

Executive

As Reported by House Finance

FCCCD2 Surety bond authority

R.C. *9.333, 153.70*

Transfers from the Director of Administrative Services to the OFCC Executive Director the authority to adopt rules regarding surety bonds provided by a construction manager at risk or a design-build firm to a public authority before beginning construction under a construction contract.

Fiscal effect: None.R.C. *9.333, 153.70*

Same as the Executive.

Fiscal effect: Same as the Executive.

FCCCD1 Public exigency authority

R.C. *123.10*

Expands the authority of the OFCC Executive Director to declare a public exigency to when an injury or obstruction occurs in any public work of the state rather only public works of the state maintained by the Director of Administrative Services.

Allows the OFCC Executive Director to declare a public exigency upon the request of a state institution of higher education or any other state instrumentality in addition to the request of a state agency as under current law.

Fiscal effect: None.R.C. *123.10*

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance

FCCCD4 Administrative changes to cultural facilities grants

R.C. 123.28, 123.281

Renames a "cooperative contract" under the public works law as a "cooperative use agreement."

Requires, when an Ohio sports facility is financed in part by state bonds, that construction services be provided on the state's behalf by or at the direction of the governmental agency or nonprofit corporation that will own or manage the facility.

Requires that the construction services be specified in a cooperative use agreement between the OFCC and the governmental agency or nonprofit corporation.

Exempts the cooperative use agreement and actions taken thereunder generally from the public works and public improvements laws.

Specifies, nevertheless, that the cooperative use agreement and actions taken thereunder are subject to the portions of those laws pertaining to cultural facilities and the use of domestic steel, and to the prevailing wage law.

Requires that a cooperative use agreement have a provision requiring a cultural project to be completed and ready to support culture (rather than completed and ready for full occupancy as under current law) without exceeding appropriated funds.

Expands the definition of "governmental agency" in the public works law to include state agencies and state institutions of higher education.

R.C. 123.28, 123.281

Same as the Executive.

Executive

As Reported by House Finance

Fiscal effect: None. These changes are administrative in nature.

Fiscal effect: Same as the Executive.

FCCCD8 **3% cap on administrative expenses for historical facilities projects**

R.C. 123.281

Prohibits a cultural organization financing a historical facility project with state money from using more than 3% of the money to pay the organization's costs of administering the project.

R.C. 123.281

Same as the Executive.

Fiscal effect: None. OBM currently requires contractors to agree to a 3% administrative cap on such projects in memorandums of understanding. This provision is necessary to comply with federal tax law limitations on working capital expenditures and to maintain tax exemption on cultural facilities bonds.

Fiscal effect: Same as the Executive.

FCCCD3 **Electronic bids and surety bonds**

R.C. 153.08

Permits a bid guaranty that is required to be made available to a public authority after a public bid opening to be provided by means of an electronic verification and security system established under rules adopted by OFCC.

R.C. 153.08

Same as the Executive.

Limits the ability to broadcast a public bid opening by electronic means to only bids that are filed electronically.

Same as the Executive.

Eliminates the requirement that bids submitted for improvements to the property or public works of the state be tabulated upon duplicate sheets.

Same as the Executive.

Fiscal effect: Decrease in administrative costs for OFCC.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance

FCCCD11 Conservation contract authority

R.C. 156.01, 156.02, 156.04

Clarifies that the OFCC Executive Director has authority to enter into energy or water conservation contracts on the Executive Director's own initiative or at the request of a state agency.

Fiscal effect: None.

R.C. 156.01, 156.02, 156.04

Same as the Executive.

Fiscal effect: Same as the Executive.

FCCCD7 Unspent and unencumbered CFAP funds

R.C. 3318.024

Permits funds appropriated to OFCC for classroom facilities projects that were not spent or encumbered during the first year of each biennium, and which are greater than the amount equal to half of such appropriations for the entire biennium, to be used for funding for school districts that voluntarily develop joint use or other cooperative agreements that significantly improve the efficiency of the use of facility space within or between districts as well as for other projects under the Emergency Assistance Program, the Expedited Local Partnership Program, the Exceptional Needs Program, the Accelerated Urban Initiative, and the Vocational Facilities Assistance Program. (Currently, those unspent, unencumbered funds may be used only for the main Classroom Facilities Assistance Program.)

Fiscal effect: This provision may give the School Facilities Commission (SFC) more flexibility in spending state funds on projects.

R.C. 3318.024

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance

FC CCD5 **Validity of scope for lapsed districts seeking new funding**
R.C. 3318.054

Provides that the project scope and basic costs established by SFC at the request of a school district seeking new conditional approval of a classroom facilities project, after a lapse of a previous conditional approval, are valid for thirteen months, rather than one year as prescribed under current law.

Fiscal effect: None.**R.C. 3318.054**

Same as the Executive.

Fiscal effect: Same as the Executive.

FC CCD6 **Removal of reporting requirement**
R.C. 3318.19, (Repealed); R.C. 3318.01

Abolishes the requirement that SFC biennially report to the General Assembly regarding the expenditure of funds on classroom facilities projects.

Fiscal effect: Decrease in SFC's administrative costs.

No provision.

FC CCD23 **Project labor agreements in public improvement contracts**

No provision.

R.C. 4116.01, 4116.02, 4116.03, 4116.031, and 4116.04

Prohibits a state agency, in the bid specifications for a public improvement contract, from requiring or prohibiting a contractor or subcontractor to enter into project labor agreements. (Current law, which is unconstitutional and, therefore, not enforced, prohibits an agency from requiring these agreements).

Executive

As Reported by House Finance

No provision.

Prohibits a state agency from discriminating against a bidder, contractor, or subcontractor for refusing or electing to become a party to such an agreement.

No provision.

Prohibits any state funds from being distributed for constructing a public improvement by or for a political subdivision if the subdivision, in its bid specifications, requires or prohibits a contractor or subcontractor to enter into project labor agreements.

No provision.

Allows an interested party to bring an action against a state agency or political subdivision to have a prohibited contract voided.

Fiscal effect: May affect the costs of public improvement contracts.

FCCCD12 Cultural facilities lease rental bond payments

Section: 285.20

Requires GRF appropriation item 230401, Cultural Facilities Lease Rental Bond Payments, to be used to meet all of OFCC's required payments during the FY 2016-FY 2017 biennium under the primary leases and agreements for cultural and sports facilities.

Section: 285.20

Same as the Executive.

FCCCD13 Common schools general obligation bond debt service

Section: 285.20

Requires that GRF appropriation item 230908, Common Schools General Obligation Bond Debt Service, be used to pay all required debt service and related financing costs during the FY 2016-FY 2017 biennium.

Section: 285.20

Same as the Executive.

Executive

As Reported by House Finance

FCCCD14 Community project administration
Section: 285.30

Requires GRF appropriation item 230458, State Construction Management Services, to be used by OFCC to administer Cultural and Sports Facilities Building Fund (Fund 7030) projects.

Section: 285.30

Same as the Executive.

FCCCD15 School facilities encumbrances and reappropriation
Section: 285.30

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: 285.30

Same as the Executive.

Executive

As Reported by House Finance

FCCCD16 Capital donations fund certifications and appropriations**Section: 285.40**

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: 285.40

Same as the Executive.

FCCCD17 Amendment to Project Agreement for Maintenance Levy**Section: 285.50**

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.

Section: 285.50

Same as the Executive.

Executive

As Reported by House Finance

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. Currently, projects for Cleveland, Columbus, and Akron are incomplete. Presumably, these AUI districts would use other funds to meet their building maintenance needs if the original project agreements were amended.

Fiscal effect: Same as the Executive.

FCCCD18

Disbursement determination

Section: 285.60

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: 285.60

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance

FCCCD19 Assistance to joint vocational school district

Section: 285.70

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

Fiscal effect: SFC already has the authority to spend up to 2% of its annual capital appropriations on JVSD projects. Currently, SFC is not approaching the 2% limit, but this provision would permit SFC to provide assistance to at least one JVSD per year if it did reach the 2% limit.

Section: 285.70

Same as the Executive.

Fiscal effect: Same as the Executive.

FCCCD20 Funding projects with lease-purchase agreements or certificates of participation

Section: 285.80

Requires SFC, in consultation with OBM, to prepare a study of the impacts, benefits, and risks associated with a school district funding its share of the basic project cost of a school facilities project with cash-on-hand resulting from a lease-purchase agreement or certificate of participation that is not subject to voter approval. Requires the study to be completed not later than nine months after the effective date.

Prohibits, with limited exceptions, a school district from funding its share of the basic project cost of a school facilities project with cash-on-hand resulting from a lease-purchase agreement or certificate of participation that is not subject to voter approval until the study is complete.

Permits a school district, with SFC approval, to use cash-on-hand resulting from a lease-purchase agreement or

Section: 285.80

Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive

As Reported by House Finance

certificate of participation that is not subject to voter approval in the following circumstances: (1) funding the district's share of an increase in the basic project cost; (2) funding a locally funded initiative; or (3) funding a project under the Expedited Local Partnership Program.

Fiscal effect: These provisions will increase SFC's administrative expenses to complete the study, but provides clarity to school districts on methods of raising the local share.

Fiscal effect: Same as the Executive.

FCCCD21 Community school classroom facilities grants
Section: 501.10

Appropriates \$25 million in the FY 2015-FY 2016 capital biennium to Fund 7021 capital appropriation item C230W4, Community School Classroom Facilities Grants.

Permits SFC to use item C230W4 to provide funding to eligible brick-and-mortar community schools that are sponsored by sponsors that have been rated "exemplary," for the purchase, construction, reconstruction, renovation, remodeling, or addition to classroom facilities.

Requires that, in order to receive a grant, an eligible community school demonstrate that the funds will be used for the following: (1) to increase classroom seating, (2) to serve unmet student needs, and (3) to show innovation in design so as to be replicable.

Requires that grants be jointly approved by the OFCC Executive Director and the Superintendent of Public Instruction.

Section: 501.10

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive

As Reported by House Finance

Requires a facility that is purchased, constructed, or modified by the grant to be used for educational purposes for a minimum of ten years after receiving the grant funds.

Same as the Executive.

Requires SFC, in consultation with the Department of Education, to develop guidelines for the program. Permits SFC to adopt rules.

Same as the Executive.

Applies to the program all Revised Code exemptions awarded to SFC grants and projects, notwithstanding any provisions of law to the contrary.

Same as the Executive.

Fiscal effect: The bill provides \$25 million in capital grant funding for certain community schools. SFC will experience an increase in administrative costs to develop guidelines and award the grants.

Fiscal effect: Same as the Executive.

FCCCD9

Abolish the Education Facilities Trust Fund (Fund N087)

Sections: *512.60, R.C. 183.26 (Repealed)*

Sections: *512.60, R.C. 183.26 (Repealed)*

Requires the OBM Director to transfer the cash balance in the Education Facilities Trust Fund (Fund N087) to the Public School Building Fund (Fund 7021) on July 1, 2015, or as soon as possible thereafter. Abolishes Fund N087 upon completion of the transfer.

Same as the Executive.

Fiscal effect: This change will allow SFC to fully utilize Fund 7021 for capital projects.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance

FCCCD10 Abolish the Ohio School Facilities Fund (Fund 5E30)
Sections: 512.60, R.C. 3318.33 (Repealed)

Requires the OBM Director to transfer the cash balance in the Ohio School Facilities Fund (Fund 5E30) to the Public School Building Fund (Fund 7021) on July 1, 2015, or as soon as possible thereafter. Abolishes Fund 5E30 upon completion of the transfer.

Requires the Director of Budget and Management to cancel any existing encumbrances against Fund 5E30 appropriation item 230644 - Operating Expenses and reestablish them against GRF appropriation item 230321 - Operating Expenses.

Fiscal effect: This change will allow SFC to fully utilize Fund 7021 for capital projects.

Sections: 512.60, R.C. 3318.33 (Repealed)

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

FCCCD22 Abolish the Cultural Facilities Administration Fund (Fund 4T80)
Section: 512.60

Requires the OBM Director to transfer the cash balance in the Cultural Facilities Administration Fund (Fund 4T80) to the Cultural and Sports Facilities Building Fund (Fund 7030) on July 1, 2015, or as soon as possible thereafter. Abolishes Fund 4T80 upon completion of the transfer.

Fiscal effect: This change will allow OFCC to fully utilize Fund 7030 for capital projects.

Section: 512.60

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance

FCCCD24 Armstrong Air and Space Museum

No provision.

Sections: 610.53, 610.54

Amends Section 239.10 of Am. H.B. 497 of the 130th G.A. to remove Fund 7030 capital appropriation item C230F4, The Gordon, Hauss, Folk Company Mill, with an appropriation of \$250,000 and to increase Fund 7030 capital appropriation item C230E8, OHS - Armstrong Air and Space Museum, by \$250,000.

Executive

As Reported by House Finance

AIRCD1 Energy Strategy Development Program

Section: 213.20

Requires OAQDA to establish the Energy Strategy Development Program to develop energy initiatives, projects, and policy that align with the energy policy for the state. Creates 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 2016 and up to \$27,439 in FY 2017 from the State Agency Construction Project Service Fund (Fund 1310) used by the Ohio Facilities Construction Commission;
- (2) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Central Support Indirect Cost Fund (Fund 5GH0) used by the Department of Agriculture;
- (3) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Supportive Services Fund (Fund 1350) used by the Development Services Agency;
- (4) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 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) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

Executive

As Reported by House Finance

(5) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Central Support Chargeback Fund (Fund 1570) used by the Department of Natural Resources; and

(6) Up to \$39,150 in FY 2016 and up to \$39,199 in FY 2017 from the Highway Operating Fund (Fund 7002) used by the Department of Transportation.

Allows the Director of Budget and Management to transfer any remaining cash in Fund 5EG0 at the end of FY 2017 to the GRF. Abolishes Fund 5EG0 upon completion of the transfer.

Fiscal effect: Generates up to \$176,175 in FY 2016 and up to \$176,394 in FY 2017 for oversight of energy initiatives, projects, and strategies that align with the state's energy policy.

(5) Same as the Executive.

(6) Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.