

**As Reported by the Senate Highways and Transportation  
Committee**

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

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

**REPRESENTATIVES Buehrer, Carey, Hoops, Goodman, Gilb, Faber, Calvert,  
Hughes, Peterson, Grendell, Webster, Womer Benjamin, Raga, Metzger, Core,  
Allen, Clancy, Flannery, Husted, Evans, Perry, Patton, Coates, Olman, Hagan,  
D. Miller, Schmidt, Schneider, Jones  
SENATORS Furney, Ryan, Mallory, Armbruster, Amstutz, Carnes, Mead,  
Oelslager, Wachtmann**

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**A B I L L**

To amend sections 151.01, 163.10, 163.22, 4503.191, 1  
4503.73, 4505.10, 4506.10, 4511.76, 4513.34, 2  
4561.05, 4561.06, 4561.13, 5501.17, 5501.31, 3  
5502.12, 5516.10, 5517.011, 5525.23, 5525.25, 4  
5529.03, 5577.04, and 5735.051, to enact new 5  
section 4509.27 and sections 1531.35, 4501.35, 6  
4501.39, 5503.12, 5526.01, 5526.02, 5526.03, 7  
5526.04, 5526.05, 5526.06, 5526.07, and 5526.08, 8  
and to repeal sections 4509.27 and 5501.18 of the 9  
Revised Code to make appropriations for programs 10  
related to transportation and public safety for the 11  
biennium beginning July 1, 2001, and ending June 12  
30, 2003, and to provide authorization and 13  
conditions for the operation of those programs. 14

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

**Section 1.** That sections 151.01, 163.10, 163.22, 4503.191, 15

4503.73, 4505.10, 4506.10, 4511.76, 4513.34, 4561.05, 4561.06, 16  
4561.13, 5501.17, 5501.31, 5502.12, 5516.10, 5517.011, 5525.23, 17  
5525.25, 5529.03, 5577.04, and 5735.051 be amended and new section 18  
4509.27 and sections 1531.35, 4501.35, 4501.39, 5503.12, 5526.01, 19  
5526.02, 5526.03, 5526.04, 5526.05, 5526.06, 5526.07, and 5526.08 20  
of the Revised Code be enacted to read as follows: 21

**Sec. 151.01.** (A) As used in sections 151.01 to 151.08 of the 22  
Revised Code and in the applicable bond proceedings unless 23  
otherwise provided: 24

(1) "Bond proceedings" means the resolutions, orders, 25  
agreements, and credit enhancement facilities, and amendments and 26  
supplements to them, or any one or more or combination of them, 27  
authorizing, awarding, or providing for the terms and conditions 28  
applicable to or providing for the security or liquidity of, the 29  
particular obligations, and the provisions contained in those 30  
obligations. 31

(2) "Bond service fund" means the respective bond service 32  
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, or 33  
151.08 of the Revised Code, and any accounts in that fund, 34  
including all moneys and investments, and earnings from 35  
investments, credited and to be credited to that fund and accounts 36  
as and to the extent provided in the applicable bond proceedings. 37

(3) "Capital facilities" means capital facilities or projects 38  
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, 39  
or 151.08 of the Revised Code. 40

(4) "Costs of capital facilities" means the costs of 41  
acquiring, constructing, reconstructing, rehabilitating, 42  
remodeling, renovating, enlarging, improving, equipping, or 43  
furnishing capital facilities, and of the financing of those 44  
costs. "Costs of capital facilities" includes, without limitation, 45

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and in addition to costs referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, or 151.08 of the Revised Code, the cost of clearance and preparation of the site and of any land to be used in connection with capital facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the issuing authority, costs of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, financing costs, interest on obligations from their date to the time when interest is to be paid from sources other than proceeds of obligations, amounts necessary to establish any reserves as required by the bond proceedings, the reimbursement of all moneys advanced or applied by or borrowed from any person or governmental agency or entity for the payment of any item of costs of capital facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to capital facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of capital facilities, the financing of those costs, and the placing of the capital facilities in use and operation, including any one, part of, or combination of those classes of costs and expenses.

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

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

related to and represent, or are intended to provide a source of  
payment of or limitation on, other debt service.

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

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

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

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

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(11) "Special funds" or "funds," unless the context indicates  
otherwise, means the bond service fund, and any other funds,  
including any reserve funds, created under the bond proceedings  
and stated to be special funds in those proceedings, including  
moneys and investments, and earnings from investments, credited  
and to be credited to the particular fund. Special funds do not  
include the school building program assistance fund created by  
section 3318.25 of the Revised Code, the higher education

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improvement fund created by division (F) of section 154.21 of the Revised Code, the highway capital improvement bond fund created by section 5528.53 of the Revised Code, the state parks and natural resources fund created by section 1557.02 of the Revised Code, the coal research and development fund created by section 1555.15 of the Revised Code, or other funds created by the bond proceedings that are not stated by those proceedings to be special funds.

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

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

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financing of projects as provided in Section 2l of Article VIII,  
Ohio Constitution," "financing or assisting in the financing of  
highway capital improvement projects as provided in Section 2m of  
Article VIII, Ohio Constitution," "paying costs of capital  
facilities for a system of common schools throughout the state as  
authorized by Section 2n of Article VIII, Ohio Constitution,"  
"paying costs of capital facilities for state-supported and  
state-assisted institutions of higher education as authorized by  
Section 2n of Article VIII, Ohio Constitution," "paying costs of  
coal research and development as authorized by Section 15 of  
Article VIII, Ohio Constitution," or "financing or assisting in  
the financing of local subdivision capital improvement projects as  
authorized by Section 2m of Article VIII, Ohio Constitution."

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

(E) The bond proceedings may contain additional provisions  
customary or appropriate to the financing or to the obligations or  
to particular obligations including, but not limited to,

provisions for:	173
(1) The redemption of obligations prior to maturity at the option of the state or of the holder or upon the occurrence of certain conditions, and at particular price or prices and under particular terms and conditions;	174 175 176 177
(2) The form of and other terms of the obligations;	178
(3) The establishment, deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, in lieu of the applicability of provisions of Chapter 131. or 135. of the Revised Code, but subject to any special provisions of sections 151.01 to 151.08 of the Revised Code with respect to the application of particular funds or moneys. Any financial institution that acts as a depository of any moneys in special funds or other funds under the bond proceedings may furnish indemnifying bonds or pledge securities as required by the issuing authority.	179 180 181 182 183 184 185 186 187 188
(4) Any or every provision of the bond proceedings being binding upon the issuing authority and upon such governmental agency or entity, officer, board, commission, authority, agency, department, institution, district, or other person or body as may from time to time be authorized to take actions as may be necessary to perform all or any part of the duty required by the provision;	189 190 191 192 193 194 195
(5) The maintenance of each pledge or instrument comprising part of the bond proceedings until the state has fully paid or provided for the payment of the debt service on the obligations or met other stated conditions;	196 197 198 199
(6) In the event of default in any payments required to be made by the bond proceedings, or by any other agreement of the issuing authority made as part of a contract under which the obligations were issued or secured, including a credit enhancement	200 201 202 203

facility, the enforcement of those payments by mandamus, a suit in	204
equity, an action at law, or any combination of those remedial	205
actions;	206
(7) The rights and remedies of the holders or owners of	207
obligations or of book-entry interests in them, and of third	208
parties under any credit enhancement facility, and provisions for	209
protecting and enforcing those rights and remedies, including	210
limitations on rights of individual holders or owners;	211
(8) The replacement of mutilated, destroyed, lost, or stolen	212
obligations;	213
(9) The funding, refunding, or advance refunding, or other	214
provision for payment, of obligations that will then no longer be	215
outstanding for purposes of this section or of the applicable bond	216
proceedings;	217
(10) Amendment of the bond proceedings;	218
(11) Any other or additional agreements with the owners of	219
obligations, and such other provisions as the issuing authority	220
determines, including limitations, conditions, or qualifications,	221
relating to any of the foregoing.	222
(F) The great seal of the state or a facsimile of it may be	223
affixed to or printed on the obligations. The obligations	224
requiring execution by or for the issuing authority shall be	225
signed as provided in the bond proceedings. Any obligations may be	226
signed by the individual who on the date of execution is the	227
authorized signer although on the date of these obligations that	228
individual is not an authorized signer. In case the individual	229
whose signature or facsimile signature appears on any obligation	230
ceases to be an authorized signer before delivery of the	231
obligation, that signature or facsimile is nevertheless valid and	232
sufficient for all purposes as if that individual had remained the	233
authorized signer until delivery.	234



(G) Obligations are investment securities under Chapter 1308. 235  
of the Revised Code. Obligations may be issued in bearer or in 236  
registered form, registrable as to principal alone or as to both 237  
principal and interest, or both, or in certificated or 238  
uncertificated form, as the issuing authority determines. 239  
Provision may be made for the exchange, conversion, or transfer of 240  
obligations and for reasonable charges for registration, exchange, 241  
conversion, and transfer. Pending preparation of final 242  
obligations, the issuing authority may provide for the issuance of 243  
interim instruments to be exchanged for the final obligations. 244

(H) Obligations may be sold at public sale or at private 245  
sale, in such manner, and at such price at, above or below par, 246  
all as determined by and provided by the issuing authority in the 247  
bond proceedings. 248

(I) Except to the extent that rights are restricted by the 249  
bond proceedings, any owner of obligations or provider of a credit 250  
enhancement facility may by any suitable form of legal proceedings 251  
protect and enforce any rights relating to obligations or that 252  
facility under the laws of this state or granted by the bond 253  
proceedings. Those rights include the right to compel the 254  
performance of all applicable duties of the issuing authority and 255  
the state. Each duty of the issuing authority and that authority's 256  
officers, staff, and employees, and of each state entity or 257  
agency, or using district or using institution, and its officers, 258  
members, staff, or employees, undertaken pursuant to the bond 259  
proceedings, is hereby established as a duty of the entity or 260  
individual having authority to perform that duty, specifically 261  
enjoined by law and resulting from an office, trust, or station 262  
within the meaning of section 2731.01 of the Revised Code. The 263  
individuals who are from time to time the issuing authority, 264  
members or officers of the issuing authority, or those members' 265  
designees acting pursuant to section 154.02 of the Revised Code, 266

or the issuing authority's officers, staff, or employees, are not  
liable in their personal capacities on any obligations or  
otherwise under the bond proceedings.

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

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

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estimated schedule during the time the notes are outstanding, 299  
which amounts shall be used solely to pay the principal of those 300  
notes or of the bonds anticipated. 301

(b) Obligations for the refunding, including funding and 302  
retirement, and advance refunding with or without payment or 303  
redemption prior to maturity, of any obligations previously 304  
issued. Refunding obligations may be issued in amounts sufficient 305  
to pay or to provide for repayment of the principal amount, 306  
including principal amounts maturing prior to the redemption of 307  
the remaining prior obligations, any redemption premium, and 308  
interest accrued or to accrue to the maturity or redemption date 309  
or dates, payable on the prior obligations, and related financing 310  
costs and any expenses incurred or to be incurred in connection 311  
with that issuance and refunding. Subject to the applicable bond 312  
proceedings, the portion of the proceeds of the sale of refunding 313  
obligations issued under division (J)(1)(b) of this section to be 314  
applied to debt service on the prior obligations shall be credited 315  
to an appropriate separate account in the bond service fund and 316  
held in trust for the purpose by the issuing authority or by a 317  
corporate trustee. Obligations authorized under this division 318  
shall be considered to be issued for those purposes for which the 319  
prior obligations were issued. 320

(2) Except as otherwise provided in sections 151.01 to 151.08 321  
of the Revised Code, bonds or notes authorized pursuant to 322  
division (J) of this section are subject to the provisions of 323  
those sections pertaining to obligations generally. 324

(3) The principal amount of refunding or renewal obligations 325  
issued pursuant to division (J) of this section shall be in 326  
addition to the amount authorized by the general assembly as 327  
referred to in division (B) of the following sections: section 328  
151.03, 151.04, 151.05, 151.06, 151.07, or 151.08 of the Revised 329  
Code. 330

(K) Obligations are lawful investments for banks, savings and 331  
loan associations, credit union share guaranty corporations, trust 332  
companies, trustees, fiduciaries, insurance companies, including 333  
domestic for life and domestic not for life, trustees or other 334  
officers having charge of sinking and bond retirement or other 335  
special funds of the state and political subdivisions and taxing 336  
districts of this state, the sinking fund, the administrator of 337  
workers' compensation subject to the approval of the workers' 338  
compensation board, the state teachers retirement system, the 339  
public employees retirement system, the school employees 340  
retirement system, and the Ohio police and fire pension fund, 341  
notwithstanding any other provisions of the Revised Code or rules 342  
adopted pursuant to those provisions by any state agency with 343  
respect to investments by them, and are also acceptable as 344  
security for the repayment of the deposit of public moneys. The 345  
exemptions from taxation in Ohio as provided for in particular 346  
sections of the Ohio Constitution and section 5709.76 of the 347  
Revised Code apply to the obligations. 348

(L)(1) Unless otherwise provided or provided for in any 349  
applicable bond proceedings, moneys to the credit of or in a 350  
special fund shall be disbursed on the order of the issuing 351  
authority. No such order is required for the payment, from the 352  
bond service fund or other special fund, when due of debt service 353  
or required payments under credit enhancement facilities. 354

(2) Payments received by the state under interest rate hedges 355  
entered into as credit enhancement facilities under this chapter 356  
shall be deposited to the credit of the bond service fund for the 357  
obligations to which those credit enhancement facilities relate. 358

(M) The full faith and credit, revenue, and taxing power of 360  
the state are and shall be pledged to the timely payment of debt 361  
service on outstanding obligations as it comes due, all in 362

accordance with Section 2l, 2m, 2n, or 15 of Article VIII, Ohio  
Constitution, and section 151.03, 151.04, 151.05, 151.06, 151.07,  
or 151.08 of the Revised Code. Moneys referred to in Section 5a of  
Article XII, Ohio Constitution, may not be pledged or used for the  
payment of debt service except on obligations referred to in  
section 151.06 of the Revised Code. The state covenants, and that  
covenant shall be controlling notwithstanding any other provision  
of law, that the state and the applicable officers and agencies of  
the state, including the general assembly, shall, so long as any  
obligations are outstanding in accordance with their terms,  
maintain statutory authority for and cause to be levied, collected  
and applied sufficient pledged excises, taxes, and revenues of the  
state so that the revenues shall be sufficient in amounts to pay  
debt service when due, to establish and maintain any reserves and  
other requirements, and to pay financing costs, including costs of  
or relating to credit enhancement facilities, all as provided for  
in the bond proceedings. Those excises, taxes, and revenues are  
and shall be deemed to be levied and collected, in addition to the  
purposes otherwise provided for by law, to provide for the payment  
of debt service and financing costs in accordance with sections  
151.01 to 151.08 of the Revised Code and the bond proceedings.

(N) The general assembly may from time to time repeal or  
reduce any excise, tax, or other source of revenue pledged to the  
payment of the debt service pursuant to Section 2l, 2m, 2n, or 15  
of Article VIII, Ohio Constitution, and sections 151.01 to 151.08  
of the Revised Code, and may levy, collect and apply any new or  
increased excise, tax, or revenue to meet the pledge, to the  
payment of debt service on outstanding obligations, of the state's  
full faith and credit, revenue and taxing power, except fees,  
excises or taxes referred to in Section 5a of Article XII, Ohio  
Constitution, for other than obligations referred to in section  
~~151.05~~ 151.06 of the Revised Code and except net state lottery

proceeds for other than obligations referred to in section 151.03 395  
of the Revised Code. Nothing in division (N) of this section 396  
authorizes any impairment of the obligation of this state to levy 397  
and collect sufficient excises, taxes, and revenues to pay debt 398  
service on obligations outstanding in accordance with their terms. 399

(O) Each bond service fund is a trust fund and is hereby 400  
pledged to the payment of debt service on the applicable 401  
obligations. Payment of that debt service shall be made or 402  
provided for by the issuing authority in accordance with the bond 403  
proceedings without necessity for any act of appropriation. The 404  
bond proceedings may provide for the establishment of separate 405  
accounts in the bond service fund and for the application of those 406  
accounts only to debt service on specific obligations, and for 407  
other accounts in the bond service fund within the general 408  
purposes of that fund. 409

(P) Subject to the bond proceedings pertaining to any 410  
obligations then outstanding in accordance with their terms, the 411  
issuing authority may in the bond proceedings pledge all, or such 412  
portion as the issuing authority determines, of the moneys in the 413  
bond service fund to the payment of debt service on particular 414  
obligations, and for the establishment and maintenance of any 415  
reserves for payment of particular debt service. 416

(Q) The issuing authority shall by the fifteenth day of the 417  
July of each fiscal year, certify or cause to be certified to the 418  
office of budget and management the total amount of moneys 419  
required during the current fiscal year to meet in full all debt 420  
service on the respective obligations and any related financing 421  
costs payable from the applicable bond service fund and not from 422  
the proceeds of refunding or renewal obligations. The issuing 423  
authority shall make or cause to be made supplemental 424  
certifications to the office of budget and management for each 425  
debt service payment date and at such other times during each 426

fiscal year as may be provided in the bond proceedings or 427  
requested by that office. Debt service, costs of credit 428  
enhancement facilities, and other financing costs shall be set 429  
forth separately in each certification. If and so long as the 430  
moneys to the credit of the bond service fund, together with any 431  
other moneys available for the purpose, are insufficient to meet 432  
in full all payments when due of the amount required as stated in 433  
the certificate or otherwise, the office of budget and management 434  
shall at the times as provided in the bond proceedings, and 435  
consistent with any particular provisions in sections 151.03 to 436  
151.08 of the Revised Code, transfer a sufficient amount to the 437  
bond service fund from the revenues derived from excises, taxes, 438  
and other revenues, including net state lottery proceeds in the 439  
case of obligations referred to in section 151.03 of the Revised 440  
Code. 441

(R) Unless otherwise provided in any applicable bond 442  
proceedings, moneys to the credit of special funds may be invested 443  
by or on behalf of the state only in one or more of the following: 444

(1) Notes, bond, or other direct obligations of the United 445  
States or of any agency or instrumentality of the United States, 446  
or in no-front-end-load money market mutual funds consisting 447  
exclusively of those obligations, or in repurchase agreements, 448  
including those issued by any fiduciary, secured by those 449  
obligations, or in collective investment funds consisting 450  
exclusively of those obligations; 451

(2) Obligations of this state or any political subdivision of 452  
this state; 453

(3) Certificates of deposit of any national bank located in 454  
this state and any bank, as defined in section 1101.01 of the 455  
Revised Code, subject to inspection by the superintendent of 456  
financial institutions; 457

(4) The treasurer of state's pooled investment program under 458  
section 135.45 of the Revised Code. 459

The income from investments referred to in division (R) of 460  
this section shall, unless otherwise provided in sections 151.01 461  
to 151.08 of the Revised Code, be credited to special funds or 462  
otherwise as the issuing authority determines in the bond 463  
proceedings. Those investments may be sold or exchanged at times 464  
as the issuing authority determines, provides for, or authorizes. 465

(S) The treasurer of state shall have responsibility for 466  
keeping records, making reports, and making payments, relating to 467  
any arbitrage rebate requirements under the applicable bond 468  
proceedings. 469

**Sec. 163.10.** The assessment of compensation may be made at a 470  
regular or special term of court. The jury shall be selected from 471  
the jurors drawn as prescribed in sections 2313.19 to 2313.26 of 472  
the Revised Code, and qualified as in civil actions. However, it 473  
shall be grounds for challenge for cause if a juror has served in 474  
two appropriation trials in the current term of court. ~~Depositions~~ 475  
~~may be taken as in other civil cases, subject to the requirements~~ 476  
~~of section 5501.21 of the Revised Code. Depositions of the~~ 477  
~~officers, agents, or employees of the agency or owner shall be~~ 478  
~~taken as on cross examination. No evidence may be adduced or~~ 479  
~~elicited in depositions as to value or appraisals on~~ 480  
~~cross-examination, unless raised by direct examination.~~ 481

**Sec. 163.22.** All proceedings brought under sections 163.01 to 482  
163.22, ~~inclusive,~~ of the Revised Code, shall be governed by the 483  
law applicable in civil actions ~~in the court of common pleas and~~ 484  
the Rules of Civil Procedure, including, but not limited to, the 485  
rules governing discovery, except as otherwise provided in ~~such~~ 486  
those sections. ~~Such~~ The proceedings shall be advanced as a matter 487



of immediate public interest and concern and shall be heard by the 488  
court at the earliest practicable moment. 489

Sec. 1531.35. The wildlife boater angler fund is hereby 490  
created in the state treasury. The fund shall consist of money 491  
credited to the fund pursuant to section 5735.051 of the Revised 492  
Code and other money contributed to the division of wildlife for 493  
the purposes of the fund. The fund may be used for boating, 494  
capital improvements, grant programs for boating and fishing 495  
access, maintenance, and development. 496

Sec. 4501.35. There is hereby created in the state treasury 497  
the film production reimbursement fund. The fund shall be used by 498  
the department of public safety for the purpose of depositing 499  
moneys received from other agencies for services and supplies 500  
provided for the production of public service announcements, media 501  
materials, and training materials. Moneys in the fund shall be 502  
expended only for supplies and maintenance of equipment necessary 503  
to perform such services. 504

Sec. 4501.39. There is hereby created in the state treasury 506  
the leader in flight license plate fund. The fund shall consist of 507  
the contributions that are paid to the registrar of motor vehicles 508  
by applicants who obtain "the leader in flight" license plates 509  
pursuant to section 4503.73 of the Revised Code. 510

The contributions deposited in the fund shall be paid to 511  
Wright B. Flyer, incorporated, which shall deposit the fees into 512  
its general account to be used for purposes of Wright B. Flyer, 513  
incorporated. 514

All investment earnings of the fund shall be retained by the 515  
fund. 516

**Sec. 4503.191. (A) The identification license plate shall be 517**

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

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

**Sec. 4503.73.** (A) The owner or lessee of any passenger car, noncommercial motor vehicle, motor home, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of "the leader in flight" license plates. The application for "the leader in flight" license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with division (B) of this section, the registrar shall

issue to the applicant the appropriate vehicle registration and a 550  
set of "the leader in flight" license plates with a validation 551  
sticker or a validation sticker alone when required by section 552  
4503.191 of the Revised Code. 553

In addition to the letters and numbers ordinarily inscribed 554  
thereon, "the leader in flight" license plates shall be inscribed 555  
with the words "the leader in flight" and illustrations of a space 556  
shuttle in a vertical position and the Wright "B" airplane. "The 557  
leader in flight" license plates shall bear county identification 558  
stickers that identify the county of registration by name or 559  
number. 560

(B) "The leader in flight" license plates and validation 561  
sticker shall be issued upon receipt of a contribution as provided 562  
in division (C) of this section and payment of the regular license 563  
tax as prescribed under section 4503.04 of the Revised Code, a fee 564  
of ten dollars for the purpose of compensating the bureau of motor 565  
vehicles for additional services required in the issuing of "the 566  
leader in flight" license plates, any applicable motor vehicle tax 567  
levied under Chapter 4504. of the Revised Code, and compliance 568  
with all other applicable laws relating to the registration of 569  
motor vehicles. If the application for "the leader in flight" 570  
license plates is combined with a request for a special reserved 571  
license plate under section 4503.40 or 4503.42 of the Revised 572  
Code, the license plate and validation sticker shall be issued 573  
upon payment of the fees and taxes referred to or established in 574  
this division and the additional fee prescribed under section 575  
4503.40 or 4503.42 of the Revised Code. 576

(C) For each application for registration and registration 577  
renewal received under this section, the registrar shall collect a 578  
contribution of fifteen dollars. The registrar shall transmit this 579  
contribution to the treasurer of state for deposit in the leader 580  
in flight license plate fund created in section 4501.39 of the 581

Revised Code. 582

The registrar shall deposit the additional fee of ten dollars 583  
specified in division (B) of this section that the applicant for 584  
registration voluntarily pays for the purpose of compensating the 585  
bureau for the additional services required in the issuing of the 586  
applicant's "the leader in flight" license plates in the state 587  
bureau of motor vehicles fund created in section 4501.25 of the 588  
Revised Code. 589

**Sec. 4505.10.** (A) In the event of the transfer of ownership 590  
of a motor vehicle by operation of law, as upon inheritance, 591  
devise or bequest, order in bankruptcy, insolvency, replevin, or 592  
execution sale, a motor vehicle is sold to satisfy storage or 593  
repair charges, or repossession is had upon default in performance 594  
of the terms of a security agreement as provided in Chapter 1309. 595  
of the Revised Code and the secured party has complied with the 596  
repossession requirements of section 1309.46 of the Revised Code 597  
and all of the requirements of section 1309.47 of the Revised 598  
Code, including the notice requirements, the clerk of the court of 599  
common pleas of the county in which the last certificate of title 600  
to the motor vehicle was issued, upon the surrender of the prior 601  
certificate of title or the manufacturer's or importer's 602  
certificate, or, when that is not possible, upon presentation of 603  
satisfactory proof to the clerk of ownership and rights of 604  
possession to the motor vehicle, and upon payment of the fee 605  
prescribed in section 4505.09 of the Revised Code and presentation 606  
of an application for certificate of title, may issue to the 607  
applicant a certificate of title to the motor vehicle. Only an 608  
affidavit by the person or agent of the person to whom possession 609  
of the motor vehicle has passed, setting forth the facts entitling 610  
the person to the possession and ownership, together with a copy 611  
of the journal entry, court order, or instrument upon which the 612  
claim of possession and ownership is founded, is satisfactory 613

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proof of ownership and right of possession. If the applicant 614  
cannot produce that proof of ownership, the applicant may apply 615  
directly to the registrar of motor vehicles and submit the 616  
evidence the applicant has, and the registrar, if the registrar 617  
finds the evidence sufficient, then may authorize the clerk to 618  
issue a certificate of title. If, from the records in the office 619  
of the clerk, there appears to be any lien on the motor vehicle, 620  
the certificate of title shall contain a statement of the lien 621  
unless the application is accompanied by proper evidence of its 622  
extinction. 623

(B) The clerk shall transfer a decedent's interest in one or 624  
two automobiles to the surviving spouse of the decedent, as 625  
provided in section 2106.18 of the Revised Code, upon receipt of 626  
the title or titles. An affidavit executed by the surviving spouse 627  
shall be submitted to the clerk with the title or titles. The 628  
affidavit shall give the date of death of the decedent, shall 629  
state that each automobile for which the decedent's interest is to 630  
be so transferred is not disposed of by testamentary disposition, 631  
and shall provide an approximate value for each automobile 632  
selected to be transferred by the surviving spouse. The affidavit 633  
shall also contain a description for each automobile for which the 634  
decedent's interest is to be so transferred. The transfer does not 635  
affect any liens upon any automobile for which the decedent's 636  
interest is so transferred. 637

(C) Upon the death of one of the persons who have established 638  
joint ownership with right of survivorship under section 2106.17 639  
of the Revised Code in a motor vehicle, and upon presentation to 640  
the clerk of the title and the certificate of death of the 641  
decedent, the clerk shall transfer title to the motor vehicle to 642  
the survivor. The transfer does not affect any liens upon any 643  
motor vehicle so transferred. 644

**Sec. 4506.10.** (A) No person who holds a valid commercial 645

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driver's license shall drive a commercial motor vehicle unless ~~he~~ the person is physically qualified to do so. Each person who drives or expects to drive a commercial motor vehicle in interstate or foreign commerce or is otherwise subject to 49 C.F.R. 391, et seq., as amended, shall certify to the registrar of motor vehicles at the time of application for a commercial driver's license that ~~he~~ the person is in compliance with these standards. Any person who is not subject to 49 C.F.R. 391, et seq., as amended, also shall certify at the time of application that ~~he~~ the person is not subject to these standards.

(B) A person is qualified to drive a class B commercial motor vehicle with a school bus endorsement, if ~~he~~ the person has been certified as medically qualified in accordance with rules adopted by the department of education.

(C) Any (1) Except as provided in division (C)(2) of this section, any medical examination required by this section shall be performed only by a one of the following:

(a) A person licensed under Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine and surgery in this state, or licensed under any similar law of another state, ~~except that any;~~

(b) A person licensed as a physician assistant under Chapter 4730. of the Revised Code who practices under the supervision and direction of a physician as required under that chapter and who is authorized by the supervising physician to perform such a medical examination;

(c) A person who is a certified nurse practitioner or a clinical nurse specialist licensed under Chapter 4723. of the Revised Code who is practicing in accordance with a standard care arrangement pursuant to section 4723.431 of the Revised Code.

(2) Any part of ~~such~~ an examination required by this section

that pertains to visual acuity, field of vision, and the ability 677  
to recognize colors may be performed by a person licensed under 678  
Chapter 4725. of the Revised Code to practice optometry in this 679  
state, or licensed under any similar law of another state. 680

(D) Whenever good cause appears, the registrar, upon issuing 681  
a commercial driver's license under this chapter, may impose 682  
restrictions suitable to the licensee's driving ability with 683  
respect to the type of motor vehicle or special mechanical control 684  
devices required on a motor vehicle ~~which~~ that the licensee may 685  
operate, or such other restrictions applicable to the licensee as 686  
the registrar determines to be necessary. 687

The registrar may either issue a special restricted license 688  
or may set forth ~~such~~ the restrictions upon the usual license 689  
form. 690

The registrar, upon receiving satisfactory evidence of any 691  
violation of the restrictions of ~~such~~ the license, may suspend or 692  
revoke ~~the same~~ it. 693

The registrar, upon receiving satisfactory evidence that an 694  
applicant or holder of a commercial driver's license has violated 695  
division (A)(4) of section 4506.04 of the Revised Code and 696  
knowingly given false information in any application or 697  
certification required by section 4506.07 of the Revised Code, 698  
shall cancel the commercial driver's license of the person or any 699  
pending application from the person for a commercial driver's 700  
license or class D driver's license for a period of at least sixty 701  
days, during which time no application for a commercial driver's 702  
license or class D driver's license shall be received from the 703  
person. 704

Sec. 4509.27. There is hereby created in the state treasury 705  
the security deposit fund. All security deposits that the 706  
registrar of motor vehicles requires to be paid under section 707

4509.12 of the Revised Code and that the registrar receives shall 708  
be deposited into the fund. Moneys in the fund shall be applied 709  
only to the payment of a judgment for damages arising out of an 710  
accident as provided in section 4509.28 of the Revised Code and to 711  
the return of security deposits as provided in sections 4509.25 712  
and 4509.29 of the Revised Code. All investment earnings on the 713  
cash balance in the fund shall be credited to the fund. 714

**Sec. 4511.76.** (A) The department of public safety, by and 715  
with the advice of the superintendent of public instruction, shall 716  
adopt and enforce rules relating to the construction, design, and 717  
equipment, including lighting equipment required by section 718  
4511.771 of the Revised Code, of all school buses both publicly 719  
and privately owned and operated in this state. 720

(B) The department of education, by and with the advice of 721  
the director of public safety, shall adopt and enforce rules 722  
relating to the operation of all ~~school buses both publicly and~~ 723  
~~privately owned and operated in this state~~ vehicles used for pupil 724  
transportation. 725

(C) No person shall operate a ~~school bus~~ vehicle used for 726  
pupil transportation within this state in violation of the rules 727  
of the department of education or the department of public safety. 728  
No person, being the owner thereof or having the supervisory 729  
responsibility therefor, shall permit the operation of a ~~school~~ 730  
~~bus~~ vehicle used for pupil transportation within this state in 731  
violation of the rules of the department of education or the 732  
department of public safety. 733

(D) The department of public safety shall adopt and enforce 734  
rules relating to the issuance of a license under section 4511.763 735  
of the Revised Code. The rules may relate to the moral character 736  
of the applicant; the condition of the equipment to be operated; 737  
the liability and property damage insurance carried by the 738



applicant; the posting of satisfactory and sufficient bond; and 739  
such other rules as the director of public safety determines 740  
reasonably necessary for the safety of the pupils to be 741  
transported. 742

(E) As used in this section, "vehicle used for pupil 743  
transportation" means any vehicle that is identified as such by 744  
the department of education by rule and that is subject to Chapter 745  
3301-83 of the Administrative Code. 746

**Sec. 4513.34.** (A) The director of transportation with respect 747  
to all highways ~~which~~ that are a part of the state highway system 748  
and local authorities with respect to highways under their 749  
jurisdiction ~~may~~, upon application in writing and for good cause 750  
shown, may issue a special permit in writing authorizing the 751  
applicant to operate or move a vehicle or combination of vehicles 752  
of a size or weight of vehicle or load exceeding the maximum 753  
specified in sections 5577.01 to 5577.09 of the Revised Code, or 754  
otherwise not in conformity with sections 4513.01 to 4513.37 of 755  
the Revised Code, upon any highway under the jurisdiction of the 756  
authority granting ~~such~~ the permit. ~~Notwithstanding~~ 757

For purposes of this section, the director may designate 758  
certain state highways or portions of state highways as special 759  
economic development highways. If an application submitted to the 760  
director under this section involves travel of a nonconforming 761  
vehicle or combination of vehicles upon a special economic 762  
development highway, the director, in determining whether good 763  
cause has been shown that issuance of a permit is justified, shall 764  
consider the effect the travel of the vehicle or combination of 765  
vehicles will have on the economic development in the area in 766  
which the designated highway or portion of highway is located. 767

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 768  
Code, the holder of a special permit issued by the director under 769

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this section may move the vehicle or combination of vehicles 770  
 described in ~~such~~ the special permit on any highway ~~which~~ that is 771  
 a part of the state highway system, when the movement is partly 772  
 within and partly without the corporate limits of a municipal 773  
 corporation. No local authority shall require any other permit or 774  
 license or charge any license fee or other charge against the 775  
 holder of a permit for the movement of a vehicle or combination of 776  
 vehicles on any highway that is a part of the state highway 777  
 system. ~~No~~ The director shall not require the holder of a permit 778  
 issued by a local authority ~~shall be required by the director~~ to 779  
 obtain a special permit for the movement of vehicles or 780  
 combination of vehicles on highways within the jurisdiction of the 781  
 local authority. Permits may be issued for any period of time, not 782  
 to exceed one year, as the director in ~~his~~ the director's 783  
 discretion or a local authority in its discretion ~~deems~~ determines 784  
 advisable, or for the duration of any public construction project. 785  
 786

(C) The application for a permit shall be in ~~such~~ the form ~~as~~ 787  
~~that~~ the director or local authority prescribes. The director or 788  
 local authority may prescribe a permit fee to be imposed and 789  
 collected when any permit described in this section is issued. The 790  
 permit fee may be in an amount sufficient to reimburse the 791  
 director or local authority for the administrative costs incurred 792  
 in issuing the permit, and also to cover the cost of the normal 793  
 and expected damage caused to the roadway or a street or highway 794  
 structure as the result of the operation of the nonconforming 795  
 vehicle or combination of vehicles. The director, in accordance 796  
 with Chapter 119. of the Revised Code, shall establish a schedule 797  
 of fees for permits issued by the director under this section. 798

For the purposes of this section and of rules adopted by the 799  
 director under this section, milk transported in bulk by vehicle 800  
 is deemed a nondivisible load. 801

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

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

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

**Sec. 4561.05.** The department of transportation shall administer ~~and enforce sections 4561.01 to 4561.151~~ Chapter 4561. of the Revised Code. The department may adopt and promulgate such rules ~~and regulations~~ as it ~~deems~~ determines necessary to carry out ~~such sections~~ this chapter. All rules ~~and regulations~~ adopted by the Ohio aviation board as of September 17, 1957, shall be valid rules ~~and regulations~~ of the department of transportation until such time as said rules ~~and regulations~~ may be rescinded or ~~revoked.~~

The department may issue and amend orders, and make, 833  
promulgate, and amend, reasonable general and special rules, 834  
~~regulations~~, and procedure, and establish minimum standards. 835

The department may establish safety ~~regulations~~ rules 836  
governing air navigation hazards, and the location, size, use, and 837  
equipment of airports and landing areas, and ~~regulations~~ rules 838  
governing air marking, the use of signs or lights designed to be 839  
visible from the air, and other air navigation facilities. 840

All rules, ~~regulations~~, and amendments thereto, prescribed by 841  
the department, shall conform to and coincide with, so far as 842  
possible, the "Civil Aeronautics Act of 1938," 52 Stat. 973, 49 843  
U.S.C. 401, ~~and acts amendatory thereto~~ as amended, passed by the 844  
congress of the United States, and the air commerce regulations 845  
issued pursuant thereto. 846

All acts of the department authorized under this section 847  
shall be carried on in conformity with ~~sections 119.01 to 119.13~~ 848  
Chapter 119. of the Revised Code. 849

**Sec. 4561.06.** The department of transportation shall 850  
encourage the development of aviation and the promotion of 851  
aviation education within this state as, in its judgment, may best 852  
serve the public interest. 853

The department may furnish engineering or other technical 854  
counsel and services, with or without charge therefor, to any 855  
appropriate agency of any county or municipal corporation of the 856  
state desiring such counsel or services in connection with any 857  
question or problem concerning the need for, or the location, 858  
construction, maintenance, or operation of airports, landing 859  
fields, or other air navigation facilities in the county or 860  
municipal corporation. 861

The department shall be the official representative of this 862

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state in all civil actions, matters, or proceedings pertaining to 863  
aviation in which this state is a party or has an interest. ~~It may~~ 864  
~~participate as party plaintiff or defendant; or it may act as an~~ 865  
~~intervener, on behalf of the state, in any such action, matter, or~~ 866  
~~proceeding having to do with any claimed encroachment by the~~ 867  
~~United States or any foreign state upon this state's rights~~ 868  
~~pertaining to aviation, if the public interest requires such~~ 869  
~~intervention.~~ 870

The department may investigate, and may cooperate with any 871  
other appropriate governmental agency in the investigation of, any 872  
accident occurring in this state in connection with aviation. It 873  
may issue an order to preserve, protect, or prevent the removal of 874  
any aircraft or air navigation facility involved in an accident 875  
being so investigated until the investigation is completed, ~~and~~ 876  
~~the.~~ The chief executive officer or any police or peace law 877  
enforcement officer of this state or any political subdivision in 878  
which an accident occurred shall assist the department in 879  
enforcing such an order when called upon ~~by the department~~ to do 880  
so. 881

The department, in connection with any investigation it is 882  
authorized to conduct, or in connection with any matter it is 883  
required to consider and determine, may conduct hearings thereon. 884  
All such hearings shall be open to the public. The administrator 885  
of the office of aviation or those employees of that office or its 886  
agents who are designated to conduct such hearings may administer 887  
oaths and affirmations and issue subpoenas for and compel the 888  
attendance and testimony of witnesses and the production of 889  
papers, books, and documents at the hearings. In case of failure 890  
to comply with such a subpoena or refusal to testify, the 891  
administrator or the employees of the office of aviation or its 892  
agents who are designated to conduct the hearings may invoke the 893  
aid of the court of common pleas of the county in which the 894

hearing is being conducted, and the court may order the witness to  
comply with the requirements of the subpoena or to give testimony  
concerning the matter in question. Failure to obey any order of  
the court may be punished as a contempt of the court.

Reports of any investigations or hearings, or parts thereof,  
conducted by the department shall not be admitted in evidence or  
used for any purpose in any action or proceeding arising out of  
any matter referred to in the investigation, hearings, or report  
thereof, except in actions or proceedings instituted by the state  
or by the department on behalf of the state, nor shall any member  
of the department or any of its employees be required to testify  
to any facts ascertained in, or information obtained by reason of,  
the member's or employee's official capacity, or to testify as an  
expert witness in any action or proceeding involving or pertaining  
to aviation to which the state is not a party. Subject to this  
section, the department may make available to appropriate agencies  
of government any information and material developed in the course  
of its investigations and hearings.

The department shall report to the appropriate agency of the  
United States all cases that come to its attention of persons  
navigating aircraft without a valid aviator's certificate, or in  
which an aircraft is navigated without a valid air-worthiness  
certificate in probable violation of the laws of the United States  
requiring such certificates, and it also shall report to the  
proper governmental agency any probable infringement or violation  
of laws, rules, and regulations pertaining to aviation that come  
to its attention.

The department may prepare, adopt, and subsequently revise a  
plan showing the locations and types of airports, landing fields,  
and other air navigation facilities within this state; it also may  
prepare another plan of a system of airways within this state, the  
establishment, maintenance, and use of which will, in its

judgment, serve the development of transportation by aircraft 927  
within this state in the best interests of the public. It may 928  
publish plans and pertinent information as the public interest 929  
requires. 930

The department periodically may prepare, publish, and 931  
distribute such maps, charts, or other information as the public 932  
interest requires, showing the location of and containing a 933  
description of all airports, landing fields, and other air 934  
navigation facilities then in operation in this state, together 935  
with information concerning the manner in which, and the terms 936  
upon which, those facilities may be used, and showing all airways 937  
then in use, or recommended for use, within this state, together 938  
with information concerning the manner in which the facilities 939  
should be used. 940

**Sec. 4561.13.** Every state, county, and municipal law 941  
enforcement officer charged with the enforcement of state or 942  
municipal laws ~~shall aid the department of transportation in the~~ 943  
~~enforcement of~~ may investigate aircraft accidents and enforce 944  
sections ~~4561.01 to 4561.151~~ 4561.14, 4561.15, and 4561.24 of the 945  
Revised Code. 946

The state highway patrol may use any of its personnel and 947  
equipment ~~to enforce section 4561.15 of the Revised Code and to~~ 948  
investigate all aircraft accidents within this state. 949

**Sec. 5501.17.** The director of transportation may employ such 950  
assistants as are necessary to prepare plans and surveys. 951  
Compensation paid for the preparation of plans, surveys, and 952  
specifications shall be regarded as a part of the cost and expense 953  
of the improvement for which they were made and shall be paid from 954  
funds set aside for ~~such~~ the improvement. 955

The director may appoint additional clerks and stenographers, 956

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

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

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

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



<del>(B) Preliminary engineering investigation and report with respect to location, grade, and estimated cost of limited access highways, freeways, or bridges;</del>	989
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<del>(C) Laying out, inspecting, and generally supervising the construction of construction projects;</del>	992
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<del>(D) The surveying and designing and the preparation of detailed plans and specifications, and to the laying out, inspecting, and generally supervising the construction for the replacement of narrow, weak, and inadequate bridges on the state highway system;</del>	994
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<del>(E) The preparation of all or any part of comprehensive transportation and land use studies and major thoroughfare reports for urban areas and surrounding areas affected by such urban areas;</del>	999
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<del>(F) The surveying and designing and the preparation of detailed plans and specifications, and to the laying out, inspecting, and generally supervising the construction on the state highway system of highway lighting and traffic control projects.</del>	1003
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<del>Compensation paid for the services covered in divisions (A), (B), (C), (D), and (F) of this section shall be regarded as a part of the cost and expense of the improvements for which they were rendered and shall be paid from funds set aside for those improvements. Compensation for the services set forth in division (E) of this section shall be paid from any funds available to the department.</del>	1008
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<del>The director may contract with regional, county, or municipal planning commissions or county engineers having adequate staffs, and with planning agencies of adjacent states, for the preparation of comprehensive transportation and land use studies and major thoroughfare reports, or parts thereof, and pay the commissions,</del>	1015
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county engineers, or planning agencies of adjacent states for such 1020  
work from funds available to the department. 1021

**Sec. 5501.31.** The director of transportation shall have 1022  
general supervision of all roads comprising the state highway 1023  
system. The director may alter, widen, straighten, realign, 1024  
relocate, establish, construct, reconstruct, improve, maintain, 1025  
repair, and preserve any road or highway on the state highway 1026  
system, and, in connection therewith, relocate, alter, widen, 1027  
deepen, clean out, or straighten the channel of any watercourse as 1028  
the director considers necessary, and purchase or appropriate 1029  
property for the disposal of surplus materials or borrow pits, 1030  
and, where an established road has been relocated, establish, 1031  
construct, and maintain such connecting roads between the old and 1032  
new location as will provide reasonable access thereto. 1033

The director may purchase or appropriate property necessary 1034  
for the location or construction of any culvert, bridge, or 1035  
viaduct, or the approaches thereto, including any property needed 1036  
to extend, widen, or alter any feeder or outlet road, street, or 1037  
way adjacent to or under the bridge or viaduct when the extension, 1038  
widening, or alteration of the feeder road, street, or way is 1039  
necessary for the full utilization of the bridge or viaduct, or 1040  
for any other highway improvement. The director ~~also~~ may purchase 1041  
or appropriate, for such length of time as is necessary and 1042  
desirable, any additional property required for the construction 1043  
and maintenance of slopes, detour roads, sewers, roadside parks, 1044  
rest areas, recreational park areas, park and ride facilities, and 1045  
park and carpool or vanpool facilities, scenic view areas, 1046  
drainage systems, or land to replace wetlands, incident to any 1047  
highway improvement, that the director is or may be authorized to 1048  
locate or construct. Title Also incident to any authorized highway 1049  
improvement, the director may purchase property from a willing 1050  
seller as required for the construction and maintenance of 1051

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bikeways and bicycle paths or to replace, preserve, or conserve 1052  
any environmental resource if the replacement, preservation, or 1053  
conservation is required by state or federal law. 1054

Title to property purchased or appropriated by the director 1055  
shall be taken in the name of the state either in fee simple or in 1056  
any lesser estate or interest that the director considers 1057  
necessary or proper, in accordance with forms to be prescribed by 1058  
the attorney general. The deed shall contain a description of the 1059  
property and be recorded in the county where the property is 1060  
situated and, when recorded, shall be kept on file in the 1061  
department of transportation. The property may be described by 1062  
metes and bounds or by the department of transportation parcel 1063  
number as shown on a right of way plan recorded in the county 1064  
where the property is located. 1065

Provided that when property, other than property used by a 1066  
railroad for operating purposes, is acquired in connection with 1067  
improvements involving projects affecting railroads wherein the 1068  
department is obligated to acquire property under grade separation 1069  
statutes, or on other improvements wherein the department is 1070  
obligated to acquire lands under agreements with railroads, or 1071  
with a public utility, political subdivision, public corporation, 1072  
or private corporation owning transportation facilities for the 1073  
readjustment, relocation, or improvement of their facilities, a 1074  
fee simple title or an easement may be acquired by purchase or 1075  
appropriation in the name of the railroad, public utility, 1076  
political subdivision, public corporation, or private corporation 1077  
in the discretion of the director. When the title to lands, which 1078  
are required to adjust, relocate, or improve such facilities 1079  
pursuant to agreements with the director, is taken in the name of 1080  
the state, then, in the discretion of the director, the title to 1081  
such lands may be conveyed to the railroad, public utility, 1082  
political subdivision, or public corporation for which they were 1083

acquired. The conveyance shall be prepared by the attorney general 1084  
and executed by the governor and bear the great seal of the state 1085  
of Ohio. 1086

The director, in the maintenance or repair of state highways, 1087  
is not limited to the use of the materials with which the 1088  
highways, including the bridges and culverts thereon, were 1089  
originally constructed, but may use any material that is proper or 1090  
suitable. The director may aid any board of county commissioners 1091  
in establishing, creating, and repairing suitable systems of 1092  
drainage for all highways within the jurisdiction or control of 1093  
the board and advise with it as to the establishment, 1094  
construction, improvement, maintenance, and repair of the 1095  
highways. 1096

Chapters 5501., 5503., 5511., 5513., 5515., 5516., 5517., 1097  
5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 5533., and 1098  
5535. of the Revised Code do not prohibit the federal government, 1099  
or any individual or corporation, from contributing a portion of 1100  
the cost of the establishment, construction, reconstruction, 1101  
relocating, widening, resurfacing, maintenance, and repair of the 1102  
highways. 1103

Except in the case of maintaining, repairing, erecting 1104  
traffic signs on, or pavement marking of state highways within 1105  
villages, which is mandatory as required by section 5521.01 of the 1106  
Revised Code, and except as provided in section 5501.49 of the 1107  
Revised Code, no duty of constructing, reconstructing, widening, 1108  
resurfacing, maintaining, or repairing state highways within 1109  
municipal corporations, or the bridges and culverts thereon, shall 1110  
attach to or rest upon the director, but the director may 1111  
construct, reconstruct, widen, resurface, maintain, and repair the 1112  
same with or without the cooperation of any municipal corporation, 1113  
or with or without the cooperation of boards of county 1114  
commissioners upon each municipal corporation consenting thereto. 1115

**Sec. 5502.12.** The accident reports submitted pursuant to 1116  
section 5502.11 of the Revised Code shall be for the use of the 1117  
director of public safety for purposes of statistical, safety, and 1118  
other studies. The ~~director of public safety~~ law enforcement 1119  
agency that submitted a report shall ~~search and~~ furnish a copy of 1120  
such report and associated documents to any person claiming an 1121  
interest arising out of a motor vehicle accident, or to the 1122  
person's attorney, upon the payment of a nonrefundable fee of 1123  
~~three~~ that shall not exceed four dollars. With respect to 1124  
accidents investigated by the state highway patrol, the director 1125  
of public safety shall furnish to such person all related reports 1126  
and statements upon the payment of a nonrefundable fee of four 1127  
dollars. The cost of photographs shall be in addition to the 1128  
nonrefundable four-dollar fee. 1129

Such state highway patrol reports, statements, and 1130  
photographs, in the discretion of the director of public safety, 1131  
may be withheld until all criminal prosecution has been concluded; 1132  
the director of public safety may require proof, satisfactory to 1133  
the director, of the right of any applicant to be furnished such 1134  
documents. 1135

**Sec. 5503.12.** (A) The superintendent of the state highway 1136  
patrol, with the approval of the director of public safety, may 1137  
authorize the registrar of motor vehicles and designated deputy 1138  
registrars to collect inspection and testing fees on behalf of the 1139  
state highway patrol. The superintendent and the registrar jointly 1140  
shall determine and designate the deputy registrars who shall 1141  
collect inspection and testing fees under this section. 1142

(B)(1) In addition to collecting the inspection and testing 1143  
fees, the registrar and each designated deputy registrar may 1144  
collect and retain a service fee in the amount specified in 1145  
division (D) of section 4503.10 of the Revised Code for each 1146

inspection and testing fee collected on behalf of the state 1147  
highway patrol. 1148

(2) Each designated deputy registrar, upon receipt of any 1149  
inspection and testing fee, shall transmit the fees to the 1150  
registrar in the manner prescribed by the registrar. 1151

(3) The registrar shall deposit the inspection and testing 1152  
fees collected by and transmitted to the registrar to the credit 1153  
of the fund specified by law. 1154

(C) The superintendent, with the approval of the director, 1155  
shall establish appropriate procedures to be used by the registrar 1156  
and designated deputy registrars for determining proof of payment 1157  
of inspection and testing fees. 1158

(D) As used in this section, "inspection and testing fees" 1159  
includes the following: 1160

(1) Fees for vehicle inspections conducted under sections 1161  
4505.11, 4505.111, 4513.52, 4513.53, 4519.56, 4519.61, and 4766.07 1162  
of the Revised Code; 1163

(2) Fees for testing of commercial driver's license 1164  
applicants under section 4506.09 of the Revised Code; 1165

(3) Except as may otherwise be specifically provided by law, 1166  
any statutory fees for similar vehicle inspections or driver 1167  
testing conducted by the state highway patrol that the 1168  
superintendent may specify for collection under this section. 1169

**Sec. 5516.10.** (A) No person shall do either of the following 1170  
without first obtaining a permit and permit plates from the 1171  
director of transportation: 1172

(1) Erect, use, maintain, operate, construct, or cause or 1173  
permit to be erected, used, maintained, operated, or constructed, 1174  
any advertising device located in either of the following: 1175

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

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

(2) Maintain any nonconforming advertising device.

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

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

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

(3) Each application shall be accompanied by the appropriate application fee as set forth in the fee schedule established by

the director. Such fee schedule shall be based on the reasonable  
cost of administering and processing such permits. Application  
fees shall be nonrefundable.

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

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

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

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

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

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

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

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

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

(C) The issuance of a permit under this section shall not be  
construed to invalidate municipal ordinances requiring a permit or  
license or providing for an inspection fee for advertising



devices, or regulating such advertising devices. The cost of the  
application fee for such permits or licenses issued, or the cost  
of initial inspection fees charged under municipal ordinances  
shall be credited against and shall reduce the cost of the permit  
issued by the director under this section. If a permit is issued  
by a zoning authority pursuant to its ordinances, rules, or  
regulations controlling outdoor advertising devices, a copy  
thereof shall be furnished to the director with any application  
for a new permit required by this section or within thirty days of  
its issuance by a zoning authority.

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

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(E) All permits issued pursuant to this section shall be in  
effect for a period of ~~one year~~ two years. Permits may be renewed  
upon application made on forms designated by the director and upon  
the payment of a nonrefundable renewal fee in an amount to be

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determined by the director based on the reasonable cost of 1269  
administering and processing such renewal permits. Any permits 1270  
that are not renewed, and any permit plates issued in connection 1271  
with such permits, shall be returned to the director for 1272  
cancellation by the expiration date. The director may adopt rules 1273  
for the reinstatement of permits canceled as a result of 1274  
nonpayment of renewal fees, and shall develop a fee schedule for 1275  
late renewals. 1276

(F) Where the director conditionally approves the issuance of 1277  
a permit as to location only and the permit applicant fails to 1278  
exercise the privilege of constructing, erecting, using, 1279  
operating, or maintaining an advertising device within the period 1280  
for which the permit was issued, such permit shall not be renewed 1281  
unless a renewal fee is paid to extend the privilege for one 1282  
additional permit period. No conditional permit shall be renewed 1283  
and no extensions shall be granted after the second renewal 1284  
period. 1285

(G) Permits for advertising devices erected and maintained 1286  
with a valid permit issued before July 1, 1997, may be renewed 1287  
unless the director finds that the permit application contains 1288  
materially false, misleading, or inaccurate information or the 1289  
sign has been erected or maintained contrary to ~~the provisions of~~ 1290  
this chapter or the rules adopted thereunder, and in such event 1291  
the director may take appropriate action pursuant to section 1292  
5516.12 of the Revised Code. An applicant who has a conditional 1293  
permit issued by the director before ~~the effective date of this~~ 1294  
~~amendment~~ June 30, 1997, and who has not yet exercised the 1295  
privilege of constructing, using, operating, erecting, or 1296  
maintaining an advertising device at the proposed location as of 1297  
that ~~effective~~ date, shall have until December 31, 1997, to comply 1298  
with the terms and conditions of the conditional permit or such 1299  
permit shall be canceled. However, the applicant may request that 1300

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the conditional permit be renewed by submitting a renewal 1301  
application and paying a nonrefundable renewal fee to extend the 1302  
privilege for one additional permit period. 1303

(H) Permits may be transferred from one sign owner to another 1304  
upon written acknowledgment from the current permittee and the 1305  
payment of a transfer fee in an amount to be determined by the 1306  
director for each permit to be transferred. The new permit holder 1307  
is subject to all the terms and conditions of the prior permit 1308  
holder and shall be subject to ~~all provisions~~ of this chapter and 1309  
the rules adopted thereunder. 1310

**Sec. 5517.011.** (A)(1) Notwithstanding section 5517.01 of the 1311  
Revised Code, the director of transportation may establish a pilot 1312  
program to expedite the sale and construction of no more than six 1313  
special projects by combining the design and construction elements 1314  
of a highway or bridge project into a single contract. Except in 1315  
regard to those requirements relating to providing plans, the 1316  
director shall award contracts under this section in accordance 1317  
with section 5525.01 of the Revised Code. 1318

(2) On or before December 31, ~~2000~~ 2002, the director shall 1319  
prepare and submit to the general assembly a report evaluating the 1320  
experience of the department of transportation with each project 1321  
under this division and contract under division (B) of this 1322  
section, including whether the department realized any cost or 1323  
time savings. Regarding those projects and contracts, the report 1324  
shall include a discussion of the number and cost of change 1325  
orders, the quality of work performed, the number of bids 1326  
received, the impact on minority and female contract 1327  
participation, and other issues the director considers 1328  
appropriate. The director also may make recommendations regarding 1329  
the continuation of the program, including the need for any 1330  
changes. 1331

(3) After completion of the sixth project, no projects shall 1332  
be commenced under this division unless the general assembly 1333  
either approves additional projects to further study the 1334  
effectiveness of the procedures or makes the program permanent. 1335

(B) In addition to the six projects under division (A) of 1336  
this section, during the period beginning July 1, 1999, and ending 1337  
June 30, 2001, and also during the period beginning July 1, 2001, 1338  
and ending June 30, 2003, the director may expand the pilot 1339  
program to more contracts combining the design and construction 1340  
elements of highway or bridge projects. ~~The~~ For each biennium, the 1341  
total dollar value of contracts made under this division shall not 1342  
exceed two hundred fifty million dollars. The director may seek 1343  
either bids or technical proposals for contracts under this 1344  
division. 1345

(1) When the director determines to award a single contract 1346  
for a design-build project under this division through the receipt 1347  
of bids, except for those requirements relating to providing 1348  
plans, the director shall award contracts in accordance with 1349  
Chapter 5525. of the Revised Code. When the director determines to 1350  
award a single contract for a design-build project under this 1351  
division through the receipt of technical proposals, the director 1352  
shall advertise and select the design-build team using a 1353  
value-based selection process combining technical qualifications 1354  
and competitive bidding elements. 1355

(2) If the director elects to utilize the competitive bid 1356  
option for design-build projects, the director shall prepare and 1357  
distribute a scope of work document upon which the bidders shall 1358  
base their bids. 1359

(3)(a) If the director elects to utilize a value-based 1360  
selection process for design-build projects through the receipt of 1361  
technical proposals, the director shall restrict usage of this 1362  
method ~~annually~~ to no more than ~~sixty~~ eighty-five million dollars 1363

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and no more than ~~three~~ two projects, whose per-project estimate 1364  
must exceed ~~ten~~ twenty million dollars. The director shall prepare 1365  
conceptual documents for review by interested parties, accept 1366  
letters of interest, and select the three most qualified 1367  
design-build teams to submit a technical proposal. 1368

The criteria for selecting the three finalists shall include 1369  
the qualifications and experience of the design-build team, 1370  
including the proposed personnel to be utilized, ~~equipment usage,~~ 1371  
and general proposed project approach. The schedule of activities 1372  
and financial resources of the design-build team also shall be 1373  
factors in the selection process. In addition, the director shall 1374  
take into consideration the design-build team's affirmative action 1375  
policies and record with regard to employees and subcontracts. 1376

(b) After the director selects the three finalists, the 1377  
finalists shall prepare both a technical proposal and a price 1378  
proposal. The technical proposal shall state the finalist's 1379  
qualifications and experience, including prior performance by the 1380  
design-build team on similar projects, the identity of the members 1381  
of each team, and a detailed project approach and schedule, 1382  
including. The technical proposal also may include innovative 1383  
design and construction techniques, aesthetics, environmental 1384  
protection, a maintenance of traffic plan, and the type and 1385  
duration of warranty coverage. The finalists shall submit the 1386  
price proposal separately as requested by the director. 1387

The director first shall review the submitted technical 1388  
proposals and ascribe a numerical score to each proposal. The 1389  
technical numerical scores shall be equated to a percentage 1390  
adjustment to be applied to the finalists' price proposals, using 1391  
a predetermined schedule of adjustment made known to the finalists 1392  
at the time of advertising. In no case shall the technical 1393  
proposal rating exceed twenty-five per cent of the value-based 1394  
technical and price selection criteria. The director shall reserve 1395

the right to consider a technical proposal as being nonresponsive, 1396  
thereby eliminating that finalist from further consideration. 1397  
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Upon completion of the rating of technical proposals, the 1399  
director shall apply to the price proposals the percentage 1400  
adjustments predetermined from the numerical scores assigned to 1401  
the technical proposals. Unless all proposals are rejected, the 1402  
director shall select the finalist with the lowest adjusted price. 1403  
The adjusted price shall be used for selection only. The contract 1404  
shall be based on the price proposal as submitted. 1405

The department shall compensate each responsive finalist not 1406  
selected in an amount generally equal to one-fourth of one per 1407  
cent of the unadjusted price proposal amount submitted by the 1408  
selected finalist or by an amount the director establishes at the 1409  
time of advertising. The proposals of the two unsuccessful 1410  
finalists shall become the property of the director unless an 1411  
unsuccessful finalist elects to waive the compensation. The 1412  
director shall return the proposal of any unsuccessful finalist 1413  
who waives the compensation. 1414

**Sec. 5525.23.** (A) The director of transportation may include 1415  
in any construction contract a provision authorizing ~~arbitration~~ 1416  
~~of a binding dispute resolution method for~~ any controversy 1417  
subsequently arising out of the contract. ~~The provision shall~~ 1418  
~~provide that if binding dispute resolution method may proceed only~~ 1419  
~~upon agreement of all parties in a to the controversy arising out~~ 1420  
~~of a construction contract agree to proceed to arbitration, the~~ 1421  
~~director shall determine the method and form of arbitration.~~ 1422  
~~Notwithstanding sections 2711.11 and 2711.13 of the Revised Code,~~ 1423  
~~the decision of an arbitrator under this section is not subject to~~ 1424  
~~a motion to modify or correct an award. If all parties do not~~ 1425  
~~agree to proceed to binding dispute resolution, a party having a~~ 1426  
~~claim against the department of transportation shall exhaust its~~ 1427

administrative remedies specified in the construction contract 1428  
prior to filing any action against the department in the court of 1429  
claims. No 1430

No appeal from the decision determination of an arbitrator a 1431  
technical expert lies to any court, except that the court of 1432  
common pleas of Franklin county may make issue an order vacating 1433  
the award such a determination upon the application of any party 1434  
to the arbitration binding dispute resolution if division (A), 1435  
(B), or (C) of section 2711.10 of the Revised Code any of the 1436  
following applies: 1437

(1) The determination was procured by corruption, fraud, or 1438  
undue means. 1439

(2) There was evident partiality or corruption on the part of 1440  
the technical expert. 1441

(3) The technical expert was guilty of misconduct in refusing 1442  
to postpone the hearing, upon sufficient cause shown, or in 1443  
refusing to hear evidence pertinent and material to the 1444  
controversy, or of any other misbehavior by which the rights of 1445  
any party have been prejudiced. 1446

(B) The director, not later than the first day of February of 1447  
every year, shall provide the governor, the attorney general, the 1448  
president of the senate, and the speaker of the house of 1449  
representatives with a written list detailing the claims resolved 1450  
in the manner provided by division (A) of this section during the 1451  
preceding calendar year. 1452

(C) As used in this section, "binding dispute resolution" 1453  
means a binding determination after review by a technical expert 1454  
of all relevant items, which may include documents, and by 1455  
interviewing appropriate personnel and visiting the project site 1456  
involved in the controversy. "Binding dispute resolution" does not 1457  
involve representation by legal counsel or advocacy by any person 1458

on behalf of any party to the controversy.

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~~Sec. 5525.25. (A) In making contracts, the director of transportation shall comply with the following requirements for~~  
~~For each fiscal year:~~

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~~(1) At least, not more than~~ one-fifth of the department of transportation's capital construction projects shall be bid requiring a warranty as specified in the bidding documents and in division (B) of this section.

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~~(2) At least one-tenth of the department's capital construction program shall be bid requiring a pavement warranty as specified in the bidding documents and in division (B) of this section.~~

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(B) A warranty period under this section shall be:

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(1) Not ~~less~~ more than seven years, for pavement in the case of new construction;

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(2) Not ~~less~~ more than five years, in the case of pavement resurfacing and rehabilitation;

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(3) Not ~~less~~ more than two years, in the case of pavement preventative maintenance, bridge painting, pavement markings, raised pavement markers, guardrail, and other project items as determined by the director.

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~~(C)~~ This section does not apply to contracts the director makes on behalf of a political subdivision.

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**Sec. 5526.01. As used in this chapter:**

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

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

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<u>(C) "Professional services" means any of the following:</u>	1487
<u>(1) The practice of engineering as defined in section 4733.01</u>	1488
<u>of the Revised Code;</u>	1489
<u>(2) The practice of surveying as defined in section 4733.01</u>	1490
<u>of the Revised Code;</u>	1491
<u>(3) The practice of landscape architecture as defined in</u>	1492
<u>section 4703.30 of the Revised Code;</u>	1493
<u>(4) The evaluation of environmental impacts performed in</u>	1494
<u>accordance with the "National Environmental Policy Act of 1969,"</u>	1495
<u>83 Stat. 852, 42 U.S.C. 4321, as amended, the Federal Water</u>	1496
<u>Pollution Control Act, or any other applicable law or regulation;</u>	1497
<u>(5) Right-of-way acquisition services such as right-of-way</u>	1498
<u>project management, title searches, property valuations,</u>	1499
<u>appraisals, appraisal reviews, negotiations, relocation services,</u>	1500
<u>appropriation activities, real estate closings, and property</u>	1501
<u>management activities that are performed for the purpose of</u>	1502
<u>properly acquiring private and public property rights in</u>	1503
<u>conjunction with public highway projects and that conform to</u>	1504
<u>Chapters 163. and 5501. of the Revised Code; rules 5501:2-5-01 to</u>	1505
<u>5501:2-5-06 of the Ohio Administrative Code; the "Uniform</u>	1506
<u>Relocation Assistance and Real Property Acquisition Policies Act</u>	1507
<u>of 1970," 84 Stat. 1894, 42 U.S.C. 4601, et seq., as amended; the</u>	1508
<u>"Surface Transportation and Uniform Relocation Assistance Act of</u>	1509
<u>1987," Public Law No. 100-17, 101 Stat. 132; applicable provisions</u>	1510
<u>of Titles 23 and 49 of the Code of Federal Regulations; and any</u>	1511
<u>applicable policies and procedures established by the department</u>	1512
<u>of transportation;</u>	1513
<u>(6) Services related to the department's administration of</u>	1514
<u>construction contract claims, including, but not limited to, the</u>	1515
<u>analysis of claims, assistance in negotiations, and assistance</u>	1516
<u>during litigation;</u>	1517

<u>(7) Architectural services related to bridges;</u>	1518
<u>(8) Any other professional service that is determined by the</u>	1519
<u>director of transportation or any other designated officials of</u>	1520
<u>the department to be necessary for the provision of transportation</u>	1521
<u>services.</u>	1522
<u>"Professional services" does not mean the practice of</u>	1523
<u>architecture as regulated under Chapter 4703. of the Revised Code,</u>	1524
<u>except landscape architecture and architectural services related</u>	1525
<u>to bridges as provided in divisions (C)(3) and (7) of this</u>	1526
<u>section.</u>	1527
<u>(D) "Qualifications" means all of the following:</u>	1528
<u>(1) The competence of a firm to perform required professional</u>	1529
<u>services as indicated by the technical training, education, and</u>	1530
<u>experience of the firm's personnel, in particular the technical</u>	1531
<u>training, education, and experience of the firm's personnel</u>	1532
<u>assigned to perform professional services for the department;</u>	1533
	1534
<u>(2) The ability of a firm in terms of its workload and the</u>	1535
<u>availability of qualified personnel, equipment, and facilities to</u>	1536
<u>perform the required professional services competently and</u>	1537
<u>expeditiously;</u>	1538
<u>(3) The past performance of a firm as indicated by</u>	1539
<u>evaluations of previous clients of the firm with respect to such</u>	1540
<u>factors as control of costs, quality of work, and meeting of</u>	1541
<u>deadlines;</u>	1542
<u>(4) Any other relevant factors as determined by the director.</u>	1543
	1544
<b><u>Sec. 5526.02. Notwithstanding Chapter 125. and sections</u></b>	1545
<b><u>153.65 to 153.71 of the Revised Code, the director of</u></b>	1546
<b><u>transportation may employ or enter into contracts with any</u></b>	1547

qualified firm for professional services in accordance with this 1548  
chapter. 1549

**Sec. 5526.03.** The director of transportation shall issue 1550  
public notice of the intent of the department of transportation to 1551  
enter into a contract for professional services. The director 1552  
shall advertise the public notice via the internet or by other 1553  
means to ensure that qualified firms are notified and given the 1554  
opportunity to be considered for the award of the contract. The 1555  
director may include more than one contract in a single public 1556  
notice. The director may limit the number of contracts to which a 1557  
firm may respond for the purpose of ensuring quality in the 1558  
performance of those contracts. 1559

A public notice issued under this section shall be issued in 1560  
a uniform and consistent manner, shall be issued sufficiently in 1561  
advance of the time that responses must be received, and shall do 1562  
both of the following: 1563

(A) Include a general description of the project, a statement 1564  
of the specific professional services required, and a description 1565  
of the qualifications required for the project; 1566

(B) Describe the procedures by which firms may submit 1567  
statements of qualifications in order to be considered for a 1568  
contract. 1569

**Sec. 5526.04.** The director of transportation may institute 1570  
prequalification requirements for firms seeking to provide 1571  
professional services and may require that each prequalified firm 1572  
maintain a current statement of qualifications with the department 1573  
of transportation. The prequalification requirements shall be 1574  
based on the factors set forth in division (D) of section 5526.01 1575  
of the Revised Code. 1576

Sec. 5526.05. (A) For every professional service contract for 1577  
which the department of transportation provides public notice 1578  
under section 5526.03 of the Revised Code, the director of 1579  
transportation shall evaluate the qualifications of each firm 1580  
seeking to enter into the contract with the department. The 1581  
director may hold discussions with any such firm for the purposes 1582  
of obtaining more information about a statement of qualifications 1583  
submitted by the firm, the scope and nature of the services that 1584  
the firm would provide, and the various technical approaches that 1585  
the firm may take with respect to the project to which the 1586  
proposed contract applies. 1587

(B) Following the evaluation of the qualifications of firms 1588  
and any additional discussions with those firms with respect to a 1589  
contract for professional services, the director shall do both of 1590  
the following: 1591

(1) Select and rank no fewer than three firms that the 1592  
director considers to be the most qualified to provide the 1593  
required professional services unless the director determines that 1594  
fewer than three qualified firms are available, in which case the 1595  
director shall select and rank those firms; 1596

(2) Negotiate a contract with the firm that is ranked the 1597  
most qualified to perform the required professional services. The 1598  
contract negotiations shall be directed toward all of the 1599  
following: 1600

(a) Ensuring that the firm and the department have a mutual 1601  
understanding of the essential requirements involved in providing 1602  
the required professional services; 1603

(b) Determining that the firm will make available the 1604  
necessary personnel, equipment, and facilities to perform the 1605  
professional services within the time that will be required in the 1606  
contract; 1607

(c) Agreeing on compensation that is fair and reasonable, 1608  
taking into account the estimated value, scope, complexity, and 1609  
nature of the services. 1610

(C) Upon the failure to negotiate a contract with the firm 1611  
that is ranked most qualified under division (B) of this section, 1612  
the director shall notify the firm in writing of the termination 1613  
of negotiations and shall enter into negotiations with the firm 1614  
that is ranked next most qualified. If negotiations fail with that 1615  
firm, the director shall negotiate with each subsequently ranked 1616  
firm in order of ranking until a contract is negotiated and 1617  
entered into or until the director selects and ranks additional 1618  
firms under division (D) of this section. All negotiations shall 1619  
comply with this section and any rules adopted under this chapter. 1620

(D) If the director fails to negotiate a contract with any of 1621  
the firms selected under division (B) of this section, the 1622  
director shall select and rank additional firms based on their 1623  
qualifications. Negotiations shall continue in the same manner as 1624  
with the firms selected and ranked under division (B) of this 1625  
section until a contract is negotiated and entered into. 1626

(E) When a contract is negotiated, the director, if required 1627  
under section 127.16 of the Revised Code, shall request approval 1628  
of the controlling board to make expenditures under the contract. 1629  
However, if the director is selecting firms for a group of 1630  
contracts included in a single announcement and the approval of 1631  
the controlling board is required under that section, the director 1632  
may present the selections as a group to the controlling board for 1633  
the board's approval prior to negotiation of the contracts. Final 1634  
negotiations of the group of contracts may be completed after the 1635  
controlling board's approval. If the director fails to negotiate a 1636  
contract with a firm that is selected to perform one of the 1637  
contracts of a group of contracts, the director shall notify the 1638  
controlling board of the selection of an alternate firm under 1639

division (C) or (D) of this section.

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

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

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

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

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

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

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Sec. 5526.07. (A) Except for any firm providing professional services that relate to research or training, right-of-way acquisition services, or services to assist the department of transportation in the administration of contract claims, a firm

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that renders professional services to the department, during the 1669  
period of the performance of professional services for the 1670  
department and for any other period of time specified in a 1671  
contract with the department, shall have and maintain, or be 1672  
covered by, a professional liability insurance policy or policies 1673  
with a company or companies that are authorized to do business in 1674  
this state and that afford professional liability coverage for the 1675  
professional services rendered. The insurance shall be in an 1676  
amount considered sufficient by the director of transportation. 1677

(B) The requirement to have or be covered by professional 1678  
liability insurance under division (A) of this section may be 1679  
waived by the director for good cause. 1680  
1681

Sec. 5526.08. The director of transportation may declare an 1682  
emergency if circumstances exist that threaten life, safety, or 1683  
health or if a situation arises that would greatly increase the 1684  
costs of a project if not addressed. The director shall declare an 1685  
emergency by preparing a written statement of the circumstances 1686  
that exist that warrant the declaration. Notwithstanding section 1687  
127.16 of the Revised Code, the director may then select a firm 1688  
with appropriate qualifications and negotiate a contract for the 1689  
immediate performance of emergency professional services. Not 1690  
later than thirty days after the professional services have been 1691  
performed, the director shall submit a written report to the 1692  
controlling board indicating the amount of the emergency contract, 1693  
the services performed by the firm, and the circumstances giving 1694  
rise to the emergency. 1695

Sec. 5529.03. (A)(1) The director of transportation may 1696  
acquire by gift, purchase, or appropriation, any interest, estate, 1697  
or right in and to real property adjacent to highways of this 1698

state as necessary for the restoration, preservation, and 1699  
enhancement of scenic beauty adjacent to ~~said those~~ highways, or 1700  
for the establishment of publicly owned and controlled rest and 1701  
recreation areas and sanitary and other facilities within or 1702  
adjacent to the right-of-way of ~~said those~~ highways to accommodate 1703  
the traveling public. Nothing in this section authorizes the 1704  
director to appropriate fee simple title to real property further 1705  
than three hundred feet from the nearest edge of the highway 1706  
right-of-way. 1707

(2) Division (A)(1) of this section does not apply to the 1708  
purchase or appropriation of any interest in property under 1709  
section 5501.31 of the Revised Code that is required for land to 1710  
replace wetlands or to the purchase of property under that section 1711  
to replace, preserve, or conserve any environmental resource. 1712

(B) The director may convey or lease any such property 1713  
adjacent to the highway right-of-way to any person or entity in 1714  
the manner and subject to such reservations, conditions, 1715  
covenants, or other contractual arrangements as the director 1716  
determines will not substantially interfere with the scenic 1717  
character or beauty of the area traversed by the highway. 1718

(C) The director may employ consulting engineers and enter 1719  
into contracts for consulting engineering services with any 1720  
qualified person, or firm, partnership, corporation, or 1721  
~~association~~ to prepare plans and estimates and generally supervise 1722  
the construction and landscaping for scenic enhancement and 1723  
roadside beautification projects, and in the awarding of such 1724  
contracts compliance with sections 5501.17 and 5525.01 of the 1725  
Revised Code is not required. 1726

(D) Any instrument by which real property is acquired 1727  
pursuant to this section shall identify the agency of the state 1728  
that has the use and benefit of the real property as specified in 1729  
section 5301.012 of the Revised Code. 1730



**Sec. 5735.051.** The general assembly finds as a fact that, of 1731  
the revenues ~~which~~ that occur from excises imposed by sections 1732  
5735.05, 5735.25, 5735.29, and 5735.30 of the Revised Code, 1733  
~~three-fourths~~ of one per cent ~~are~~ is attributable to the operation 1734  
of motor vehicles upon waters within the boundaries of this state. 1735  
Of this amount, seven-eighths shall be credited to the waterways 1736  
safety fund and shall be used for the purposes of sections 1547.71 1737  
to 1547.78 of the Revised Code, and one-eighth shall be credited 1738  
to the wildlife boater angler fund and shall be used for the 1739  
purposes specified in section 1531.35 of the Revised Code. 1740

**Sec. 5577.04.** (A) The maximum wheel load of any one wheel of 1741  
any vehicle, trackless trolley, load, object, or structure 1742  
operated or moved upon improved public highways, streets, bridges, 1743  
or culverts shall not exceed six hundred fifty pounds per inch 1744  
width of pneumatic tire, measured as prescribed by section 5577.03 1745  
of the Revised Code. 1746

(B) The weight of vehicle and load imposed upon ~~the~~ a road 1747  
surface that is part of the interstate system by vehicles with 1748  
pneumatic tires shall not exceed any of the following weight 1749  
limitations: 1750

(1) On any one axle, twenty thousand pounds; 1751

(2) On any tandem axle, thirty-four thousand pounds; 1752

(3) On any two or more consecutive axles, the maximum weight 1753  
as determined by application of the formula provided in division 1754  
(C) of this section. 1755

(C) For purposes of division (B)(3) of this section, the 1756  
maximum gross weight on any two or more consecutive axles shall be 1757  
determined by application of the following formula: 1758

$$W = 500((LN/N-1) + 12N + 36). \quad 1759$$

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

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

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

(2) On any two successive axles:

(a) Spaced four feet or less apart, and weighed simultaneously, twenty-four thousand pounds;

(b) Spaced more than four feet apart, and weighed simultaneously, thirty-four thousand pounds, plus one thousand pounds per foot or fraction thereof, over four feet, not to exceed forty thousand pounds.

(3) On any three successive load-bearing axles designed to equalize the load between such axles and spaced so that each such axle of the three-axle group is more than four feet from the next axle in the three-axle group and so that the spacing between the first axle and the third axle of the three-axle group is no more than nine feet, and with such load-bearing three-axle group weighed simultaneously as a unit:

(a) Forty-eight thousand pounds, with the total weight of vehicle and load not exceeding thirty-eight thousand pounds plus

an additional nine hundred pounds for each foot of spacing between 1791  
the front axle and the rearmost axle of the vehicle; 1792

(b) As an alternative to division (D)(3)(a) of this section, 1793  
forty-two thousand five hundred pounds, if part of a six-axle 1794  
vehicle combination with at least twenty feet of spacing between 1795  
the front axle and rearmost axle, with the total weight of vehicle 1796  
and load not exceeding fifty-four thousand pounds plus an 1797  
additional six hundred pounds for each foot of spacing between the 1798  
front axle and the rearmost axle of the vehicle. 1799

(4) The total weight of vehicle and load utilizing any 1800  
combination of axles, other than as provided for three-axle groups 1801  
in division (D) of this section, shall not exceed thirty-eight 1802  
thousand pounds plus an additional nine hundred pounds for each 1803  
foot of spacing between the front axle and rearmost axle of the 1804  
vehicle. 1805

(E) Notwithstanding divisions (B) and (D) of this section, 1806  
the maximum overall gross weight of vehicle and load imposed upon 1807  
the road surface shall not exceed eighty thousand pounds. 1808

(F) Notwithstanding any other provision of law, when a 1809  
vehicle is towing another vehicle, such drawbar or other 1810  
connection shall be of a length such as will limit the spacing 1811  
between nearest axles of the respective vehicles to a distance not 1812  
in excess of twelve feet and six inches. 1813

(G) As used in division (B) of this section, "tandem axle" 1814  
means two or more consecutive axles whose centers may be included 1815  
between parallel transverse vertical planes spaced more than forty 1816  
inches but not more than ninety-six inches apart, extending across 1817  
the full width of the vehicle. 1818

(H) This section does not apply to passenger bus type 1819  
vehicles operated by a regional transit authority pursuant to 1820  
sections 306.30 to 306.54 of the Revised Code. 1821

(I) ~~It is the intent of the general assembly that through~~ 1822  
~~June 30, 1996, either~~ Either division (B) or (D) of this section 1823  
~~shall apply~~ applies to the weight of a vehicle and its load 1824  
imposed upon any road surface that is not a part of the interstate 1825  
system by vehicles with pneumatic tires. ~~It is the further intent~~ 1826  
~~of the general assembly that, as~~ As between divisions (B) and (D) 1827  
of this section, only the division that yields the highest total 1828  
gross vehicle weight limit shall be applied to any ~~particular~~ such 1829  
vehicle. Once that division is determined, only the limits 1830  
contained in the subdivisions of that division shall apply to that 1831  
vehicle. 1832

**Section 2.** That existing sections 151.01, 163.10, 163.22, 1833  
4503.191, 4503.73, 4505.10, 4506.10, 4511.76, 4513.34, 4561.05, 1834  
4561.06, 4561.13, 5501.17, 5501.31, 5502.12, 5516.10, 5517.011, 1835  
5525.23, 5525.25, 5529.03, 5577.04, and 5735.051 and sections 1836  
4509.27 and 5501.18 of the Revised Code are hereby repealed. 1837

**Section 3.** Except as otherwise provided, all appropriation 1838  
items in this act are hereby appropriated out of any moneys in the 1839  
state treasury to the credit of the designated fund, which are not 1840  
otherwise appropriated. For all appropriations made in this act, 1841  
the amounts in the first column are for fiscal year 2002 and the 1842  
amounts in the second column are for fiscal year 2003. 1843

**Section 4.** DOT DEPARTMENT OF TRANSPORTATION 1844

FUND	TITLE	FY 2002	FY 2003	
	Transportation Planning and Research			1845
	Highway Operating Fund Group			1846
002 771-411	Planning and Research	\$ 13,724,000	\$ 13,408,210	1847
	- State			1848
002 771-412	Planning and Research	\$ 32,190,000	\$ 32,460,000	1849
	- Federal			

## As Reported by the Senate Highways and Transportation Committee

TOTAL HOF Highway Operating				1850	
Fund Group	\$	45,914,000	\$	45,868,210	1851
TOTAL ALL BUDGET FUND GROUPS -				1852	
Transportation Planning				1853	
and Research	\$	45,914,000	\$	45,868,210	1854
Highway Construction				1855	
Highway Operating Fund Group				1856	
002 772-421 Highway Construction -	\$	440,536,920	\$	372,980,940	1857
State					
002 772-422 Highway Construction -	\$	834,567,650	\$	834,230,370	1858
Federal					
002 772-424 Highway Construction -	\$	50,000,000	\$	50,000,000	1859
Other					
212 770-005 Infrastructure Debt	\$	28,870,000	\$	45,650,000	1860
Service - Federal					
212 772-423 Infrastructure Lease	\$	12,534,300	\$	12,537,800	1861
Payments - Federal					
212 772-426 Highway Infrastructure	\$	2,500,000	\$	2,500,000	1862
Bank - Federal					
212 772-427 Highway Infrastructure	\$	11,700,000	\$	11,200,000	1863
Bank - State					
TOTAL HOF Highway Operating				1864	
Fund Group	\$	1,380,708,870	\$	1,329,099,110	1865
Highway Capital Improvement Fund Group				1866	
042 772-723 Highway Construction -	\$	225,000,000	\$	102,500,000	1867
Bonds					
TOTAL 042 Capital Highway				1868	
Improvement Fund Group	\$	225,000,000	\$	102,500,000	1869
Infrastructure Bank Obligations				1870	
Fund Group					
045 772-428 Highway Infrastructure	\$	300,000,000	\$	30,000,000	1871
Bank - Bonds					

## As Reported by the Senate Highways and Transportation Committee

TOTAL 045 Infrastructure Bank				1872	
Obligations Fund Group	\$	300,000,000	\$	30,000,000	1873
TOTAL ALL BUDGET FUND GROUPS -				1874	
Highway Construction	\$	1,905,708,870	\$	1,461,599,110	1875
Highway Maintenance				1876	
Highway Operating Fund Group				1877	
002 773-431 Highway Maintenance -	\$	372,636,000	\$	381,176,000	1878
State					
TOTAL HOF Highway Operating				1879	
Fund Group	\$	372,636,000	\$	381,176,000	1880
TOTAL ALL BUDGET FUND GROUPS -				1881	
Highway Maintenance	\$	372,636,000	\$	381,176,000	1882
Intermodal Transportation				1883	
State Special Revenue Fund Group				1884	
4Y2 774-446 Congestion Mitigation	\$	50,000	\$	50,000	1885
Revolving Fund					
TOTAL SSR State Special Revenue				1886	
Fund Group	\$	50,000	\$	50,000	1887
TOTAL ALL BUDGET FUND GROUPS -				1888	
Intermodal Transportation	\$	50,000	\$	50,000	1889
Public Transportation				1890	
Highway Operating Fund Group				1891	
002 775-452 Public Transportation	\$	27,000,000	\$	27,000,000	1892
- Federal					
002 775-454 Public Transportation	\$	1,500,000	\$	1,500,000	1893
- Other					
002 775-459 Elderly and Disabled	\$	4,230,000	\$	4,230,000	1894
Special Equipment -					
Federal					
TOTAL HOF Highway Operating				1895	
Fund Group	\$	32,730,000	\$	32,730,000	1896
TOTAL ALL BUDGET FUND GROUPS -				1897	

## As Reported by the Senate Highways and Transportation Committee

Public Transportation	\$	32,730,000	\$	32,730,000	1898
Rail Transportation					1899
Highway Operating Fund Group					1900
002 776-462 Grade Crossings -	\$	15,000,000	\$	15,000,000	1901
Federal					
TOTAL HOF Highway Operating					1902
Fund Group	\$	15,000,000	\$	15,000,000	1903
State Special Revenue Fund Group					1904
4A3 776-665 Railroad Crossing	\$	1,200,000	\$	0	1905
Safety Devices					
TOTAL SSR State Special Revenue	\$	1,200,000	\$	0	1906
Fund Group					
TOTAL ALL BUDGET FUND GROUPS -					1907
Rail Transportation	\$	16,200,000	\$	15,000,000	1908
Aviation					1909
Highway Operating Fund Group					1910
002 777-472 Airport Improvements -	\$	405,000	\$	405,000	1911
Federal					
002 777-475 Aviation	\$	4,092,010	\$	4,158,690	1912
Administration					
TOTAL HOF Highway Operating					1913
Fund Group	\$	4,497,010	\$	4,563,690	1914
TOTAL ALL BUDGET FUND GROUPS -					1915
Aviation	\$	4,497,010	\$	4,563,690	1916
Administration					1917
State Special Revenue Fund Group					1918
4T5 770-609 Administration	\$	5,000	\$	5,000	1919
Memorial Fund					
TOTAL SSR State Special Revenue					1920
Fund Group	\$	5,000	\$	5,000	1921
Highway Operating Fund Group					1922
002 779-491 Administration - State	\$	109,042,000	\$	110,431,850	1923

TOTAL HOF Highway Operating			1924
Fund Group	\$ 109,042,000	\$ 110,431,850	1925
TOTAL ALL BUDGET FUND GROUPS -			1926
Administration	\$ 109,047,000	\$ 110,436,850	1927
Debt Service			1928
Highway Operating Fund Group			1929
002 770-003 Administration - State	\$ 14,799,000	\$ 14,403,400	1930
- Debt Service			
TOTAL HOF Highway Operating			1931
Fund Group	\$ 14,799,000	\$ 14,403,400	1932
TOTAL ALL BUDGET FUND GROUPS -			1933
Debt Service	\$ 14,799,000	\$ 14,403,400	1934
TOTAL Department of Transportation			1935
TOTAL HOF Highway Operating			1936
Fund Group	\$ 1,975,326,880	\$ 1,933,272,260	1937
TOTAL 042 Highway Capital			1938
Improvement Fund Group	\$ 225,000,000	\$ 102,500,000	1939
TOTAL 045 Infrastructure Bank			1940
Obligations Fund Group	\$ 300,000,000	\$ 30,000,000	1941
TOTAL SSR State Special Revenue			1942
Fund Group	\$ 1,255,000	\$ 55,000	1943
TOTAL ALL BUDGET FUND GROUPS	\$ 2,501,581,880	\$ 2,065,827,260	1944

**Section 4.01. ISSUANCE OF BONDS** 1946

The Treasurer of State, upon the request of the Director of 1947  
Transportation, is authorized to issue and sell, in accordance 1948  
with Section 2m of Article VIII, Ohio Constitution, and Chapter 1949  
151. and particularly sections 151.01 and 151.06 of the Revised 1950  
Code, obligations, including bonds and notes, of the State of Ohio 1951  
in the aggregate amount of \$257,500,000 in addition to the 1952  
original issuance of obligations heretofore authorized by prior 1953  
acts of the General Assembly. 1954



## As Reported by the Senate Highways and Transportation Committee

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

## HIGHWAY OBLIGATIONS - AUTHORIZATION

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

**Section 4.02.** MAINTENANCE INTERSTATE HIGHWAYS

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

## As Reported by the Senate Highways and Transportation Committee

**Section 4.03.** TRANSFER OF FUND 002 APPROPRIATIONS - PLANNING 1986  
AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, AVIATION, 1987  
AND ADMINISTRATION 1988

The Director of Budget and Management may approve requests 1989  
from the Department of Transportation for transfer of 1990  
appropriations for highway planning and research (appropriation 1991  
items 771-411 and 771-412), highway construction (appropriation 1992  
items 772-421, 772-422, and 772-424), highway maintenance 1993  
(appropriation item 773-431), aviation (appropriation item 1994  
777-475), and highway administration (appropriation item 779-491). 1995  
Transfers of appropriations may be made upon the written request 1996  
of the Director of Transportation and with the approval of the 1997  
Director of Budget and Management. Such transfers shall be 1998  
reported to the Controlling Board at the next regularly scheduled 1999  
meeting of the board. 2000

This transfer authority is intended to provide for emergency 2001  
situations and flexibility to meet unforeseen conditions that 2002  
could arise during the budget period. It also is intended to allow 2003  
the department to optimize the use of available resources and 2004  
adjust to circumstances affecting the obligation and expenditure 2005  
of federal funds. 2006

TRANSFER OF APPROPRIATIONS - FEDERAL HIGHWAY AND FEDERAL 2007  
TRANSIT 2008

The Director of Budget and Management may approve requests 2009  
from the Department of Transportation for the transfer of 2010  
appropriations between appropriation items 772-422, Highway 2011  
Construction - Federal, and 775-452, Public Transportation - 2012  
Federal, based upon transit capital projects meeting Federal 2013  
Highway Administration and Federal Transit Administration funding 2014  
guidelines. Transfers between these appropriation items may be 2015  
made upon the written request of the Director of Transportation 2016

and with the approval of the Director of Budget and Management. 2017  
Such transfers shall be reported to the Controlling Board at its 2018  
next regularly scheduled meeting. 2019

TRANSFER OF APPROPRIATIONS - STATE INFRASTRUCTURE BANK 2020

The Director of Budget and Management may approve requests 2021  
from the Department of Transportation for transfer of 2022  
appropriations and cash of the Infrastructure Bank funds created 2023  
in section 5531.09 of the Revised Code, including transfers 2024  
between fiscal years 2002 and 2003. Such transfers shall be 2025  
reported to the Controlling Board at its next regularly scheduled 2026  
meeting. However, the director may not make transfers out of debt 2027  
service and lease payment appropriation items unless the director 2028  
determines that the appropriated amounts exceed the actual and 2029  
projected debt, rental, or lease payments. 2030

The Director of Budget and Management may approve requests 2031  
from the Department of Transportation for transfer of 2032  
appropriations and cash from the Highway Operating Fund (Fund 002) 2033  
to the Infrastructure Bank funds created in section 5531.09 of the 2034  
Revised Code. The Director of Budget and Management may transfer 2035  
from the Infrastructure Bank funds to the Highway Operating Fund 2036  
up to the amounts originally transferred to the Infrastructure 2037  
Bank funds under this section. Such transfers shall be reported to 2038  
the Controlling Board at its next regularly scheduled meeting. 2039  
However, the director may not make transfers between modes and 2040  
transfers between different funding sources. 2041

INCREASE APPROPRIATION AUTHORITY - STATE FUNDS 2042

In the event that receipts or unexpended balances credited to 2043  
the Highway Operating Fund exceed the estimates upon which the 2044  
appropriations have been made in this act, upon the request of the 2045  
Director of Transportation, the Controlling Board may increase 2046  
appropriation authority in the manner prescribed in section 131.35 2047

of the Revised Code. 2048

INCREASE APPROPRIATION AUTHORITY - FEDERAL AND LOCAL FUNDS 2049

In the event that receipts or unexpended balances credited to 2050  
the Highway Operating Fund or apportionments or allocations made 2051  
available from the federal and local government exceed the 2052  
estimates upon which the appropriations have been made in this 2053  
act, upon the request of the Director of Transportation, the 2054  
Controlling Board may increase appropriation authority in the 2055  
manner prescribed in section 131.35 of the Revised Code. 2056

REAPPROPRIATIONS 2057

All appropriations of the Highway Operating Fund (Fund 002), 2058  
the Highway Capital Improvement Fund (Fund 042), and the 2059  
Infrastructure Bank funds created in section 5531.09 of the 2060  
Revised Code remaining unencumbered on June 30, 2001, and the 2061  
unexpended balance of prior years' appropriations that 2062  
subsequently become unencumbered after June 30, 2001, subject to 2063  
the availability of revenue as determined by the Director of 2064  
Transportation, are hereby reappropriated for the same purpose in 2065  
fiscal year 2002 upon the request of the Director of 2066  
Transportation and with the approval of the Director of Budget and 2067  
Management. Such reappropriations shall be reported to the 2068  
Controlling Board. 2069

All appropriations of the Highway Operating Fund (Fund 002), 2070  
the Highway Capital Improvement Fund (Fund 042), and the 2071  
Infrastructure Bank funds created in section 5531.09 of the 2072  
Revised Code remaining unencumbered as of June 30, 2002, and the 2073  
unexpended balance of prior years' appropriations that 2074  
subsequently become unencumbered after June 30, 2002, subject to 2075  
the availability of revenue as determined by the Director of 2076  
Transportation, are hereby reappropriated for use during fiscal 2077  
year 2003 for the same purpose, upon the request of the Director 2078

## As Reported by the Senate Highways and Transportation Committee

of Transportation and with the approval of the Director of Budget  
and Management. The department shall report all such  
reappropriations to the Controlling Board.

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

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

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

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

**LIQUIDATION OF UNFORESEEN LIABILITIES**

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

CONGESTION MITIGATION 2109

The foregoing appropriation item 774-446, Congestion 2110  
Mitigation Revolving Fund, shall be used to make loans or grants 2111  
for the construction, reconstruction, resurfacing, restoring, 2112  
rehabilitation, or replacement of public or private transportation 2113  
facilities as eligible under United States Code, Title XXIII. Fund 2114  
revenues include, but are not limited to, payments received from 2115  
any public or private agency in repayment of a loan previously 2116  
made from the fund or pursuant to 23 U.S.C. 129(a)(7) or successor 2117  
legislation; interest or other income earned on the investment of 2118  
moneys in the fund; and any additional moneys made available from 2119  
any sources, public or private, for the purposes for which the 2120  
fund has been established. 2121

RUMBLE STRIPS AT RAILROAD CROSSINGS 2122

The foregoing appropriation item 776-665, Railroad Crossing 2123  
Safety Devices, shall be used to award grants or pay 2124  
reimbursements to political subdivisions or state agencies for the 2125  
costs of putting rumble strips at active railroad crossings 2126  
without gates or lights. The maximum amount of a grant or 2127  
reimbursement payment is \$1,500 for any single crossing. Each 2128  
political subdivision or state agency with jurisdiction over a 2129  
crossing with a daily traffic count of at least five hundred motor 2130  
vehicles and at least six trains shall apply to the Department for 2131  
a grant or reimbursement for the costs of putting rumble strips at 2132  
that crossing, and shall install the strips before the end of 2133  
fiscal year 2003. However, the Department may grant a waiver from 2134  
this requirement for good cause shown. The Department shall use 2135  
the portion of the appropriation item in excess of the amount 2136  
needed for the mandated crossings to award grants or pay 2137  
reimbursements for other crossings in the order in which 2138  
applications for those crossings are received. A political 2139  
subdivision or state agency with jurisdiction over a mandated 2140

crossing may include in its application a request for a grant or reimbursement for the costs for nonmandated crossings over which it also has jurisdiction.

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

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

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

The Department shall spend no more than five per cent of the appropriation item on Department administrative expenses.

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

All appropriations in Fund 4A3, appropriation item 776-665,

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Railroad Crossing Safety Devices, remaining unencumbered on June 2172  
 30, 2002, are hereby reappropriated for the same purpose in fiscal 2173  
 year 2003. The Department shall report all such reappropriations 2174  
 to the Controlling Board. 2175

**Section 4.05.** DEPARTMENT OF TAXATION 2176

By June 30, 2002, the Director of Budget and Management shall 2177  
 transfer \$3,690,700 in cash from Fund 002, the Highway Operating 2178  
 Fund, to the General Revenue Fund. By June 30, 2003, the Director 2179  
 of Budget and Management shall transfer \$3,889,600 in cash from 2180  
 Fund 002, the Highway Operating Fund, to the General Revenue Fund. 2181  
 The transfers are for reimbursement of the services provided by 2182  
 the Department of Taxation pursuant to sections 5728.08, 5735.26, 2183  
 and 5735.29 of the Revised Code. 2184

RENTAL PAYMENTS - OBA 2185

The foregoing appropriation item 770-003, Administration - 2186  
 State - Debt Service, shall be used to pay rent to the Ohio 2187  
 Building Authority for various capital facilities to be 2188  
 constructed, reconstructed, or rehabilitated for the use of the 2189  
 Department of Transportation, including the department's plant and 2190  
 facilities at its central office, field districts, and county and 2191  
 outpost locations. The rental payments shall be made from revenues 2192  
 received from the motor vehicle fuel tax. The amounts of any bonds 2193  
 and notes to finance such capital facilities shall be at the 2194  
 request of the Director of Transportation. Notwithstanding section 2195  
 152.24 of the Revised Code, the Ohio Building Authority may, with 2196  
 approval of the Office of Budget and Management, lease capital 2197  
 facilities to the Department of Transportation. 2198

The Director of Transportation shall hold title to any land 2199  
 purchased and any resulting structures that are attributable to 2200  
 appropriation item 770-003. Notwithstanding section 152.18 of the 2201  
 Revised Code, the Director of Transportation shall administer any 2202



purchase of land and any contract for construction, 2203  
reconstruction, and rehabilitation of facilities as a result of 2204  
this appropriation. 2205

Should the appropriation and any reappropriations from prior 2206  
years in appropriation item 770-003 exceed the rental payments for 2207  
fiscal year 2002 or 2003, then prior to June 30, 2003, the balance 2208  
may be transferred to appropriation item 772-421, 773-431, or 2209  
779-491. Such transfer may be made upon the written request of the 2210  
Director of Transportation and with the approval of the Director 2211  
of Budget and Management. Transfers shall be reported to the 2212  
Controlling Board at its next regularly scheduled meeting. 2213

**Section 4.06. COMPOSITE BRIDGE DECKS** 2214

The Governor may authorize a program to investigate the use 2215  
of composite and other alternative material bridge decks both to 2216  
extend scarce transportation dollars and to promote economic 2217  
development in Ohio. 2218

**Section 4.07. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS** 2219

The Director of Transportation may use revenues from the 2220  
state motor vehicle fuel tax to match approved federal grants 2221  
awarded to the Department of Transportation, regional transit 2222  
authorities, or eligible public transportation systems, for public 2223  
transportation highway purposes, or to support local or state 2224  
funded projects for public transportation highway purposes. Public 2225  
transportation highway purposes include: the construction or 2226  
repair of high-occupancy vehicle traffic lanes, the acquisition or 2227  
construction of park-and-ride facilities, the acquisition or 2228  
construction of public transportation vehicle loops, the 2229  
construction or repair of bridges used by public transportation 2230  
vehicles or that are the responsibility of a regional transit 2231  
authority or other public transportation system, or other similar 2232

## As Reported by the Senate Highways and Transportation Committee

construction that is designated as an eligible public 2233  
transportation highway purpose. Motor vehicle fuel tax revenues 2234  
may not be used for operating assistance or for the purchase of 2235  
vehicles, equipment, or maintenance facilities. 2236

**Section 5.** DHS DEPARTMENT OF PUBLIC SAFETY 2237

## Highway Safety Information and Education 2238

## State Highway Safety Fund Group 2239

036 761-321 Operating Expense - \$ 2,798,221 \$ 3,071,756 2240  
Information and  
Education

036 761-402 Traffic Safety Match \$ 277,137 \$ 277,137 2241

831 761-610 Information and \$ 684,501 \$ 706,238 2242  
Education - Federal

83N 761-611 Elementary School Seat \$ 407,166 \$ 447,895 2243  
Belt Program

832 761-612 Traffic Safety-Federal \$ 12,508,783 \$ 12,910,149 2244

844 761-613 Seat Belt Education \$ 235,128 \$ 258,657 2245  
Program

846 761-625 Motorcycle Safety \$ 1,316,145 \$ 1,358,917 2246  
Education

847 761-622 Film Production \$ 45,259 \$ 46,390 2247  
Reimbursement

TOTAL HSF State Highway Safety 2248

Fund Group \$ 18,272,340 \$ 19,077,139 2249

Agency Fund Group 2250

5J9 761-678 Federal Salvage/GSA \$ 204,400 \$ 209,510 2251

TOTAL AGY Agency \$ 204,400 \$ 209,510 2252

TOTAL ALL BUDGET FUND GROUPS - 2253

Highway Safety Information 2254

and Education \$ 18,476,740 \$ 19,286,649 2255

FEDERAL HIGHWAY SAFETY PROGRAM MATCH 2256

## As Reported by the Senate Highways and Transportation Committee

The foregoing appropriation item 761-402, Traffic Safety Match, shall be used to provide the nonfederal portion of the federal Highway Safety Program. Upon request by the Director of Public Safety and approval by the Director of Budget and Management, appropriation item 761-402 shall be used to transfer cash from the Highway Safety Fund to the Traffic Safety - Federal Fund (Fund 832) at the beginning of each fiscal year on an intrastate transfer voucher.

**Section 5.01. BUREAU OF MOTOR VEHICLES**

State Special Revenue Fund Group				2266
539 762-614 Motor Vehicle Dealers	\$	233,476	\$ 239,902	2267
Board				
TOTAL SSR State Special Revenue Fund Group	\$	233,476	\$ 239,902	2269
State Highway Safety Fund Group				2270
4U0 762-638 Collegiate License Plate Program	\$	481,842	\$ 493,888	2271
4U2 762-641 Football Hall of Fame License Plates	\$	150,000	\$ 150,000	2272
4W4 762-321 Operating Expense-BMV	\$	63,822,261	\$ 69,503,140	2273
4W4 762-410 Registrations Supplement	\$	33,647,970	\$ 34,988,363	2274
5G8 762-668 Ohio CASA/GAL License Plates	\$	307,200	\$ 307,200	2275
5G9 762-669 Rotary International License Plates	\$	20,480	\$ 20,480	2276
5J0 762-670 Pro Sports Team License Plates	\$	1,250,000	\$ 1,250,000	2277
5J1 762-671 Boy Scouts License Plates	\$	25,000	\$ 25,000	2278
5J2 762-672 Girl Scouts License	\$	25,000	\$ 25,000	2279

As Reported by the Senate Highways and Transportation Committee

		Plates				
5J3	762-673	Eagle Scouts License	\$	25,000	\$	25,000 2280
		Plates				
5J4	762-674	FOP License Plates	\$	15,000	\$	15,000 2281
5J5	762-675	FOP Associates License	\$	30,000	\$	30,000 2282
		Plates				
5J6	762-677	Ducks Unlimited	\$	25,000	\$	25,000 2283
		License Plates				
5M7	762-679	FFA License Plates	\$	25,000	\$	25,000 2284
83R	762-639	Local Immobilization	\$	970,000	\$	994,250 2285
		Reimbursement				
835	762-616	Financial	\$	5,534,464	\$	8,911,789 2286
		Responsibility				
		Compliance				
849	762-627	Automated Title	\$	7,771,434	\$	8,185,803 2287
		Processing Board				
TOTAL HSF State Highway Safety						2288
Fund Group			\$	114,125,651	\$	124,974,913 2289
TOTAL ALL BUDGET FUND GROUPS -						2290
Bureau of Motor Vehicles			\$	114,359,127	\$	125,214,815 2291
		MOTOR VEHICLE REGISTRATION				2292
		The Registrar of Motor Vehicles may deposit revenues to meet				2293
		the cash needs of the State Bureau of Motor Vehicles Fund (Fund				2294
		4W4) established in section 4501.25 of the Revised Code, obtained				2295
		pursuant to sections 4503.02 and 4504.02 of the Revised Code, less				2296
		all other available cash. Revenue deposited pursuant to this				2297
		section shall support, in part, appropriations for operating				2298
		expenses and defray the cost of manufacturing and distributing				2299
		license plates and license plate stickers and enforcing the law				2300
		relative to the operation and registration of motor vehicles.				2301
		Notwithstanding section 4501.03 of the Revised Code, the revenues				2302
		shall be paid into the State Bureau of Motor Vehicles Fund before				2303

## As Reported by the Senate Highways and Transportation Committee

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

## CUSTODIAL FUND CASH TRANSFER

On July 1, 2001, or as soon thereafter as possible, the cash  
balance in the Treasurer of State's custodial fund that was  
created in former section 4509.27 of the Revised Code shall be  
deposited into the security deposit fund that is created in  
section 4509.27 of the Revised Code.

**Section 5.02. ENFORCEMENT**

State Highway Safety Fund Group					2323
036 764-033 Minor Capital Projects	\$	2,531,302	\$	1,732,358	2324
036 764-321 Operating Expense - Highway Patrol	\$	185,264,130	\$	195,245,402	2325
83C 764-630 Contraband, Forfeiture, Other	\$	603,296	\$	622,894	2326
83F 764-657 Law Enforcement Auto. Data System	\$	5,050,151	\$	5,277,569	2327
83G 764-633 OMVI Fines	\$	781,051	\$	820,927	2328
831 764-610 Patrol/Federal	\$	2,210,831	\$	2,336,609	2329
831 764-659 Transportation	\$	3,919,153	\$	4,087,361	2330

## As Reported by the Senate Highways and Transportation Committee

	Enforcement - Federal				
837	764-602	Turnpike Policing	\$ 8,803,786	\$ 9,306,325	2331
838	764-606	Patrol Reimbursement	\$ 216,690	\$ 222,108	2332
840	764-607	State Fair Security	\$ 1,306,015	\$ 1,384,660	2333
840	764-617	Security and	\$ 4,484,313	\$ 4,749,103	2334
	Investigations				
840	764-626	State Fairgrounds	\$ 783,175	\$ 829,631	2335
	Police Force				
840	764-667	Security Assessment	\$ 152,324	\$ 160,982	2336
841	764-603	Salvage and Exchange -	\$ 1,243,025	\$ 1,274,101	2337
	Highway Patrol				
	TOTAL HSF State Highway Safety				2338
	Fund Group		\$ 217,349,242	\$ 228,050,030	2339
	General Services Fund Group				2340
4S2	764-660	MARCS Maintenance	\$ 241,811	\$ 227,222	2341
	TOTAL GSF General Services				2342
	Fund Group		\$ 241,811	\$ 227,222	2343
	TOTAL ALL BUDGET FUND GROUPS -				2344
	Enforcement		\$ 217,591,053	\$ 228,277,252	2345
	COLLECTIVE BARGAINING INCREASES				2346
	Notwithstanding division (D) of section 127.14 and division				2347
	(B) of section 131.35 of the Revised Code, except for the General				2348
	Revenue Fund, the Controlling Board may, upon the request of				2349
	either the Director of Budget and Management, or the Department of				2350
	Public Safety with the approval of the Director of Budget and				2351
	Management, increase appropriations for any fund, as necessary for				2352
	the Department of Public Safety, to assist in paying the costs of				2353
	increases in employee compensation that have occurred pursuant to				2354
	collective bargaining agreements under Chapter 4117. of the				2355
	Revised Code and, for exempt employees, under section 124.152 of				2356
	the Revised Code.				2357

## As Reported by the Senate Highways and Transportation Committee

<b>Section 5.03. EMERGENCY MEDICAL SERVICES</b>				2358
State Highway Safety Fund Group				2359
83M 765-624 Operating Expenses -	\$	2,370,708	\$ 2,292,960	2360
EMS				
83P 765-637 EMS Grants	\$	5,694,384	\$ 5,836,744	2361
831 765-610 EMS/Federal	\$	263,475	\$ 270,062	2362
TOTAL HSF State Highway Safety				2363
Fund Group	\$	8,328,567	\$ 8,399,766	2364
TOTAL ALL BUDGET FUND GROUPS -				2365
Emergency Medical Services	\$	8,328,567	\$ 8,399,766	2366
<b>Section 5.04. INVESTIGATIVE UNIT</b>				2368
State Highway Safety Fund Group				2369
831 767-610 Liquor Enforcement -	\$	483,710	\$ 514,184	2370
Federal				
831 769-610 Food Stamp Trafficking	\$	974,809	\$ 1,025,732	2371
Enforcement - Federal				
TOTAL HSF State Highway Safety				2372
Fund Group	\$	1,458,519	\$ 1,539,916	2373
Liquor Control Fund Group				2374
043 767-321 Liquor Enforcement -	\$	8,739,650	\$ 9,266,891	2375
Operations				
TOTAL LCF Liquor Control Fund				2376
Group	\$	8,739,650	\$ 9,266,891	2377
State Special Revenue Fund Group				2378
622 767-615 Investigative	\$	394,255	\$ 404,111	2379
Contraband and				
Forfeiture				
TOTAL SSR State Special Revenue				2380
Fund Group	\$	394,255	\$ 404,111	2381
TOTAL ALL BUDGET FUND GROUPS -				2382

## As Reported by the Senate Highways and Transportation Committee

Special Enforcement	\$	10,592,424	\$	11,210,918	2383
<b>Section 5.05. EMERGENCY MANAGEMENT</b>					2385
Federal Special Revenue Fund Group					2386
3N5 763-644 U.S. DOE Agreement	\$	200,000	\$	215,000	2387
329 763-645 Individual/Family Grant - Fed	\$	296,100	\$	303,504	2388
337 763-609 Federal Disaster Relief	\$	6,100,000	\$	2,000,000	2389
339 763-647 Emergency Management Assistance and Training	\$	8,525,000	\$	9,725,000	2390
TOTAL FED Federal Special Revenue Fund Group	\$	15,121,100	\$	12,243,504	2391 2392
General Services Fund Group					2393
4V3 763-662 Storms/NOAA Maintenance	\$	175,772	\$	182,685	2394
533 763-601 State Disaster Relief	\$	8,500,000	\$	7,500,000	2395
TOTAL GSF General Services Fund Group	\$	8,675,772	\$	7,682,685	2396 2397
State Special Revenue Fund Group					2398
4Y0 763-654 EMA Utility Payment	\$	146,657	\$	146,657	2399
4Y1 763-655 Salvage & Exchange-EMA	\$	28,285	\$	28,992	2400
657 763-652 Utility Radiological Safety	\$	874,602	\$	927,241	2401
681 763-653 SARA Title III HAZMAT Planning	\$	190,000	\$	190,000	2402
TOTAL SSR State Special Revenue Fund Group	\$	1,239,544	\$	1,292,890	2403 2404
TOTAL ALL BUDGET FUND GROUPS - Emergency Management	\$	25,036,416	\$	21,219,079	2405 2406
SARA TITLE III HAZMAT PLANNING					2407



## As Reported by the Senate Highways and Transportation Committee

The SARA Title III HAZMAT Planning Fund (Fund 681) shall	2408
receive grant funds from the Emergency Response Commission to	2409
implement the Emergency Management Agency's responsibilities under	2410
Chapter 3750. of the Revised Code.	2411
STATE DISASTER RELIEF	2412
The foregoing appropriation item 763-601, State Disaster	2413
Relief, may accept transfers of cash and appropriations from	2414
Controlling Board appropriation items to reimburse eligible local	2415
governments and private nonprofit organizations for costs related	2416
to disasters that have been declared by local governments or the	2417
Governor. The Ohio Emergency Management Agency shall publish and	2418
make available an application packet outlining eligible items and	2419
application procedures for entities requesting state disaster	2420
relief.	2421
Individuals may be eligible for reimbursement of costs	2422
related to disasters that have been declared by the Governor and	2423
the Small Business Administration. The funding in appropriation	2424
item 763-601, State Disaster Relief, shall be used in accordance	2425
with the principles of the federal Individual and Family Grant	2426
Program, which provides grants to households that have been	2427
affected by a disaster to replace basic living items. The Ohio	2428
Emergency Management Agency shall publish and make available an	2429
application procedure for individuals requesting assistance under	2430
the state Individual Assistance Program.	2431
<b>Section 5.06. ADMINISTRATION</b>	2432
State Highway Safety Fund Group	2433
036 766-321 Operating Expense - \$ 4,146,125 \$ 4,233,612	2434
Administration	
830 761-603 Salvage and Exchange - \$ 21,531 \$ 22,070	2435
Administration	
TOTAL HSF State Highway Safety	2436

As Reported by the Senate Highways and Transportation Committee

Fund Group	\$	4,167,656	\$	4,255,682	2437
General Services Fund Group					2438
4S3 766-661 Hilltop Utility	\$	562,100	\$	576,153	2439
Reimbursement					
TOTAL GSF General Services					2440
Fund Group	\$	562,100	\$	576,153	2441
TOTAL ALL BUDGET FUND GROUPS -					2442
Administration	\$	4,729,756	\$	4,831,835	2443

**Section 5.07. DEBT SERVICE** 2445

State Highway Safety Fund Group					2446
036 761-401 Lease Rental Payments	\$	12,157,000	\$	12,735,500	2447
TOTAL HSF State Highway Safety					2448
Fund Group	\$	12,157,000	\$	12,735,500	2449
TOTAL ALL BUDGET FUND GROUPS -					2450
Debt Service	\$	12,157,000	\$	12,735,500	2451

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 2452

The foregoing appropriation item 761-401, Lease Rental 2453  
 Payments, shall be used for payments to the Ohio Building 2454  
 Authority for the period July 1, 2001, to June 30, 2003, pursuant 2455  
 to the primary leases and agreements for buildings made under 2456  
 Chapter 152. of the Revised Code that are pledged for bond service 2457  
 charges on related obligations issued pursuant to Chapter 152. of 2458  
 the Revised Code. Notwithstanding section 152.24 of the Revised 2459  
 Code, the Ohio Building Authority may, with approval of the 2460  
 Director of Budget and Management, lease capital facilities to the 2461  
 Department of Public Safety. 2462

HILLTOP TRANSFER 2463

The Director of Public Safety shall determine, per an 2464  
 agreement with the Director of Transportation, the share of each 2465  
 debt service payment made out of appropriation item 761-401, Lease 2466

## As Reported by the Senate Highways and Transportation Committee

Rental Payments, that relates to the Department of  
 Transportation's portion of the Hilltop Building Project, and  
 shall certify to the Director of Budget and Management the amounts  
 of this share. The Director of Budget and Management shall  
 transfer such shares from the Highway Operating Fund (Fund 002) to  
 the Highway Safety Fund (Fund 036).

**Section 5.08. REVENUE DISTRIBUTION**

Holding Account Redistribution Fund Group				2474	
R24 762-619 Unidentified Motor	\$	1,750,000	\$	1,750,000	2475
Vehicle Receipts					
R27 764-608 Patrol Fee Refunds	\$	35,000	\$	35,000	2476
R52 762-623 Security Deposits	\$	250,000	\$	250,000	2477
TOTAL 090 Holding Account					2478
Redistribution Fund Group	\$	2,035,000	\$	2,035,000	2479
TOTAL ALL BUDGET FUND GROUPS -					2480
Revenue Distribution	\$	2,035,000	\$	2,035,000	2481
TOTAL Department of Public Safety					2482
TOTAL HSF State Highway Safety					2483
Fund Group	\$	375,858,975	\$	399,032,946	2484
TOTAL SSR State Special Revenue					2485
Fund Group	\$	1,867,275	\$	1,936,903	2486
TOTAL LCF Liquor Control					2487
Fund Group	\$	8,739,650	\$	9,266,891	2488
TOTAL GSF General Services					2489
Fund Group	\$	9,479,683	\$	8,486,060	2490
TOTAL FED Federal Revenue Special					2491
Fund Group	\$	15,121,100	\$	12,243,504	2492
TOTAL AGY Agency Fund Group	\$	204,400	\$	209,510	2493
TOTAL 090 Holding Account					2494
Redistribution					
Fund Group	\$	2,035,000	\$	2,035,000	2495
TOTAL ALL BUDGET FUND GROUPS	\$	413,306,083	\$	433,210,814	2496

**Section 5.09.** TRANSFER OF FUNDS 2498

The Director of Budget and Management, pursuant to a plan 2499  
submitted by the Department of Public Safety or as otherwise 2500  
determined by the director, shall set a monthly cash transfer 2501  
schedule to meet the cash needs of the State Highway Safety Fund 2502  
(Fund 036) established in section 4501.06 of the Revised Code, 2503  
less all other available cash. 2504

The director shall transfer to the Highway Safety Fund from 2505  
the Highway Operating Fund (Fund 002) established in section 2506  
5735.291 of the Revised Code such cash at such times as determined 2507  
by the transfer schedule. 2508

CASH BALANCE FUND REVIEW 2509

Not later than the first day of April in each fiscal year of 2510  
the biennium, the Director of Budget and Management shall review 2511  
the cash balances for each fund, except the State Highway Safety 2512  
Fund (Fund 036), in the State Highway Safety Fund Group and shall 2513  
recommend to the Controlling Board an amount to be transferred to 2514  
the credit of the State Highway Safety Fund, or the Bureau of 2515  
Motor Vehicles Fund, as appropriate. 2516

**Section 6.** DEV DEPARTMENT OF DEVELOPMENT 2517

State Special Revenue Fund Group 2518

4W0 195-629 Roadwork Development \$ 12,699,900 \$ 12,699,900 2519

TOTAL SSR State Special Revenue 2520

Fund Group \$ 12,699,900 \$ 12,699,900 2521

TOTAL ALL BUDGET FUND GROUPS \$ 12,699,900 \$ 12,699,900 2522

ROADWORK DEVELOPMENT FUND 2523

The Roadwork Development Fund shall be used for road 2524  
improvements associated with economic development opportunities 2525  
that will retain or attract businesses for Ohio. "Road 2526

improvements" are improvements to public roadway facilities 2527  
located on, or serving or capable of serving, a project site. 2528

The Department of Transportation, under the direction of the 2529  
Department of Development, shall provide these funds in accordance 2530  
with all guidelines and requirements established for Department of 2531  
Development appropriation item 195-412, Business Development, 2532  
including Controlling Board review and approval as well as the 2533  
requirements for usage of gas tax revenue prescribed in Section 5a 2534  
of Article XII, Ohio Constitution. Should the Department of 2535  
Development require the assistance of the Department of 2536  
Transportation to bring a project to completion, the Department of 2537  
Transportation shall use the authority under Title LV of the 2538  
Revised Code to provide such assistance and enter into contracts 2539  
on behalf of the Department of Development. In addition, these 2540  
funds may be used in conjunction with appropriation item 195-412, 2541  
Business Development, or any other state funds appropriated for 2542  
infrastructure improvements. 2543

The Director of Budget and Management, pursuant to a plan 2544  
submitted by the Department of Development or as otherwise 2545  
determined by the Director of Budget and Management, shall set a 2546  
cash transfer schedule to meet the cash needs of the Department of 2547  
Development's Roadwork Development Fund (Fund 4W0), less any other 2548  
available cash. The director shall transfer to the Roadwork 2549  
Development Fund from the Highway Operating Fund (Fund 002), 2550  
established in section 5735.291 of the Revised Code, such amounts 2551  
at such times as determined by the transfer schedule. 2552

TRANSPORTATION IMPROVEMENT DISTRICTS 2553

Of the foregoing appropriation item 195-629, Roadwork 2554  
Development, \$250,000 each fiscal year of the biennium shall be 2555  
paid by the Director of Development to each of the transportation 2556  
improvement districts of Butler, Hamilton, Medina, and Stark 2557  
counties, as provided for in section 5540.151 of the Revised Code. 2558

The transportation improvement districts may use the payments for  
any purpose authorized under Chapter 5540. of the Revised Code,  
including administrative activities and the purchase of property  
and rights for the construction, maintenance, or operation of a  
project. These payments shall not be subject to the restrictions  
of appropriation item 195-629.

**Section 7. PWC PUBLIC WORKS COMMISSION**

Local Transportation Improvements Fund Group				2566	
052 150-402 LTIP - Operating	\$	401,481	\$	426,089	2567
052 150-701 Local Transportation	\$	74,000,000	\$	76,000,000	2568
Improvement Program					
TOTAL 052 Local Transportation					2569
Improvements Fund Group	\$	74,401,481	\$	76,426,089	2570
Local Infrastructure Improvements Fund Group					2571
038 150-321 Operating Expenses	\$	958,456	\$	1,016,207	2572
TOTAL LIF Local Infrastructure					2573
Improvements Fund Group	\$	958,456	\$	1,016,207	2574
TOTAL ALL BUDGET FUND GROUPS	\$	75,359,937	\$	77,442,296	2575

**DISTRICT ADMINISTRATION COSTS**

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

Capital Improvements Fund only for the direct costs of district 2589  
administration of the State Capital Improvements Fund and moneys 2590  
received from interest earnings credited to the Local 2591  
Transportation Improvement Program Fund only for the direct costs 2592  
of district administration of the Local Transportation Improvement 2593  
Program Fund. Each public works district may apply to use up to 2594  
\$40,000 per fiscal year of its district allocations under sections 2595  
164.08 and 164.14 of the Revised Code for the direct costs of 2596  
district administration as authorized by this section. 2597

The director, by rule, shall define allowable and 2598  
nonallowable costs for the purpose of the District Administration 2599  
Costs Program. Nonallowable costs include indirect costs, elected 2600  
official salaries and benefits, and project-specific costs. No 2601  
district public works committee may participate in the District 2602  
Administration Costs Program without the approval of those costs 2603  
by the district public works committee pursuant to section 164.04 2604  
of the Revised Code. 2605

REAPPROPRIATIONS 2606

All capital appropriations from the Local Transportation 2607  
Improvement Program Fund (Fund 052) in Am. Sub. H.B. 163 of the 2608  
123rd General Assembly remaining unencumbered as of June 30, 2001, 2609  
are reappropriated for use during the period July 1, 2001, through 2610  
June 30, 2002, for the same purpose. 2611

Notwithstanding division (B) of section 127.14 of the Revised 2612  
Code, all capital appropriations and reappropriations from the 2613  
Local Transportation Improvement Program Fund (Fund 052) in this 2614  
act remaining unencumbered as of June 30, 2002, are reappropriated 2615  
for use during the period July 1, 2002, through June 30, 2003, for 2616  
the same purpose, subject to the availability of revenue as 2617  
determined by the Director of the Public Works Commission. 2618

**Section 8. PROVISIONS OF LAW GENERALLY APPLICABLE TO** 2619

APPROPRIATIONS	2620
Law contained in the main operating appropriations act of the 124th 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.	2621 2622 2623 2624
<b>Section 9. LEASE PAYMENTS TO OBA AND TREASURER</b>	2625
Certain appropriations are in this act for the purpose of lease payments to the Ohio Building Authority or to the Treasurer of State pursuant to leases and agreements relating to bonds or notes issued by the Ohio Building Authority or the Treasurer of State pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.	2626 2627 2628 2629 2630 2631 2632
<b>Section 10. TRANSPORTATION BUILDING FUND</b>	2633
All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Transportation Building Fund (Fund 029), which is hereby created. Revenues to the Transportation Building Fund consist of proceeds of obligations authorized to pay costs of capital facilities as defined in section 152.09 of the Revised Code for the Department of Transportation.	2634 2635 2636 2637 2638 2639 2640
DOT DEPARTMENT OF TRANSPORTATION	2641
CAP-001 Transportation Buildings Capital Improvements	2642
TOTAL Department of Transportation	2643
TOTAL Transportation Building Fund	2644
Expenditures from appropriations contained in this section shall be accounted for as though made in Am. Sub. H.B. 640 of the 123rd General Assembly. The appropriations made in this section	2645 2646 2647



are subject to all provisions of Am. Sub. H.B. 640 of the 123rd  
General Assembly that are generally applicable to such  
appropriations.

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

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

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

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

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

If approved by the Commission, the commission staff shall  
submit a report on the study to the General Assembly not more than  
one year after the effective date of this section.

**Section 12. STATE HIGHWAY PATROL FUNDING TASK FORCE**

(A) There is hereby created the State Highway Patrol Funding  
Task Force. The task force shall study the method of funding the  
State Highway Patrol. The task force shall issue a report of its  
findings to the General Assembly and the Governor on December 2,  
2002. The task force shall include in the report a recommendation  
for a direct funding source for the State Highway Patrol. Upon  
issuing its report, the task force shall cease to exist.

(B) The task force shall consist of the following members:

## As Reported by the Senate Highways and Transportation Committee

(1) Three members of the House of Representatives appointed by the Speaker of the House, no more than two of whom shall be from the same political party as the Speaker;	2677 2678 2679
(2) Three members of the Senate appointed by the President of the Senate, no more than two of whom shall be from the same political party as the President;	2680 2681 2682
(3) The Director of Public Safety or the Director's designee;	2683 2684
(4) The Director of Transportation or the Director's designee;	2685 2686
(5) The Tax Commissioner or the Commissioner's designee;	2687
(6) Two persons appointed by the Speaker of the House of Representatives to represent the general public;	2688 2689
(7) Two persons appointed by the President of the Senate to represent the general public;	2690 2691
(8) Six members appointed jointly by the Speaker of the House of Representatives and the President of the Senate, one from each of six lists of three individuals recommended by the County Commissioners Association of Ohio, the Ohio Municipal League, the Ohio Township Association, the County Engineers Association of Ohio, the Ohio Public Expenditure Council, and the State Highway Patrol troopers' collective bargaining unit, respectively.	2692 2693 2694 2695 2696 2697 2698
A vacancy on the task force shall be filled in the manner provided for the original appointment.	2699 2700
(C) The Speaker of the House of Representatives and the President of the Senate each shall appoint a co-chairperson of the task force from among the appointees who are members of their respective chambers. The co-chairpersons shall call the first meeting of the task force within thirty days after the last member is appointed.	2701 2702 2703 2704 2705 2706

(D) The Legislative Service Commission shall provide staff 2707  
services for the task force. 2708

**Section 13.** From July 1, 2001, through June 30, 2003, three 2709  
or fewer steel coils are deemed to be a nondivisible load for 2710  
purposes of special permits issued under section 4513.34 of the 2711  
Revised Code, provided that the maximum overall gross vehicle 2712  
weight of the vehicle and load shall not exceed ninety-two 2713  
thousand pounds. 2714

**Section 14.** During the period from July 1, 2001, through July 2715  
1, 2003, notwithstanding sections 153.65 to 153.71 of the Revised 2716  
Code, a county engineer may combine the design and construction 2717  
elements of a bridge project, provided that not more than fifteen 2718  
bridge projects may be completed using design-build contracts and 2719  
the contracts shall not exceed two million dollars per project. 2720  
The County Engineers Association of Ohio, in consultation with the 2721  
Director of Transportation, shall select the projects to be 2722  
completed as a design-build contract under this section. In 2723  
completing a design-build bridge project, a county engineer shall 2724  
use the process established by the Department of Transportation 2725  
for locally administered federal aid projects. When required to 2726  
use competitive bidding, the county engineer shall award a 2727  
design-build contract in accordance with sections 307.86 to 307.92 2728  
of the Revised Code. 2729

A county engineer may request the Director to review and 2730  
comment on the plans for conformance with state and federal 2731  
requirements. If so requested, the Director shall review and 2732  
comment on the plans. 2733

On or before December 31, 2002, the Director shall prepare 2734  
and submit to the General Assembly a report evaluating the 2735  
experience of the county engineers with each project and contract 2736  
under this section, including whether the county engineers 2737

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

**Section 15.** Not more than ninety days after the effective  
date of this section, the Director of Transportation shall issue a  
report to the General Assembly addressing all of the following:

(A) Ways that the Department of Transportation may increase  
the rate of delivery of federally funded local projects;

(B) Actions that local project sponsors may use to better  
utilize federal funds provided by the Department;

(C) Joint agreements the Department may develop with local  
governments and the associations representing local governments to  
ensure the most effective use of federal funds by local  
governments.

**Section 16.** 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 2768  
of which any such codified section of law as amended or enacted by 2769  
this act is composed, the codified section of law as amended or 2770  
enacted, or item of law, unless rejected at the referendum, takes 2771  
effect at the earliest time permitted by law. 2772

**Section 17.** The repeal by this act of a codified section of 2773  
law is subject to the referendum. Therefore, under Ohio 2774  
Constitution, Article II, Section 1c and section 1.471 of the 2775  
Revised Code, the repeal by this act of a codified section of law 2776  
takes effect on the ninety-first day after this act is filed with 2777  
the Secretary of State. If, however, a referendum petition is 2778  
filed against any such repeal, the repeal, unless rejected at the 2779  
referendum, takes effect at the earliest time permitted by law. (A 2780  
"repeal," as contemplated by this section, does not include a 2781  
repeal that is part of a repeal and re-enactment.) 2782

**Section 18.** Sections 4501.35 and 4509.27 of the Revised Code 2783  
as enacted or repealed and re-enacted by this act, and the items 2784  
of law of which such sections as enacted or repealed and 2785  
re-enacted by this act are composed, are not subject to the 2786  
referendum. Therefore, under Ohio Constitution, Article II, 2787  
Section 1d and section 1.471 of the Revised Code, such sections as 2788  
enacted or repealed and re-enacted by this act, and the items of 2789  
law of which such sections as enacted or repealed and re-enacted 2790  
by this act are composed, go into immediate effect when this act 2791  
becomes law. 2792

**Section 19.** If the amendment or enactment in this act of a 2793  
codified section of law is subject to the referendum, the 2794  
corresponding indications in the amending, enacting, or existing 2795  
repeal clauses commanding the amendment or enactment also are 2796

subject to the referendum, along with the amendment or enactment. 2797  
If the enactment or repeal and re-enactment by this act of a 2798  
codified or uncodified section of law is not subject to the 2799  
referendum, the corresponding indications in the enacting or 2800  
repeal clauses commanding the enactment or repeal and re-enactment 2801  
also are not subject to the referendum, the same as the enactment 2802  
or repeal and re-enactment. 2803

**Section 20.** The items in the uncodified sections of law 2804  
contained in this act that appropriate money for the current 2805  
expenses of state government, earmark this class of 2806  
appropriations, or depend for their implementation upon an 2807  
appropriation for the current expenses of state government are not 2808  
subject to the referendum. Therefore, under Ohio Constitution, 2809  
Article II, Section 1d and section 1.471 of the Revised Code, 2810  
these items go into immediate effect when this act becomes law. 2811

The items in the uncodified sections of law contained in this 2812  
act that appropriate money other than for the current expenses of 2813  
state government, earmark this class of appropriations, or do not 2814  
depend for their implementation upon an appropriation for the 2815  
current expenses of state government are subject to the 2816  
referendum. Therefore, under Ohio Constitution, Article II, 2817  
Section 1c and section 1.471 of the Revised Code, these items take 2818  
effect on the ninety-first day after this act is filed with the 2819  
Secretary of State. If, however, a referendum petition is filed 2820  
against such an item, the item, unless rejected at the referendum, 2821  
takes effect at the earliest time permitted by law. 2822

This section is not subject to the referendum. Therefore, 2823  
under Ohio Constitution, Article II, Section 1d and section 1.471 2824  
of the Revised Code, this section goes into immediate effect when 2825  
this act becomes law. 2826

**Section 21.** An item, other than an amending, enacting, or 2827  
repealing clause, that composes the whole or part of an uncodified 2828  
section contained in this act has no effect after June 30, 2003, 2829  
unless its context clearly indicates otherwise. 2830

**Section 22.** Section 5501.31 of the Revised Code is amended by 2831  
this act and also by Sub. S.B. 295 of the 123rd General Assembly 2832  
(effective April 5, 2001). The amendments of Sub. S.B. 295 are 2833  
included in this act to confirm the intention to retain them, but 2834  
are not intended to be effective until April 5, 2001. 2835

**Section 23.** If any item of law that constitutes the whole or 2836  
part of a codified or uncodified section of law contained in this 2837  
act, or if any application of any item of law that constitutes the 2838  
whole or part of a codified or uncodified section of law contained 2839  
in this act, is held invalid, the invalidity does not affect other 2840  
items of law or applications of items of law that can be given 2841  
effect without the invalid item of law or application. To this 2842  
end, the items of law of which the codified and uncodified 2843  
sections contained in this act are composed, and their 2844  
applications, are independent and severable. 2845