission from the Ohio senate and the Ohio house of 371
representatives shall serve as nonvoting members. No more than 372
four members of the seven appointed to the commission by the 373
governor shall be from the same political party. Each member of 374
the commission shall be a resident of this state. 375

~~(B)~~ (D) Within sixty days after the effective date of this 376
~~amendment~~ October 20, 1994, the governor shall make initial 377
appointments to the commission. Of the initial appointments made 378
to the commission, three shall be for a term ending three years 379
~~after the effective date of this amendment~~ October 20, 1994, and 380
three shall be for a term ending six years after that date. 381
Terms for all other appointments made to the commission shall be 382
for six years. Vacancies shall be filled in the manner provided 383

for original appointments. Any member appointed to fill a 384
vacancy shall have the same qualifications as ~~his~~ the member's 385
predecessor. Each term shall end on the same day of the same 386
month of the year as did the term which it succeeds. Each 387
appointed member shall hold office from the date of ~~his~~ the 388
member's appointment until the end of the term for which ~~he~~ the 389
member was appointed. Any member appointed to fill a vacancy 390
before the expiration of the term for which ~~his~~ the member's 391
predecessor was appointed shall hold office for the remainder of 392
that term. Any appointed member shall continue in office 393
subsequent to the expiration date of ~~his~~ the member's term until 394
~~his~~ the member's successor takes office, or for a period of 395
sixty days, whichever occurs first. All members shall be 396
eligible for reappointment. 397

~~(C)~~ (E) The commission may employ an executive director, 398
who shall have appropriate experience as determined by the 399
commission, and a secretary-treasurer and other employees that 400
the commission considers appropriate. The commission may fix the 401
compensation of the employees. 402

~~(D)~~ (F) Six members of the commission shall constitute a 403
quorum, and the affirmative vote of six members shall be 404
necessary for any action taken by the commission. No vacancy in 405
the membership of the commission shall impair the rights of a 406
quorum to exercise all the rights and perform all the duties of 407
the commission. 408

~~(E)~~ (G) All members of the commission are subject to 409
Chapter 102. of the Revised Code. 410

~~(F)~~ (H) The department of transportation may use all 411
appropriate sources of revenue to assist the commission in 412
developing and implementing rail service. 413

~~(G)~~ (I) Expenditures by the department of transportation, 414
the Ohio rail development commission, or any other state agency 415
for capital improvements for the development of passenger rail 416
shall be subject to the approval of the controlling board with 417
an affirmative vote of not fewer than five members, including 418
the affirmative vote of a majority of the controlling board 419
members appointed by the president of the senate and a majority 420
of the controlling board members appointed by the speaker of the 421
house of representatives. All public funds acquired by the 422
commission shall be used for developing, implementing, and 423
regulating rail service and not for operating rail service 424
unless the general assembly specifically approves the 425
expenditure of funds for operating rail service. 426

Sec. 5503.031. (A) Beginning July 1, 2023, the following 427
officers of the state highway patrol shall be paid in accordance 428
with the indicated pay ranges from schedule E-1 of division (B) 429
of section 124.152 of the Revised Code: 430

(1) A lieutenant or equivalent officer shall be paid in 431
accordance with pay range 15. 432

(2) A staff lieutenant or equivalent officer shall be paid 433
in accordance with pay range 16. 434

(3) A captain or equivalent officer shall be paid in 435
accordance with pay range 17. 436

(4) A major or equivalent officer shall be paid in 437
accordance with pay range 18. 438

~~(5) A (B) Beginning July 1, 2023, a lieutenant colonel or 439
equivalent officer in the state highway patrol shall be paid in 440
accordance with pay range 19 established in rules adopted in 441
accordance with division (D) of section 45 from schedule E-2 of 442~~

division (B) of section 124.152 of the Revised Code. 443

Sec. 5517.011. (A) Notwithstanding section 5517.01 of the 444
Revised Code, the director of transportation may establish a 445
program to expedite the sale and construction of special 446
projects by combining the design and construction elements of a 447
~~highway or bridge project~~projects for transportation facilities 448
as defined in section 5501.01 of the Revised Code into a single 449
contract. The director shall prepare and distribute a scope of 450
work document upon which the bidders shall base their bids. 451
Except in regard to those requirements relating to providing 452
plans, the director shall award contracts under this section in 453
accordance with Chapter 5525. of the Revised Code. 454

(B) Notwithstanding any provision of Chapter 5525. of the 455
Revised Code, the director may use a value-based selection 456
process, combining technical qualifications and competitive 457
bidding elements, including consideration for minority or 458
disadvantaged businesses that may include joint ventures, when 459
letting special projects that contain both design and 460
construction elements of a transportation project into a single 461
contract. If award of a contract to the best-value bidder is not 462
in the best interest of the state, the director may accept 463
another bid or reject all bids and then advertise for other 464
bids. 465

(C) The total dollar value of contracts made under this 466
section shall not exceed one billion dollars per fiscal year. 467
The director may provide compensation for preparation of a 468
responsive preliminary design concept to not more than two 469
bidders who, after the successful bidder, submitted the next 470
best bids. The director may establish policies or procedures 471
necessary to determine the amount of compensation to be provided 472

for each project and the method of evaluating the value of the preliminary design concept submitted, but in no instance may the compensation exceed the value of such concept.

(D) (1) Notwithstanding division (C) of this section, the director may award contracts under this section for a bridge project that spans the Ohio river for an amount not to exceed one billion five hundred million dollars. The project may include both of the following:

(a) The replacement, addition, improvement, or rehabilitation of a bridge or a system of bridges over the Ohio river;

(b) The replacement, addition, improvement, or rehabilitation of roadways providing for ingress to and egress from the bridge or system of bridges over the Ohio river within this state and any adjoining state.

(2) If the amount of the contracts entered into under division (D) (1) of this section exceeds one billion five hundred million dollars, the director shall appear before the controlling board to request additional contracting authority beyond the one billion five hundred million dollar threshold. The controlling board may approve the request at its discretion.

(3) The director may provide compensation for preparation of a responsive preliminary design concept under division (D) of this section to not more than three bidders. The director may establish policies or procedures necessary to determine the amount of compensation to be provided for the project and the method of evaluating the value of the preliminary design concept submitted, but in no instance may the compensation exceed the cost to develop such concept.

(4) The authority granted under division (D) of this section is granted for the purposes of any application for available federal funding. Any such federal funding awarded shall be expended only pursuant to appropriations made by the general assembly after ~~the effective date of this amendment~~ August 31, 2022.

Section 101.02. That existing sections 124.152, 4981.02, 5503.031, and 5517.011 of the Revised Code are hereby repealed.

Section 105.01. That section 5501.09 of the Revised Code is hereby repealed.

Section 201.10. Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2024 and the amounts in the second column are for fiscal year 2025.

Section 203.10.

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	1	2	3	4	5
A			DOT DEPARTMENT OF TRANSPORTATION		
B			Highway Operating Fund Group		
C	2120	772426	Highway Infrastructure Bank - Federal	\$5,750,500	\$5,750,500

D	2120	772427	Highway Infrastructure Bank - State	\$15,099,500	\$15,099,500
E	2130	772431	Roadway Infrastructure Bank - State	\$3,750,000	\$3,750,000
F	2130	777477	Aviation Infrastructure Bank - State	\$2,400,000	\$2,400,000
G	5XI0	772504	Ohio Highway Transportation Safety	\$2,736,000	\$1,600,000
H	7002	770003	Transportation Facilities Lease Rental Bond Payments	\$23,000,000	\$23,000,000
I	7002	771411	Planning and Research - State	\$30,078,120	\$29,650,000
J	7002	771412	Planning and Research - Federal	\$57,095,074	\$57,095,074
K	7002	772421	Highway Construction - State	\$902,000,000	\$734,000,000
L	7002	772422	Highway Construction -	\$2,120,000,000	\$1,950,000,000

			Federal		
M	7002	772424	Highway Construction - Other	\$83,500,000	\$83,500,000
N	7002	772437	Major New State Infrastructure Bond Debt Service - State	\$18,500,000	\$18,500,000
O	7002	772438	Major New State Infrastructure Bond Debt Service - Federal	\$132,500,000	\$132,500,000
P	7002	772603	Brent Spence Bridge Corridor - State	\$182,800,000	\$0
Q	7002	772604	Brent Spence Bridge Corridor - Federal	\$1,909,200,000	\$0
R	7002	772605	Brent Spence Bridge Corridor - Other	\$809,000,000	\$0
S	7002	773431	Highway Maintenance - State	\$635,000,000	\$640,427,010
T	7002	775452	Public	\$57,445,919	\$63,004,296

			Transportation - Federal		
U	7002	775454	Public Transportation - Other	\$1,570,000	\$1,570,000
V	7002	776462	Grade Crossings - Federal	\$14,068,961	\$14,068,961
W	7002	777472	Airport Improvements - Federal	\$405,000	\$405,000
X	7002	777475	Aviation Administration	\$6,635,945	\$6,699,938
Y	7002	779491	Administration - State	\$115,424,899	\$115,593,642
Z	TOTAL	HOF Highway Operating Fund Group		\$7,127,959,918	\$3,898,613,921
AA Dedicated Purpose Fund Group					
AB	4N40	776664	Rail Transportation - Other	\$2,911,491	\$2,911,491
AC	5CV3	776672	Strategic Transportation and Development Analysis	\$10,000,000	\$0

AD 5W90	777615	County Airport Maintenance	\$620,000	\$620,000
AE TOTAL DPF Dedicated Purpose Fund Group			\$13,531,491	\$3,531,491
AF Capital Projects Fund Group				
AG 7042	772723	Highway Construction - Bonds	\$94,450,000	\$94,450,000
AH 7045	772428	Highway Infrastructure Bank - Bonds	\$83,950,000	\$83,950,000
AI TOTAL CPF Capital Projects Fund Group			\$178,400,000	\$178,400,000
AJ TOTAL ALL BUDGET FUND GROUPS			\$7,319,891,409	\$4,080,545,412

Section 203.20. TRANSPORTATION FACILITIES LEASE RENTAL	521
BOND PAYMENTS	522
The foregoing appropriation item 770003, Transportation Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2023, through June 30, 2025, pursuant to the leases and agreements for facilities made under Chapter 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.	523 524 525 526 527 528 529
Should the appropriation in appropriation item 770003, Transportation Facilities Lease Rental Bond Payments, exceed the	530 531

associated debt service payments in either fiscal year of the 532
biennium ending June 30, 2025, the balance may be transferred to 533
appropriation item 772421, Highway Construction - State, 773431, 534
Highway Maintenance - State, or 779491, Administration - State, 535
upon the written request of the Director of Transportation and 536
with the approval of the Director of Budget and Management. The 537
transfers are hereby appropriated and shall be reported to the 538
Controlling Board. 539

Section 203.30. ROADS FOR DNR, METROPOLITAN PARKS, 540
EXPOSITIONS COMMISSION, AND HISTORY CONNECTION 541

(A) Notwithstanding section 5511.06 of the Revised Code, 542
in each fiscal year of the biennium ending June 30, 2025, the 543
Director of Transportation shall determine portions of the 544
foregoing appropriation item 772421, Highway Construction - 545
State, which shall be used for the construction, reconstruction, 546
or maintenance of public access roads, including support 547
features, to and within state facilities owned or operated by 548
the Department of Natural Resources. 549

(B) Notwithstanding section 5511.06 of the Revised Code, 550
of the foregoing appropriation item 772421, Highway Construction 551
- State, \$2,562,000 in each fiscal year shall be used for the 552
construction, reconstruction, or maintenance of park drives or 553
park roads within the boundaries of metropolitan parks. 554

(C) Notwithstanding section 5511.06 of the Revised Code, 555
of the foregoing appropriation item 772421, Highway Construction 556
- State, \$500,000 in each fiscal year shall be used for the 557
construction, reconstruction, or maintenance of park drives or 558
park roads within the boundaries of state parks and wildlife 559
areas greater than 10,000 contiguous acres that were purchased 560
in a single, or series, of transactions, and \$500,000 in each 561

fiscal year shall be used for construction, reconstruction, or 562
maintenance of drives and roads leading to such state parks and 563
wildlife areas. 564

(D) The Department of Transportation may use the foregoing 565
appropriation item 772421, Highway Construction - State, to 566
perform: 567

(1) Related road work on behalf of the Ohio Expositions 568
Commission at the state fairgrounds, including reconstruction or 569
maintenance of public access roads and support features to and 570
within fairgrounds facilities, as requested by the Commission 571
and approved by the Director of Transportation; and 572

(2) Related road work on behalf of the Ohio History 573
Connection, including reconstruction or maintenance of public 574
access roads and support features to and within Ohio History 575
Connection facilities, as requested by the Ohio History 576
Connection and approved by the Director of Transportation. 577

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 578

(A) Of the foregoing appropriation item 772421, Highway 579
Construction - State, \$4,500,000 in each fiscal year shall be 580
made available for distribution by the Director of 581
Transportation to Transportation Improvement Districts that have 582
facilitated funding for the cost of a project or projects in 583
conjunction with and through other governmental agencies. 584

(B) A Transportation Improvement District shall submit 585
requests for project funding to the Director of Transportation 586
by a day determined by the Director. The Department shall notify 587
the Transportation Improvement District whether the Department 588
has approved or disapproved the project funding request within 589
ninety days after the day the request was submitted by the 590

Transportation Improvement District. 591

(C) Any funding provided to a Transportation Improvement 592
District specified in this section shall not be used for the 593
purposes of administrative costs or administrative staffing and 594
must be used to fund a specific project or projects within that 595
District's area. The total amount of a specific project's cost 596
shall not be fully funded by the amount of funds provided under 597
this section. The total amount of funding provided for each 598
project is limited to \$500,000 per fiscal year. Transportation 599
Improvement Districts that are co-sponsoring a specific project 600
may individually apply for up to \$500,000 for that project per 601
fiscal year. 602

(D) Funding provided under this section may be used for 603
preliminary engineering, detailed design, right-of-way 604
acquisition, and construction of the specific project and such 605
other project costs that are defined in section 5540.01 of the 606
Revised Code and approved by the Director of Transportation. 607
Upon receipt of a copy of an invoice for work performed on the 608
specific project, the Director shall reimburse a Transportation 609
Improvement District for the expenditures described above, 610
subject to the requirements of this section. 611

(E) A Transportation Improvement District that is 612
requesting funds under this section shall register with the 613
Director of Transportation. The Director shall register a 614
Transportation Improvement District only if the district has a 615
specific, eligible project and may cancel the registration of a 616
Transportation Improvement District that is not eligible to 617
receive funds under this section. The Director shall not provide 618
funds to any Transportation Improvement District under this 619
section if the district is not registered. The Director shall 620

not register a Transportation Improvement District and may 621
cancel the registration of a currently registered Transportation 622
Improvement District unless at least one of the following 623
applies: 624

(1) The Transportation Improvement District, by a 625
resolution or resolutions, designated a project or program of 626
projects and facilitated, including in conjunction with and 627
through other governmental agencies, funding for costs of a 628
project or program of projects in an aggregate amount of not 629
less than \$15,000,000 from the commencement date of the project 630
or program of projects. 631

(2) The Transportation Improvement District has 632
designated, by a resolution or resolutions, a project or program 633
of projects that has estimated aggregate costs in excess of 634
\$10,000,000 and the County Engineer of the county in which the 635
Transportation Improvement District is located has attested by a 636
sworn affidavit that the costs of the project or program of 637
projects exceeds \$10,000,000 and that the Transportation 638
Improvement District is facilitating a portion of funding for 639
that project or program of projects. 640

(F) For the purposes of this section: 641

(1) "Project" has the same meaning as in division (C) of 642
section 5540.01 of the Revised Code. 643

(2) "Governmental agency" has the same meaning as in 644
division (B) of section 5540.01 of the Revised Code. 645

(3) "Cost" has the same meaning as in division (D) of 646
section 5540.01 of the Revised Code. 647

Section 203.43. HIGHWAY CONSTRUCTION - FEDERAL 648

Of the foregoing appropriation item 772422, Highway 649
Construction - Federal, \$33,000,000 in each fiscal year shall be 650
used to support public transportation statewide through the 651
Federal Highway Administration (FHWA) flexible funding program. 652

Section 203.45. REGIONAL TRANSPORTATION PLANNING 653
ORGANIZATIONS 654

Of the foregoing appropriation item 772422 Highway 655
Construction - Federal, \$2,600,000 in each fiscal year shall be 656
used by Regional Transportation Planning Organizations to 657
conduct a rural transportation planning grant program. 658

Section 203.47. STRATEGIC TRANSPORTATION AND DEVELOPMENT 659
ANALYSIS 660

The foregoing appropriation item 776672, Strategic 661
Transportation and Development Analysis, shall be used for a 662
statewide study of the Ohio transportation system, in 663
collaboration with the Department of Development and the 664
Governor's Office of Workforce Transformation. The study shall 665
analyze statewide and regional demographics, investigate 666
economic development growth opportunities, examine current 667
transportation systems and capacities, forecast passenger and 668
freight travel needs over a ten, twenty, and thirty year 669
timeframe, identify current and future transportation links, 670
evaluate and rank current and potential risks of future system 671
congestion, and make actionable recommendations for 672
transportation system projects to support statewide economic 673
growth, including improving links between Toledo and Columbus. 674
At any time, individual hotspot locations may receive advanced 675
analysis of conceptual remedies with planning-level costs. The 676
Department of Transportation may contract with third parties as 677
necessary to execute this study. 678

BRENT SPENCE BRIDGE CORRIDOR PROJECT	679
All spending related to the Brent Spence Bridge Corridor Project shall be documented in the Ohio Administrative Knowledge System (OAKS) and made visible in the Ohio State and Local Government Expenditure Database pursuant to section 113.71 of the Revised Code.	680 681 682 683 684
Section 203.50. BOND ISSUANCE AUTHORIZATION	685
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, in the aggregate amount of \$251,000,000 in addition to the original issuance of obligations authorized by prior acts of the General Assembly.	686 687 688 689 690 691 692 693
The obligations shall be issued and sold from time to time in amounts necessary to provide sufficient moneys to the credit of the Highway Capital Improvement Fund (Fund 7042) 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 not more than \$220,000,000 original principal amount of obligations, plus the principal amount of obligations that in prior fiscal years could have been, but were not, issued within the \$220,000,000 limit, may be issued in any fiscal year, and not more than \$1,200,000,000 original principal amount of such obligations are outstanding at any one time.	694 695 696 697 698 699 700 701 702 703 704
Section 203.60. APPROPRIATION TRANSFERS, APPROPRIATION INCREASES, AND CASH TRANSFERS	705 706
(A) TRANSFERS OF HIGHWAY OPERATING FUND APPROPRIATIONS:	707

EMERGENCIES, INCLEMENT WEATHER, AND FEDERAL FUNDING CHANGES 708

The Director of Transportation may request the Controlling Board to approve transfers between Highway Operating Fund (Fund 7002) appropriations for planning and research (appropriation items 771411 and 771412), highway construction and debt service (appropriation items 772421, 772422, 772424, 772425, 772437, 772438, and 770003), highway maintenance (appropriation item 773431), public transportation - federal (appropriation item 775452), rail grade crossings (appropriation item 776462), aviation (appropriation item 777475), airport improvement (appropriation item 777472), and administration (appropriation item 779491). The Director of Transportation may not seek requests of appropriation transfers out of debt service appropriation items unless the Director determines that the appropriated amounts exceed the actual and projected debt service requirements.

This transfer request authorization is intended to provide for emergency situations or for the purchase of goods and services relating to dangerous inclement weather that arise during the biennium ending June 30, 2025. It also is intended to allow the Department to adjust to circumstances affecting the obligation and expenditure of federal funds.

(B) TRANSFERS OF FEDERAL AND LOCAL FUNDED APPROPRIATIONS:
HIGHWAY, PLANNING, TRANSIT, RAIL, AND AVIATION

The Director of Transportation may request the Controlling Board to approve the transfer of appropriations between appropriation items 772422, Highway Construction - Federal, 771412, Planning and Research - Federal, 775452, Public Transportation - Federal, 775454, Public Transportation - Other, 776475, Federal Rail Administration, 776462, Grade Crossing -

Federal, and 777472, Airport Improvements - Federal.	738
(C) TRANSFERS OF APPROPRIATIONS AND CASH: STATE	739
INFRASTRUCTURE BANK	740
The Director of Transportation may request the Controlling Board to approve the transfer of appropriations and cash of the Infrastructure Bank funds created in section 5531.09 of the Revised Code, including transfers between fiscal years 2024 and 2025.	741 742 743 744 745
The Director of Transportation may request the Controlling Board to approve the transfer of appropriations and cash from the Highway Operating Fund (Fund 7002) to the Infrastructure Bank funds created in section 5531.09 of the Revised Code. The Director of Budget and Management may transfer from the Infrastructure Bank funds to Fund 7002 up to the amounts originally transferred to the Infrastructure Bank funds under this section. However, the Director may not make transfers between modes or transfers between different funding sources.	746 747 748 749 750 751 752 753 754
(D) TRANSFERS OF APPROPRIATIONS AND CASH: TOLLING FUNDS	755
The Director of Transportation may request the Controlling Board to approve the transfer of appropriations and cash of the Ohio Toll Fund and any subaccounts created in section 5531.14 of the Revised Code, including transfers between fiscal years 2024 and 2025.	756 757 758 759 760
(E) INCREASING APPROPRIATIONS: STATE FUNDS	761
In the event that receipts or unexpended balances credited to the Highway Operating Fund (Fund 7002) exceed the estimates upon which the appropriations have been made in this act, upon the request of the Director of Transportation, the Controlling Board may approve expenditures, in excess of the amounts	762 763 764 765 766

appropriated, from the Highway Operating Fund in the manner 767
prescribed in section 131.35 of the Revised Code. The amounts 768
approved by the Controlling Board under this division are hereby 769
appropriated. 770

(F) INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 771

In the event that receipts or unexpended balances credited 772
to the Highway Operating Fund (Fund 7002) or apportionments or 773
allocations made available from the federal and local 774
governments exceed the estimates upon which the appropriations 775
have been made in this act, upon the request of the Director of 776
Transportation, the Controlling Board may approve expenditures, 777
in excess of the amounts appropriated, from the Highway 778
Operating Fund in the manner prescribed in section 131.35 of the 779
Revised Code. The amounts approved by the Controlling Board 780
under this division are hereby appropriated. 781

(G) TRANSFERS OF CASH BETWEEN THE HIGHWAY OPERATING FUND 782
AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 783

Upon the request of the Director of Transportation, the 784
Director of Budget and Management may transfer cash from the 785
Highway Operating Fund (Fund 7002) to the Highway Capital 786
Improvement Fund (Fund 7042) created in section 5528.53 of the 787
Revised Code. The Director of Budget and Management may transfer 788
cash from Fund 7042 to Fund 7002 up to the amount of cash 789
previously transferred to Fund 7042 under this section. 790

(H) DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 791

On July 1 and January 1 of each year in the biennium 792
ending June 30, 2025, or as soon as possible thereafter, 793
respectively, the Director of Budget and Management shall 794
transfer \$200,000 cash, for each semiannual period, from the 795

Highway Operating Fund (Fund 7002) to the Deputy Inspector 796
General for ODOT Fund (Fund 5FA0). 797

The Inspector General, with the consent of the Director of 798
Budget and Management, may request the Controlling Board to 799
approve additional transfers of cash and expenditures in excess 800
of the amount appropriated under appropriation item 965603, 801
Deputy Inspector General for ODOT, if additional amounts are 802
necessary. The amounts approved by the Controlling Board are 803
hereby appropriated. 804

(I) LIQUIDATION OF UNFORESEEN LIABILITIES 805

Any appropriation made from the Highway Operating Fund 806
(Fund 7002) not otherwise restricted by law is available to 807
liquidate unforeseen liabilities arising from contractual 808
agreements of prior years when the prior year encumbrance is 809
insufficient. 810

Section 203.65. REAPPROPRIATIONS 811

In each year of the biennium ending June 30, 2025, the 812
Director of Budget and Management may request the Controlling 813
Board to approve the expenditure of any remaining unencumbered 814
balances of prior years' appropriations to the Ohio Highway 815
Transportation Safety Fund (Fund 5XI0), the Highway Operating 816
Fund (Fund 7002), the Highway Capital Improvement Fund (Fund 817
7042), and the Infrastructure Bank funds created in section 818
5531.09 of the Revised Code for the same purpose in the 819
following fiscal year. The amounts approved by the Controlling 820
Board are hereby reappropriated. 821

Prior to the Director of Budget and Management's seeking 822
approval of the Controlling Board, the Director of 823
Transportation shall develop a reappropriation request plan that 824

identifies the appropriate fund and appropriation item of the 825
reappropriation, and the reappropriation request amount and 826
submit the plan to the Director of Budget and Management for 827
evaluation. The Director of Budget and Management may request 828
additional information necessary for evaluating the 829
reappropriation request plan, and the Director of Transportation 830
shall provide the requested information to the Director of 831
Budget and Management. Based on the information provided by the 832
Director of Transportation, the Director of Budget and 833
Management shall determine amounts to be reappropriated by fund 834
and appropriation item to submit to the Controlling Board for 835
its approval. 836

Any balances of prior years' unencumbered appropriations 837
to the Highway Operating Fund (Fund 7002), the Highway Capital 838
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 839
created in section 5531.09 of the Revised Code for which 840
reappropriations are requested and approved are subject to the 841
availability of revenue in the funds. 842

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 843

The Department of Transportation has the responsibility to 844
maintain all interstate highways in the state. The Director of 845
Transportation may enter into an agreement with a political 846
subdivision to allow the political subdivision to remove snow 847
and ice and maintain, repair, improve, or provide lighting upon 848
interstate highways that are located within the boundaries of 849
the political subdivision, in a manner adequate to meet the 850
requirements of federal law. 851

When agreed in writing by the Director of Transportation 852
and the legislative authority of a political subdivision and 853
notwithstanding sections 125.01 and 125.11 of the Revised Code, 854

the Department of Transportation may reimburse a political 855
subdivision for all or any part of the costs, as provided by 856
such agreement, incurred by the political subdivision in 857
maintaining, repairing, lighting, and removing snow and ice from 858
the interstate system. 859

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE 860
GRANTS 861

The Director of Transportation may use revenues from the 862
state motor vehicle fuel tax to match approved federal grants 863
awarded to the Department of Transportation, regional transit 864
authorities, or eligible public transportation systems, for 865
public transportation highway purposes, or to support local or 866
state-funded projects for public transportation highway 867
purposes. 868

Public transportation highway purposes include (1) the 869
construction or repair of high-occupancy vehicle traffic lanes, 870
(2) the acquisition or construction of park-and-ride facilities, 871
(3) the acquisition or construction of public transportation 872
vehicle loops, (4) the construction or repair of bridges used by 873
public transportation vehicles or that are the responsibility of 874
a regional transit authority or other public transportation 875
system, or (5) other similar construction that is designated as 876
an eligible public transportation highway purpose. Motor vehicle 877
fuel tax revenues may not be used for operating assistance or 878
for the purchase of vehicles, equipment, or maintenance 879
facilities. 880

Section 203.90. AGREEMENTS WITH FEDERAL AGENCIES FOR 881
ENVIRONMENTAL REVIEW PURPOSES 882

The Director of Transportation may enter into agreements 883

as provided in this section with the United States or any 884
department or agency of the United States, including, but not 885
limited to, the United States Army Corps of Engineers, the 886
United States Forest Service, the United States Environmental 887
Protection Agency, and the United States Fish and Wildlife 888
Service. An agreement entered into pursuant to this section 889
shall be solely for the purpose of dedicating staff to the 890
expeditious and timely review of environmentally related 891
documents submitted by the Director of Transportation, as 892
necessary for the approval of federal permits. 893

The agreements may include provisions for advance payment 894
by the Director of Transportation for labor and all other 895
identifiable costs of the United States or any department or 896
agency of the United States providing the services, as may be 897
estimated by the United States, or the department or agency of 898
the United States. 899

The Director shall submit a request to the Controlling 900
Board indicating the amount of the agreement, the services to be 901
performed by the United States or the department or agency of 902
the United States, and the circumstances giving rise to the 903
agreement. 904

Section 203.100. INDEFINITE DELIVERY INDEFINITE QUANTITY 905
CONTRACTS 906

(A) As used in this section, "indefinite delivery 907
indefinite quantity contract" means a contract for an indefinite 908
quantity, within stated limits, of supplies or services that 909
will be delivered by the awarded bidder over a defined contract 910
period. 911

(B) The Director of Transportation shall advertise and 912

seek bids for, and shall award, indefinite delivery indefinite 913
quantity contracts for not more than two projects in fiscal year 914
2024 and for not more than two projects in fiscal year 2025. For 915
purposes of entering into indefinite delivery indefinite 916
quantity contracts, the Director shall do all of the following: 917

(1) Prepare bidding documents; 918

(2) Establish contract forms; 919

(3) Determine contract terms and conditions, including the 920
following: 921

(a) The maximum overall value of the contract, which may 922
include an allowable increase of one hundred thousand dollars or 923
five per cent of the advertised contract value, whichever is 924
less; 925

(b) The duration of the contract, including a time 926
extension of up to one year if determined appropriate by the 927
Director; 928

(c) The defined geographical area to which the contract 929
applies, which shall be not greater than the size of one 930
district of the Department of Transportation. 931

(4) Develop and implement a work order process in order to 932
provide the awarded bidder adequate notice of requested supplies 933
or services, the anticipated quantities of supplies, and work 934
location information for each work order; 935

(5) Take any other action necessary to fulfill the duties 936
and obligations of the Director under this section. 937

(C) Section 5525.01 of the Revised Code applies to 938
indefinite delivery indefinite quantity contracts. 939

Section 207.10. 940

941

1 2 3 4 5

A DEV DEPARTMENT OF DEVELOPMENT

B Dedicated Purpose Fund Group

C 4W00 195629 Roadwork Development \$15,200,000 \$15,200,000

D TOTAL DPF Dedicated Purpose Fund \$15,200,000 \$15,200,000
Group

E TOTAL ALL BUDGET FUND GROUPS \$15,200,000 \$15,200,000

Section 207.20. ROADWORK DEVELOPMENT 942

The foregoing appropriation item 195629, Roadwork 943
Development, shall be used for road improvements associated with 944
economic development opportunities that will retain or attract 945
businesses for Ohio, including the construction, reconstruction, 946
maintenance, or repair of public roads that provide access to a 947
public airport or are located within a public airport. "Road 948
improvements" are improvements to public roadway facilities 949
located on, or serving or capable of serving, a project site, 950
and include the construction, reconstruction, maintenance or 951
repair of public roads that provide access to a public airport 952
or are located within a public airport. The appropriation item 953
may be used in conjunction with any other state funds 954
appropriated for infrastructure improvements. 955

The Director of Budget and Management, pursuant to a plan 956

submitted by the Director of Development or as otherwise 957
determined by the Director of Budget and Management, shall set a 958
cash transfer schedule to meet the cash needs of the Roadwork 959
Development Fund (Fund 4W00) used by the Department of 960
Development, less any other available cash. The Director of 961
Budget and Management shall transfer such cash amounts from the 962
Highway Operating Fund (Fund 7002) to Fund 4W00 at such times as 963
determined by the transfer schedule. 964

The Director of Transportation, under the direction of the 965
Director of Development, shall provide these funds in accordance 966
with all guidelines and requirements established for other 967
Department of Development programs, including Controlling Board 968
review and approval, as well as the requirements for usage of 969
motor vehicle fuel tax revenue prescribed in Section 5a of 970
Article XII, Ohio Constitution. Should the Department of 971
Development require the assistance of the Department of 972
Transportation to bring a project to completion, the Department 973
of Transportation shall use its authority under Title 55 of the 974
Revised Code to provide such assistance and may enter into 975
contracts on behalf of the Department of Development. 976

Section 209.10. 977

978

	1	2	3	4	5
A			PWC PUBLIC WORKS COMMISSION		
B			Dedicated Purpose Fund Group		
C	7052	150402	Local Transportation	\$328,705	\$323,792

		Improvement Program - Operating		
D	7052	150701	Local Transportation Improvement Program	\$60,000,000 \$64,000,000
E	TOTAL DPF Dedicated Purpose Fund Group			\$60,328,705 \$64,323,792
F	TOTAL ALL BUDGET FUND GROUPS			\$60,328,705 \$64,323,792

Section 209.20. REAPPROPRIATIONS 979

All capital appropriations from the Local Transportation
Improvement Program Fund (Fund 7052) in H.B. 74 of the 134th
General Assembly remaining unencumbered as of June 30, 2023, may
be reappropriated for use during the period July 1, 2023,
through June 30, 2024, 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
7052) in this act remaining unencumbered as of June 30, 2024,
are reappropriated for use during the period July 1, 2024,
through June 30, 2025, for the same purposes, subject to the
availability of revenue as determined by the Director of the
Public Works Commission.

TEMPORARY TRANSFERS 993

Notwithstanding section 127.14 of the Revised Code, the
Director of Budget and Management may transfer cash from the
Local Transportation Improvement Fund (Fund 7052) to the State
Capital Improvement Fund (Fund 7038) and the Clean Ohio
Conservation Fund (Fund 7056). The Director of Budget and
Management may approve temporary cash transfers if such

transfers are needed for capital outlays for which notes or 1000
bonds will be issued. When there is a sufficient cash balance in 1001
the fund that receives a cash transfer under this section, the 1002
Director of Budget and Management shall transfer cash from that 1003
fund to Fund 7052 in order to repay Fund 7052 for the amount of 1004
the temporary cash transfers made under this section. Any 1005
transfers executed under this section shall be reported to the 1006
Controlling Board by June 30 of the fiscal year in which the 1007
transfer occurred. 1008

Section 501.10. LIMITATION ON USE OF CAPITAL 1009
APPROPRIATIONS 1010

The capital appropriations made in this act for buildings 1011
or structures, including remodeling and renovations, are limited 1012
to: 1013

(A) Acquisition of real property or interests in real 1014
property; 1015

(B) Buildings and structures, which includes construction, 1016
demolition, complete heating and cooling, lighting and lighting 1017
fixtures, and all necessary utilities, ventilating, plumbing, 1018
sprinkling, water, and sewer systems, when such systems are 1019
authorized or necessary; 1020

(C) Architectural, engineering, and professional services 1021
expenses directly related to the projects; 1022

(D) Machinery that is a part of structures at the time of 1023
initial acquisition or construction; 1024

(E) Acquisition, development, and deployment of new 1025
computer systems, including the redevelopment or integration of 1026
existing and new computer systems, but excluding regular or 1027
ongoing maintenance or support agreements; 1028

(F) Furniture, fixtures, or equipment that meets all the 1029
following criteria: 1030

(1) Is essential in bringing the facility up to its 1031
intended use or is necessary for the functioning of the 1032
particular facility or project; 1033

(2) Has a unit cost, and not the individual parts of a 1034
unit, of about \$100 or more; and 1035

(3) Has a useful life of five years or more. 1036

Furniture, fixtures, or equipment that is not an integral 1037
part of or directly related to the basic purpose or function of 1038
a project for which moneys are appropriated shall not be paid 1039
from these appropriations. 1040

Section 503.10. STATE ARBITRAGE REBATE AUTHORIZATION 1041

If it is determined that a payment is necessary in the 1042
amount computed at the time to represent the portion of 1043
investment income to be rebated or amounts in lieu of or in 1044
addition to any rebate amount to be paid to the federal 1045
government in order to maintain the exclusion from gross income 1046
for federal income tax purposes of interest on those state 1047
obligations under section 148(f) of the Internal Revenue Code, 1048
such amount is hereby appropriated from those funds designated 1049
by or pursuant to the applicable proceedings authorizing the 1050
issuance of state obligations. 1051

Payments for this purpose shall be approved and vouchered 1052
by the Office of Budget and Management. 1053

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND 1054
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 1055

The Office of Budget and Management shall process payments 1056

from lease rental payment appropriation items during the period 1057
from July 1, 2023, to June 30, 2025, pursuant to the lease and 1058
other agreements relating to bonds or notes issued under Section 1059
2i of Article VIII of the Ohio Constitution and Chapters 152. 1060
and 154. of the Revised Code, and acts of the General Assembly. 1061
Payments shall be made upon certification by the Treasurer of 1062
State of the dates and amounts due on those dates. 1063

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS 1064

Certain appropriations are in this act for the purpose of 1065
paying debt service and financing costs on general obligation 1066
bonds or notes of the state and for the purpose of making lease 1067
rental and other payments under leases and agreements relating 1068
to bonds or notes issued under the Ohio Constitution, Revised 1069
Code, and acts of the General Assembly. If it is determined that 1070
additional appropriations are necessary for this purpose, such 1071
amounts are hereby appropriated. 1072

Section 610.50. That Section 15149 of the General Code, 1073
Section 1 of Am. S.B. 200 of the 98th General Assembly, and 1074
Section 3 of H.B. 69 of the 112th General Assembly are hereby 1075
repealed. 1076

Section 610.51. Any proceedings pending or in progress on 1077
the effective date of sections 746.01, 746.02, 746.03, 746.04, 1078
746.05, 746.06, and 746.07 of the Revised Code as enacted by 1079
this act are deemed to have been taken in conformity with those 1080
sections. 1081

Section 757.10. MOTOR FUEL TAX DISTRIBUTIONS TO HIGHWAY 1082
OPERATING FUND 1083

On the last day of each month in the biennium ending June 1084
30, 2025, before making any of the distributions specified in 1085

section 5735.051 of the Revised Code but after any transfers to 1086
the tax refund fund as required by that section and section 1087
5703.052 of the Revised Code, the Treasurer of State shall 1088
deposit the first two per cent of the amount of motor fuel tax 1089
received for the preceding calendar month to the credit of the 1090
Highway Operating Fund (Fund 7002). 1091

Section 757.20. MOTOR FUEL DEALER REFUNDS 1092

Notwithstanding Chapter 5735. of the Revised Code, the 1093
following apply for the period of July 1, 2023, to June 30, 1094
2025: 1095

(A) For the discount under section 5735.06 of the Revised 1096
Code, if the monthly report is timely filed and the tax is 1097
timely paid, one per cent of the total number of gallons of 1098
motor fuel received by the motor fuel dealer within the state 1099
during the preceding calendar month, less the total number of 1100
gallons deducted under divisions (B)(1)(a) and (b) of section 1101
5735.06 of the Revised Code, less one-half of one per cent of 1102
the total number of gallons of motor fuel that were sold to a 1103
retail dealer during the preceding calendar month. 1104

(B) For the semiannual periods ending December 31, 2023, 1105
June 30, 2024, December 31, 2024, and June 30, 2025, the refund 1106
provided to retail dealers under section 5735.141 of the Revised 1107
Code shall be one-half of one per cent of the Ohio motor fuel 1108
taxes paid on fuel purchased during those semiannual periods. 1109

**Section 757.30. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX 1110
FUND** 1111

The Director of Budget and Management shall transfer cash 1112
in equal monthly increments totaling \$166,055,868 in fiscal year 1113
2024 and in equal monthly increments totaling \$168,885,288 in 1114

fiscal year 2025 from the Highway Operating Fund (Fund 7002) to 1115
the Gasoline Excise Tax Fund (Fund 7060). The monthly amounts 1116
transferred under this section shall be distributed as follows: 1117

(A) 42.86 per cent shall be distributed among the 1118
municipal corporations within the state under division (A) (2) (b) 1119
(i) of section 5735.051 of the Revised Code; 1120

(B) 37.14 per cent shall be distributed among the counties 1121
within the state under division (A) (2) (b) (ii) of section 1122
5735.051 of the Revised Code; and 1123

(C) 20 per cent shall be distributed among the townships 1124
within the state under division (A) (2) (b) (iii) of section 1125
5735.051 of the Revised Code. 1126

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 1127
APPROPRIATIONS 1128

Law contained in the main operating appropriations act of 1129
the 135th General Assembly that is generally applicable to the 1130
appropriations made in the main operating appropriations act 1131
also is generally applicable to the appropriations made in this 1132
act. 1133

Section 806.10. SEVERABILITY 1134

The items of law contained in this act, and their 1135
applications, are severable. If any item of law contained in 1136
this act, or if any application of any item of law contained in 1137
this act, is held invalid, the invalidity does not affect other 1138
items of law contained in this act and their applications that 1139
can be given effect without the invalid item or application. 1140

Section 809.10. An item of law, other than an amending, 1141
enacting, or repealing clause, that composes the whole or part 1142

of an uncodified section contained in this act has no effect 1143
after June 30, 2025, unless its context clearly indicates 1144
otherwise. 1145

Section 812.10. LAWS AND REFERENDUM 1146

Except as otherwise provided in this act, the amendment, 1147
enactment, or repeal by this act of a section of law is subject 1148
to the referendum under Ohio Constitution, Article II, Section 1149
1c and therefore takes effect on the ninety-first day after this 1150
act is filed with the Secretary of State or, if a later 1151
effective date is specified below, on that date. 1152

Section 812.15. The Director of the Department of 1153
Administrative Services shall take no action with respect to the 1154
amendments to section 124.152 of the Revised Code contained in 1155
H.B. 462 of the 134th General Assembly. The amendments to 1156
sections 124.152 and 5503.031 of the Revised Code as made in 1157
this act shall become effective on July 1, 2023. 1158

Section 812.20. APPROPRIATIONS AND REFERENDUM 1159

In this section, an "appropriation" includes another 1160
provision of law in this act that relates to the subject of the 1161
appropriation. 1162

An appropriation of money made in this act is not subject 1163
to the referendum insofar as a contemplated expenditure 1164
authorized thereby is wholly to meet a current expense within 1165
the meaning of Ohio Constitution, Article II, Section 1d and 1166
section 1.471 of the Revised Code. To that extent, the 1167
appropriation takes effect immediately when this act becomes 1168
law. Conversely, the appropriation is subject to the referendum 1169
insofar as a contemplated expenditure authorized thereby is 1170
wholly or partly not to meet a current expense within the 1171

meaning of Ohio Constitution, Article II, Section 1d. To that	1172
extent, the appropriation takes effect on the ninety-first day	1173
after this act is filed with the Secretary of State.	1174