

## Executive

## In House Finance and Appropriations

## FCCCD1 Public Exigency Powers

R.C. 123.10, 123.11, 126.14, *Repealed: R.C. 123.23*

Specifies that OFCC has exclusive power to declare a public exigency by eliminating the power of DAS to do so. (Current law specifies that DAS shares the power with OFCC.)

Eliminates the ability of DAS to ask OFCC, in order to respond to a public exigency, to enter into public contracts without competitive bidding or selection.

Transfers from DAS to OFCC the power to take and use lands, materials, and other property necessary for the maintenance, protection, or repair of the public works during a public exigency.

**Fiscal effect: None.**

R.C. 123.10, 123.11, 126.14, *Repealed: R.C. 123.23*

Same as the Executive.

Same as the Executive.

Same as the Executive.

**Fiscal effect: Same as the Executive.**

## FCCCD14 Approval of School District Energy Conservation Measures

R.C. 133.06, 3313.372

No provision.

Requires that SFC approve a school district board's request for approval to incur indebtedness only after SFC, in addition to determining that the board's findings are

R.C. 133.06, 3313.372

Requires that when an architect, professional engineer, or other entity hired by a district board of education provides an analysis of potential energy conservation measures to the district board the baseline analysis of actual energy consumption data for the preceding three years include a utility energy consumption baseline based only on the actual energy consumption data for the preceding twelve months.

Same as the Executive.

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reasonable as under continuing law, determines that the request for approval is complete, and the installations, modifications, or remodeling are consistent with any project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities under a state-assisted school facilities project.

Permits SFC, in consultation with the Auditor of State, to deny a request to incur indebtedness from a district board declared to be in a state of fiscal watch, upon determining the expenditure of funds is not in the best interest of the district.

Prohibits a board of education of a school district that has been declared to be under fiscal emergency from submitting a request without submitting evidence that the installations, modifications, or remodeling have been approved by the district's financial planning and supervision commission.

Prohibits the board of a school district for which the Superintendent of Public Instruction is required to establish an academic distress commission from submitting a request to incur indebtedness without receiving prior approval of the academic distress commission.

Requires that the terms of an installment contract for energy savings measures provide that all payments, except payments for repairs and obligations on premature contract termination, be stated as a percentage of savings and avoided costs attributable to one or more measures to be taken over a defined period of time.

Requires that payments be made only to the extent that the projected savings and avoided costs actually occur.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive, but removes "avoided costs".

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No provision.

Requires a contractor to warrant and guarantee that the energy conservation measures will realize guaranteed savings and to provide an energy guarantee bond for the full term of the contract, including any partial guarantee year.

No provision.

Authorizes SFC to shorten the term of any new energy conservation measures installment contract to three years.

**Fiscal effect: The provision may limit the ability of certain school districts to receive SFC approval to incur indebtedness to finance a school district energy conservation measure. Under current law, SFC is required to approve a district's request if SFC determines that the district's analysis of its proposed energy conservation measure is reasonable.**

**Fiscal effect: Same as the Executive.**

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**FCCCD15 Notification of Use of Criteria Architect or Engineer**

R.C. 153.692

Requires a public authority that plans to contract for design-build services and that uses an in-house criteria architect or engineer to notify the OFCC, instead of DAS, before the architect or engineer performs the work.

**Fiscal effect: None.**

R.C. 153.692

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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**FCCCD13            Contracts for Energy and Water Conservation Programs**
**R.C.            156.02, 156.03, 156.04, 156.05**

Transfers from the Director of DAS to the Executive Director of OFCC the ability to contract for the design and implementation of energy and water conservation programs and the authority to adopt and enforce rules regarding those programs.

**Fiscal effect: May increase OFCC's and decrease DAS's administrative burdens.**

**R.C.            156.02, 156.03, 156.04, 156.05**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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**FCCCD2            Transfer of Construction Authority from DNR to OFCC**
**R.C.            1501.011, Section 715.10**

Transfers from the Department of Natural Resources (DNR) to OFCC, with certain exceptions, the authority to administer DNR's capital facilities projects.

Authorizes DNR to administer improvements under an agreement with the supervisors of a soil and water conservation district.

Authorizes DNR to administer certain dam, waterway, wildlife, and roadway activities and projects, and requires OFCC and DNR to review this provision in two years.

Permits OFCC to allow DNR to administer any other project of which the estimated cost is less than or equal to \$1.5 million.

**R.C.            1501.011, Section 715.10**

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

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**Fiscal effect: The transfer of authority for certain DNR capital projects to OFCC may result in additional administrative costs for OFCC. Conversely, DNR's administrative burden may decrease as a result of the transfer of those duties. The specified projects the provision authorizes DNR to administer are currently managed by DNR, so they do not represent an additional cost.**

**Fiscal effect: Same as the Executive.**

## FCCCD17      Next Ten List

R.C.      *3318.023, (Repealed)*

Removes the requirement that, at the time SFC conditionally approves projects for which it plans to provide assistance for a fiscal year, it also must identify and give priority to the next ten school districts for funding in future fiscal years.

**Fiscal effect: None.**

R.C.      *3318.023, (Repealed)*

Same as the Executive.

**Fiscal effect: Same as the Executive.**

## FCCCD18      Design Standards

R.C.      *3318.031*

Requires SFC to consider the extent to which its design standards support the "trends in educational delivery methods, including digital access and blended learning," instead of considering the extent to which the standards support and facilitate smaller classes and the trend towards smaller schools as under current law.

**Fiscal effect: None. Under continuing law, SFC is required to consider a variety of subjects when reviewing design standards for its classroom facility construction projects.**

R.C.      *3318.031*

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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**FCCCD20          Disposal of School District Property Stipulations**
**R.C.          3318.08**

Requires that the agreement entered into by SFC with a school district for the construction of a state assisted classroom facilities project must contain stipulations ensuring that SFC will not release project funds or approve demolition of a facility unless and until the district complies, and remains in compliance, with the provision of continuing law requiring districts to offer unused property for sale or lease to community schools and college-preparatory schools.

**Fiscal effect: None. Continuing law requires the agreement to stipulate compliance with the provision requiring districts to offer right of first refusal to community schools and college-preparatory boarding schools in voluntary sales of district property.**

**R.C.          3318.08**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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**FCCCD12          SFC Contract Authority Delegation****R.C.          3318.31**

Permits SFC to authorize OFCC to make and enter into contracts and to execute all corresponding instruments on behalf of SFC.

**Fiscal effect: None.**

**R.C.          3318.31**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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## FCCCD16 SFC Executive Director

## R.C. 3318.31

Removes the current provision for the appointment of a SFC executive director and provides, instead, that the executive director of the OFCC also serve as the executive director of SFC.

**Fiscal effect: None. Currently, the OFCC Executive Director also serves as the SFC director.**

## R.C. 3318.31

Same as the Executive.

**Fiscal effect: Same as the Executive.**

## FCCCD24 Local Share for Certain ELPP School Districts

No provision.

## R.C. 3318.36

Specifies that, in the case of a school district that participates in the Expedited Local Partnership Program (ELPP) whose tangible personal property valuation (not including public utility personal property) made up 18% or more of its total taxable value for tax year 2005, the district's priority for state funding for a districtwide project under the main Classroom Facilities Assistance Program (CFAP) be based on the smaller of its wealth percentile when it entered into the ELPP agreement or its current percentile.

No provision.

Specifies the district's share of its CFAP project cost will be the lesser of (1) the percentage locked in when the district signed the ELPP agreement or (2) the percentage computed using its current wealth percentile rank.

**Fiscal effect: Eligible school districts may be offered facilities funding sooner under the provision. In addition, the local share of an eligible school district may be lower and the state share higher.**

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**FCCCD3          Lease Rental Payments****Section: 282.20**

Requires GRF appropriation item 230401, Lease Rental Payments - Cultural Facilities, to be used to meet all of OFCC's required payments during the FY 2014-FY 2015 biennium under primary leases and agreements for arts and sports facilities.

**Section: 282.20**

Same as the Executive.

**FCCCD4          Common Schools General Obligation Debt Service****Section: 282.20**

Requires that GRF appropriation item 230908, Common Schools General Obligation Debt Service, be used to pay all required debt service and related financing costs during the FY 2014-FY 2015 biennium.

**Section: 282.20**

Same as the Executive.

**FCCCD5          Community Project Administration****Section: 282.30**

Requires SSR Fund 4T80 appropriation item 230603, Community Project Administration, to be used by OFCC to administer Cultural and Sports Facilities Building Fund (Fund 7030) projects.

**Section: 282.30**

Same as the Executive.

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## FCCCD6

## Operating Expenses

## Section: 282.40

Specifies that SSR Fund 5E30 appropriation item 230644, Operating Expenses, be used by the Ohio School Facilities Commission (SFC) to carry out its duties. (SFC is an independent commission under the OFCC).

Requires the Executive Director of SFC to certify, on a quarterly basis in each fiscal year, to the Director of Budget and Management the amount of cash to be transferred from the School Buildings Assistance Fund (Fund 7032), the Public School Building Fund (Fund 7021), and the Educational Facilities Trust Fund (Fund N087) to the Ohio School Facilities Commission Fund (Fund 5E30). Specifies that the amount transferred from Fund 7032 may not exceed investment earnings credited to the fund, less any amount required to be paid for federal arbitrage rebate purposes.

Permits, with Controlling Board approval, the transfer of noninterest cash from Fund 7021 and Fund N087 to Fund 5E30 if the Executive Director of SFC determines the transfer of interest to be insufficient to support operations.

## Section: 282.40

Same as the Executive.

Same as the Executive.

Same as the Executive.

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**FC CCD7      School Facilities Encumbrances and Reappropriation****Section: 282.40**

Authorizes the Director of Budget and Management, at the request of SFC's Executive Director, to cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within 13 months of Controlling Board approval. Requires the Executive Director to certify the amounts of the canceled encumbrances on a quarterly basis. Appropriates the amounts of the canceled encumbrances to the Classroom Facilities Assistance Program.

**Section: 282.40**

Same as the Executive.

**FC CCD8      Capital Donations Fund Certifications and Appropriations****Section: 282.50**

Requires the Executive Director of OFCC to certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank, or certification of the availability of funds that have been received from a county or a municipal corporation for deposit into the Capital Donations Fund (Fund 5A10) and that are related to an anticipated project and appropriates these amounts to appropriation item C37146, Capital Donations. Requires the Executive Director to make a written agreement with the participating entity on the necessary cash flows required for the anticipated construction or equipment acquisition project.

**Section: 282.50**

Same as the Executive.

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FCCCD9

## Amendment to Project Agreement for Maintenance Levy

## Section: 282.60

Requires SFC to amend the project agreement between SFC and a school district that is participating in the Accelerated Urban Initiative (AUI) if SFC determines it is necessary to do so in order to comply with the change in maintenance levy requirements enacted by H.B. 1 of the 128th G.A.

**Fiscal effect: H.B. 1 of the 128th General Assembly changed the maintenance levy requirements for the six AUI districts (Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo) to run for 23 years from the date the initial segment is undertaken, instead of extending for 23 years after the district's last segment was undertaken (the six AUI projects are broken into individual segments). For the districts that have not changed their agreements yet, the H.B. 1 change would reduce the number of years for which the districts would have to levy the required 1/2 mill property tax for maintenance. Presumably, the AUI districts would use other funds to meet their building maintenance needs.**

## Section: 282.60

Same as the Executive.

**Fiscal effect: Same as the Executive.**

## Executive

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FCCCD10

Disbursement Determination

Section: 282.70

Authorizes SFC to determine the amount of funding available for disbursement in a given fiscal year for any Classroom Facilities Assistance Program project in order to keep aggregate state capital spending within approved limits. Authorizes SFC to take actions including, but not limited to, determining the schedule for design or bidding of approved projects, to ensure appropriate and supportable cash flow.

**Fiscal effect: The provision may give SFC more flexibility in spending state funds on projects.**

Section: 282.70

Same as the Executive.

**Fiscal effect: Same as the Executive.**

FCCCD11

Joint Vocational School District Facilities Funding

Section: 282.80

Authorizes SFC to provide assistance to at least one JVSD each fiscal year for the acquisition of classroom facilities.

**Fiscal effect: SFC has the authority to spend up to 2% of its annual capital appropriations on JVSD projects. SFC is currently at that 2% limit and will be for the next couple of years. This provision permits SFC to provide assistance to at least one JVSD per year despite being at the 2% limit.**

Section: 282.80

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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FCCCD22

## Elimination of the Ohio Cultural Facilities Commission

Sections: 282.90, R.C. 123.201, 123.21, 123.27, 154.01, 154.23, 307.674, 3383.01 (Renumbered 123.28), 3383.07 (Renumbered, 123.281), Repealed: R.C. 3383.02 - 3383.09

Abolishes, effective July 1, 2013, the Ohio Cultural Facilities Commission (AFC) and transfers its construction administration functions to OFCC.

Requires OFCC and DAS, by July 1, 2013, or as soon as possible thereafter, to enter into an interagency agreement to transfer to DAS the management of projects currently managed by AFC and any necessary equipment, assets, and records.

Authorizes OFCC to enter into and administer cooperative agreements with governmental agencies and cultural organizations for cultural projects.

Defines the Ohio Historical Society (OHS) as a governmental agency for purposes of determining the requirements for an agreement with OFCC to provide construction services for a governmental agency.

Revises the requirements for an agreement between OFCC and a government agency or cultural organization to provide construction services for a cultural project, including a requirement for cultural organizations providing services for a state historical facility to specify in its cooperative agreement that the cultural organization has local contributions amounting to no less than 50% of the total state funding for the cultural project.

Sections: 282.90, R.C. 123.201, 123.21, 123.27, 154.01, 154.23, 307.674, 3383.01 (Renumbered 123.28), 3383.07 (Renumbered, 123.281), Repealed: R.C. 3383.02 - 3383.09

Same as the Executive.

Replaces the Executive provision with a provision that authorizes OFCC to enter into an interagency agreement with DAS for DAS to perform any functions transferred to OFCC as a result of the elimination of AFC.

Same as the Executive.

Replaces the Executive provision with a provision that, instead, defines OHS as a cultural organization for purposes of determining the requirements for an agreement with OFCC to provide construction services for a cultural project.

Same as the Executive, but removes the requirement that a cooperative agreement regarding a state historical facility specify that the cultural organization has local contributions amounting to no less than 50% of the total state funding for the cultural project.

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Revises the conditions under which state funds may be spent on a sports facility.

Same as the Executive.

Re-establishes the Cultural and Sports Facilities Building Fund (Fund 7030), the Ohio Cultural Facilities Administration Fund (Fund 4T80), and the Capital Donations Fund (Fund 5A10) for use by OFCC in administering Ohio's cultural facilities projects. (Under current law, these funds are used by AFC.)

Same as the Executive.

**Fiscal effect: OFCC will absorb the administrative burden for overseeing the construction administration of Ohio's cultural and sports facilities. The bill appropriates \$200,000 in each fiscal year for Fund 4T80 230603, Community Project Administration, to support OFCC with the additional duties.**

**Fiscal effect: Same as the Executive, but since the bill defines OHS as a cultural organization instead of as a governmental agency in the Executive version, OHS is likely to be the only cultural organization affected by removal of the requirement for an organization to specify it has local contributions amounting to no less than 50% of the total state funding for the cultural project because OHS is the only organization providing construction services for state historical sites.**

## FCCCD19

## School Security Grant Program

Sections: *610.10, 610.11*

Amends Section 201.80 of H.B. 482 of the 129th G.A. to decrease Fund 7032 capital appropriation item C23002, School Building Program Assistance, by \$12 million and to appropriate \$12 million in the FY 2013 - FY 2014 capital biennium for Fund 7032 capital appropriation item C23020, School Security Grant Program.

Specifies that C23020 be used by SFC to provide funds to all public schools for the purchase and installation of one MARCS unit per building and a security door system at one entrance per building.

Sections: *610.10, 610.11*

Same as the Executive.

Same as the Executive, but broadens the use of the grants to be for school security expenditures.

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Authorizes a school to apply to SFC for reimbursement of up to \$2,000 for one MARCS unit per school building and up to \$5,000 for costs incurred with purchase of a security door system that was installed on or after January 1, 2013.

Same as the Executive.

FCCCD21

**Agency Administration of Capital Facilities Projects**

**Sections: 610.10, 610.11**

Amends Section 509.40 of H.B. 482 of the 129th G.A. to give the Executive Director of OFCC, instead of the Director of DAS, the authority to allow various agencies to administer certain capital facilities projects.

**Sections: 610.10, 610.11**

Same as the Executive.

Adds the Bureau of Workers' Compensation as an agency that may administer any capital facilities project if the estimated cost, including design fees, construction, equipment, and contingency amounts, is less than \$1.5 million.

Same as the Executive.

Requires all eligible agencies to make requests through the OAKS-CI application when requesting authority to administer those projects, and removes the current law requirement that requests be made 60 days after the effective date of the section of law in which the General Assembly initially makes an appropriation for the project. Requires all eligible agencies, if authorized to administer these projects, to track all project information in OAKS-CI pursuant to OFCC guidelines, in addition to complying with the applicable procedures and guidelines established in Ohio's Public Improvements Law.

Same as the Executive.

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**Fiscal effect: In addition to the various agencies authorized in this provision to administer their own projects, OFCC is authorized to allow DNR to administer certain projects not more than \$1.5 million (FCCCD2).**

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**Fiscal effect: Same as the Executive.**

## Executive

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## DASCD14 Theater Equipment Maintenance Fund

## R.C. 123.19, Section 282.90

(1) Establishes the Theater Equipment Maintenance Fund for use by DAS and specifies that all appropriate theater related revenue be credited to the fund. Provides that appropriate theater related expenses be paid from the fund. Provides that all investment earnings of the fund be credited to the fund.

(2) Requires the Director of Budget and Management to transfer from the Ohio Cultural Facilities Commission Administration Fund (Fund 4T80) to Fund 5MV0 any remaining cash balances from ticket receipts from the Riffe Theatres.

**Fiscal effect: The new Theater Equipment Maintenance Fund (Fund 5MV0) will collect theater rents and other proceeds from events held in the theaters located within the Riffe Center, since the bill proposes to transfer oversight of this space from the Cultural Facilities Commission (eliminated under the bill) to DAS. See FCCCD22 "Elimination of the Ohio Cultural Facilities Commission" under the Ohio Facilities Construction Commission.**

## R.C. 123.19, Section 282.90

(1) Same as the Executive.

(2) Same as the Executive, except clarifies that the transfer be of all money in Fund 4T80, not just ticket receipts.

**Fiscal effect: Same as the Executive.**

## Executive

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## AIRCD1

## Energy Strategy Development

## Section: 213.20

Requires the Ohio Air Quality Development Authority to establish the Energy Strategy Development Program for the purpose of developing energy initiatives, projects, and policy that align with the energy policy for the state.

Creates in uncodified law the Energy Strategy Development Fund (Fund 5EG0) consisting of money credited to it and money obtained for advanced energy projects from federal or private grants, loans, or other sources. Specifies that interest earned on money in Fund 5EG0 be credited to the GRF.

Permits the Director of Budget and Management to make the following cash transfers up to the amounts specified to Fund 5EG0 on July 1 or as soon as possible thereafter each fiscal year:

- (1) Up to \$27,405 in FY 2014 and up to \$27,439 in FY 2015 from the Office Services Fund (Fund 1170) used by the Department of Administrative Services;
- (2) Up to \$27,405 in FY 2014 and up to \$27,439 in FY 2015 from the Central Support Indirect Cost Fund (Fund 5GH0) used by the Department of Agriculture;
- (3) Up to \$27,405 in FY 2014 and up to \$27,439 in FY 2015 from the Support Services Fund (Fund 1350) used by the Development Services Agency;
- (4) Up to \$27,405 in FY 2014 and up to \$27,439 in FY 2015 from the Central Support Indirect Cost Fund (Fund 2190) used by the Environmental Protection Agency;

## Section: 213.20

Same as the Executive.

Same as the Executive.

(1) Replaces the Executive provision with a provision that allows for the same cash transfer amounts but from the State Agency Construction Project Service Fund (Fund 1310) used by the Ohio Facilities Construction Commission.

(2) Same as the Executive.

Same as the Executive.

(4) Same as the Executive.

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(5) Up to \$27,405 in FY 2014 and up to \$27,439 in FY 2015 from the Central Support Indirect Chargeback Fund (Fund 1570) used by the Department of Natural Resources; and

(6) Up to \$39,150 in FY 2014 and up to \$39,199 in FY 2015 from the Highway Operating Fund (Fund 7002) used by the Department of Transportation.

**Fiscal effect: Revenue increase of up to \$176,175 in FY 2014 and up to \$176,394 in FY 2015 to GSF Fund 5EG0.**

(5) Same as the Executive.

(6) Same as the Executive.

**Fiscal effect: Same as the Executive.**