

Executive

As Passed by the House

In Senate Finance

DASCD11 Long-Term Lease-Purchase and Lease-Leaseback Agreements

R.C. 123.01

Modifies existing law governing lease-purchase agreements that the Department of Administrative Services (DAS) may enter into by: (1) expressly allowing DAS to make such agreements with any person or political subdivision of the state; (2) requiring that improvements under a lease-purchase agreement be for any public purpose or private use for the benefit of the state, instead of just any public purpose as required under existing law; and (3) eliminating the public bidding process requirements for leasing buildings, structures, and other improvements to state agencies.

No provision. Included in H.B. 513, As Introduced.

No provision. Included in H.B. 513, As Introduced.

Establishes new law that grants DAS authority to enter into a lease-leaseback agreement under which the state leases real property to provide for the construction of buildings, structures, and other improvements for the use of the state under terms similar to those required for lease-purchase agreements.

No provision. Included in H.B. 513, As Introduced.

No provision. Included in H.B. 513, As Introduced.

Requires any person or political subdivision entering into a lease-purchase or lease-leaseback agreement with DAS to provide plans for improvements that are satisfactory to DAS.

No provision. Included in H.B. 513, As Introduced.

No provision. Included in H.B. 513, As Introduced.

**Fiscal effect: The provision allows for another method for acquiring and building or improving facilities for the use of the state.**

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<p><b>DASCD18</b>      <b>Conveyance and Easement Authority</b></p>		
<p><b>R.C. 123.01, 127.27</b>                      Alters existing authority to lease or grant easements or licenses for unproductive and unused lands or other property under the control of a state agency by removing the requirement for the conveyances to be executed for the state by both the Director of DAS and the Governor, and instead specifies that conveyances need only be executed by the Director of DAS or the Director's designee.                      Expressly provides that the leases, easements, or licenses may be made to any person or entity.                      Removes the existing provision applicable to federal agencies, political subdivisions, and taxing districts, allowing for the agency, political subdivision, or taxing district to have the exclusive use of property without the right of sublease or assignment.                      Provides that the existing authority DAS has to exercise general custodial care of all real property of the state includes the sale and conveyance of real estate not needed by the state.                      Requires the approval of the Controlling Board for all conveyances of land not needed by the state.</p>	<p><b>R.C. 123.01, 127.27</b>                      Same as the Executive.                      Same as the Executive.                      Same as the Executive.                      No provision.                      No provision.</p>	<p><b>R.C. 123.01, 127.27</b>                      Same as the Executive, but specifies that only the Director of DAS, as opposed to the Director or the Director's designee, may execute conveyances.                      Same as the Executive.                      Same as the Executive.                      No provision.                      No provision.</p>

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DASCD19 Ohio Facilities Construction Commission

R.C. 123.20, 123,201, 123.21, 3318.30; *Renumbers existing sections and enacts new sections under Chapter 123.; Amends various other RC sections; Section 701.70.10*

R.C. 123.20, 123,201, 123.21, 3318.30; *Renumbers existing sections and enacts new sections under Chapter 123.; Amends various other RC sections; Section 701.70.10*

R.C. 123.20, 123,201, 123.21, 3318.30; *Renumbers existing sections and enacts new sections under Chapter 123.; Amends various other RC sections; Section 701.70.10*

Creates the Ohio Facilities Construction Commission to replace the Office of the State Architect and Engineer and the Office of Energy Services.

Same as the Executive.

Same as the Executive.

Provides authority for the consolidation of most of the state's building construction and energy operations management by combining the Office of the State Architect and Engineer and the Ohio School Facilities Commission, and possibly the Department of Natural Resources Engineering Division.

Same as the Executive.

Same as the Executive.

Maintains the Ohio School Facilities Commission as an independent agency within the Ohio Facilities Construction Commission.

Same as the Executive.

Same as the Executive.

Provides for the Ohio Facilities Construction Commission to assume the powers and obligations of, and to continue the operations and management of, the State Architect and Engineer's Office as provided in continuing law or in any agreements relating to capital expenditures for construction operations functions to which the State Architect and Engineer's Office is a party. Specifies that the changes do not affect or alter the existing powers of the Director of Transportation in regard to capital projects.

Same as the Executive.

Same as the Executive, but also specifies that the changes do not affect or alter the existing powers of the Director of Public Safety or the Superintendent of the State Highway Patrol in regard to capital projects.

Specifies that the Ohio Facilities Construction Commission must complete any activities related to operations functions that are not completed by the Office of the State Architect and Engineer on the date of transfer with the same effect as if completed by the Office of the State Architect and

Same as the Executive.

Same as the Executive.

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<p>Engineer.</p> <p>Specifies that all employees of the Office of the State Architect and Engineer are to be transferred to the Ohio Facilities Construction Commission as the Commission determines to be necessary.</p>	Same as the Executive.	Same as the Executive.
<p>Specifies that all employees of the School Facilities Commission remain in their current classification unless the Ohio Facilities Construction Commission determines otherwise.</p>	Same as the Executive.	Same as the Executive.
<p>No provision.</p>	No provision.	<p>Exempts employees of the Ohio Facilities Construction Commission from organizing or collectively bargaining. Specifies that any collective bargaining agreement entered into prior to July 1, 2012 between the Office of Collective Bargaining and the exclusive representative for employees of the Commission shall continue to have effect.</p>
<p>Specifies that judicial and administrative actions will proceed with the Ohio Facilities Construction Commission being substituted as a party for the Office of State Architect and Engineer.</p>	Same as the Executive.	Same as the Executive.
<p>Appropriates established encumbrances plus any additional amounts determined to be necessary for the Ohio Facilities Construction Commission to perform the construction, energy, and capital funding operation functions of the Office of State Architect and Engineer. Creates the Ohio Facilities Construction Commission Fund to be used by the Commission to pay its operating expenses.</p>	Same as the Executive.	Same as the Executive.
<p>Authorizes the Director of OBM to make all budget changes necessitated by this reorganization, including administrative organization, program transfers, the creation of new funds as well as the transfer and consolidation of state funds.</p>	Same as the Executive.	Same as the Executive.
<p>Requires the Ohio Facilities Construction Commission and the Department of Natural Resources to cooperate in a study to determine which operation functions, if any, of the</p>	Same as the Executive.	Same as the Executive.

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<p>DNR Division of Engineering should be integrated and consolidated into the Commission.</p>		
<p>Allows the Ohio Facilities Construction Commission to enter into a lease-purchase agreement providing for the construction, renovation, or additional and eventual acquisition of a building of improvements to a building for any state agency.</p>	<p>No provision. Included in H.B. 513 (As Introduced), which grants such authority to the Office of the State Architect and Engineer.</p>	<p>No provision. Included in H.B. 513 (As Introduced), which grants such authority to the Office of the State Architect and Engineer.</p>
<p>Allows the Ohio Facilities Construction Commission to lease for a period not to exceed thirty years real estate owned by the state to any person or political subdivision provided that the lease requires the lessee under a lease-purchase agreement of lease-leaseback agreement to construct buildings, structures and other improvements for any public purpose or private use for the benefit of government.</p>	<p>No provision. Included in H.B. 513 (As Introduced), which grants such authority to the Office of the State Architect and Engineer.</p>	<p>No provision. Included in H.B. 513 (As Introduced), which grants such authority to the Office of the State Architect and Engineer.</p>
<p>Requires DAS to adopt rules to ensure that energy efficiency and conservation is considered in the purchase or products and equipment, except motor vehicles, by any state agency or institution.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>Includes among DAS's statutory responsibilities a requirement that the agency require all state agencies commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all passenger automobiles they acquire in each fiscal year, except those used in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>Requires the Ohio Facilities Construction Commission to adopt rules for conducting internal business pursuant to Section 111.15 of the revised code and to keep a journal of its proceedings.</p>	<p>No provision.</p>	<p>Same as the Executive but requires those rules to be adopted under Chapter 119. rather than section 111.15 of the Revised Code.</p>

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**Fiscal effect: In the short-run, there may be some one-time costs for the reorganization. In the long-run, there could be some administrative savings.**

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

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

DASCD12      Alternative Sale and Leaseback Requirements

R.C.      123.51, 307.093

Authorizes the state and boards of county commissioners to enter into agreements for the sale and leaseback of state-owned buildings and county-owned buildings, respectively. Specifies that under such an agreement, the purchaser is obligated, immediately upon closing, to lease the building back to the state or county. Specifies, further, that the agreement obligate the lessor to make improvements to the building, including renovations, energy conservation measures, and other measures that are necessary to improve the functionality and reduce the operating costs of the building.

No provision. Included in H.B. 513, As Introduced.

No provision. Included in H.B. 513, As Introduced.

**Fiscal effect: Provides the state and counties with another way to finance the cost of public improvements, essentially in the form of a long-term lease.**

DASCD9      DAS Role in County Personnel Administration

R.C.      124.14, 124.04, 124.06, 124.11, 124.12

Modifies the authority of DAS with respect to certain provisions of civil service law, generally regarding the authority over the examination and classification of positions, to clarify that DAS's authority extends only to positions in the classified service of the state. (Under current law, DAS's authority extends to counties and general health districts.)

R.C.      124.14, 124.04, 124.06, 124.11, 124.12

Same as the Executive.

R.C.      124.14, 124.04, 124.06, 124.11, 124.12

Same as the Executive, but further clarifies that fall back rights for certain employees in the unclassified service of the state are applicable only to employees of the state and do not extend to employees of the cities, counties or other political subdivisions.

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<p>Modifies the authority for county agencies to contract with DAS for human resources services, including but not limited to establishment and modification of job classification plans, competitive testing services, and periodic audits and reviews, and other related functions.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>Eliminates the authority of DAS to, by rule, require county personnel departments to adhere to merit system principles with regard to certain county agencies so that there is no loss of federal funding for the agencies. Requires, instead, that counties expressly adhere to such principles and be liable to the state for the loss of federal funding.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>Specifies that any appointing authority rather than the Director of Administrative Services possesses the authority to make a determination that it is impracticable, for certain positions, to determine fitness by competitive examination.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>Specifies that only classified employees in the service of the state have the right to request that the Director of Administrative Services perform a job audit to review the classification of the employee's position.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>Specifies that the protocols allowing classified positions to be filled without competition applies only to classified positions in the civil service of the state instead of to classified positions in the civil service of the state, counties, cities, townships, city health districts, general health districts, and city school districts as under current law.</p>	<p>Same as the Executive.</p>	<p>Replaces the Executive provision with a provision that maintains current law for all entities except civil service townships.</p>
<p><b>Fiscal effect: The provision could result in administrative savings for DAS.</b></p>	<p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>Fiscal effect: Same as the Executive.</b></p>

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**DASCD7 Application of Civil Service Act**

R.C. 124.27, 124.231, 124.241, 124.25, 124.26, 124.30, 124.31

Clarifies that the following provisions of the Civil Service Act are applicable only with respect to positions in the state classified service: (1) Formal application requirements, (2) Preparation of eligible lists from the returns of civil service examinations, (3) Protocols for appointments from an eligible list, and original and promotional appointments, (4) Protocols for filling positions without competitive examination, (5) The requirement for special examinations to be administered to legally blind or legally deaf persons.

Authorizes an additional protocol for appointment from an eligible list that permits an appointing authority to select from a name in the top 10 of the eligible list when the top 25% of the eligible list contains 10 or fewer names. (Current law generally requires such a selection from a name that ranks in the top 25% of the eligible list or from any name on the list if the entire list is 10 or fewer.)

R.C. 124.27, 124.231, 124.241, 124.25, 124.26, 124.30, 124.31

Same as the Executive.

Same as the Executive.

R.C. 124.27, 124.231, 124.241, 124.25, 124.26, 124.30, 124.31

Same as the Executive.

No provision.

**DASCD23 Attorney General Certification for Certain State Construction Contracts**

No provision.

No provision.

R.C. 153.01

Requires that any construction management contract with a construction manager at risk or any design-build contract with a design-build firm, and any accompanying bond, be submitted to the Attorney General for approval.

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**Fiscal effect: None.** In approving additional construction delivery methods, H.B. 153 of the 129th G.A. omitted the requirement that the Attorney General approve contracts under the new delivery methods, as is required for other types of construction contracts.

**DASCD1 Cash Transfer From the Workforce Development Fund to the Human Resources Services Fund**

**Section: 601.40**  
*Amends Section 207.10.80 of H.B. 153*

**Section: 601.40**  
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**Section: 601.40**  
*Amends Section 207.10.80 of H.B. 153*

Requires the Director of OBM, upon the request of the Director of DAS, to transfer up to \$975,000 in cash in FY 2013 from the Workforce Development Fund (Fund 5D70) to the Human Resources Services Fund (Fund 1250) to support one-time human resources administration activities for state agencies.

Same as the Executive.

Same as the Executive.

**DASCD2 Leveraged Enterprise Purchases**

**Section: 601.40**  
*Amends Section 207.20.30 of H.B. 153*

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**Section: 601.40**  
*Amends Section 207.20.30 of H.B. 153*

Specifies that GSF Fund 2290 appropriation item 100640, Leveraged Enterprises Purchases, is to be used by DAS to make information technology purchases for the benefit of government agencies. Requires the Director of DAS to seek approval from the Director of OBM if additional appropriations are needed to make timely purchases, and upon approval of the Director of OBM, appropriates the additional amounts requested.

Same as the Executive.

Same as the Executive, but requires the Director of DAS to seek approval from the Controlling Board rather than from the Director of OBM to increase appropriations in GSF Fund 2290 appropriation item 100640, Leveraged Enterprises Purchases.

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**DASCD3 Cash Transfers to the Major IT Purchases Fund**

**Section: 601.40**  
**Amends Section 207.20.90 of H.B. 153**

**Section: 601.40**  
**Amends Section 207.20.90 of H.B. 153**

**Section: 601.40**  
**Amends Section 207.20.90 of H.B. 153**

Authorizes the Director of OBM, upon request of the Director of DAS, to transfer up to \$4,000,000 in cash from the OAKS Support Organization Fund (5EB0) to the Major IT Purchases Fund (4N60). States that this amount represents the cash transferred from Fund 4N60 to Fund 5EB0 in FY 2010 under Section 207.30.80 of H.B.1, the FY 2010-FY2011 biennial main operating budget.

Same as the Executive.

Same as the Executive.

Eliminates the two cash transfers to Fund 4N60 that were authorized under Section 207.20.90 of H.B. 153: (1) \$2.8 million in each fiscal year of the FY 2012-FY 2013 biennium from the State Architect's Fund (Fund 1310), and (2) \$310,276 in FY 2012 and \$305,921 in FY 2013 from the Director's Office Fund (Fund 1120).

Same as the Executive.

Reappropriates the unencumbered and unexpended portion of GSF Fund 4N60 appropriation item 100617, Major IT Purchases, at the end of FY 2012 to the same appropriation item in FY 2013.

Same as the Executive.

Same as the Executive.

**DASCD4 DAS - Building Operating Payments**

**Section: 601.40**  
**Amends Section 207.10.80 of H.B. 153**

**Section: 601.40**  
**Amends Section 207.10.80 of H.B. 153**

**Section: 601.40**  
**Amends Section 207.10.80 of H.B. 153**

Allows GRF appropriation item 100449, DAS-Building Operating Payments, in addition to existing purposes, to be used to pay other costs associated with the Voinovich Center in Youngstown, Ohio

Same as the Executive.

Same as the Executive.

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DASCD5 State IT Services, Equal Opportunity, and Construction Management Services Funding

**Section: 601.40**  
*Amends Section 207.10.80 of H.B. 153*

**Section: 601.40**  
*Amends Section 207.10.80 of H.B. 153*

**Section: 601.40**  
*Amends Section 207.10.80 of H.B. 153*

(1) Specifies that GRF appropriation item 100456, State IT Services, be used to pay certain costs formerly paid from GRF appropriation items 100418, Web Sites and Business Gateway, and 100419, IT Security Infrastructure. Requires the Director of Budget and Management to cancel existing encumbrances against the latter three items and reestablish them against item 100456. Appropriates those reestablished encumbrances.

(1) Same as the Executive.

(1) Same as the Executive.

(2) Specifies that GRF appropriation item 100457, Equal Opportunity Services, be used to pay certain costs formerly paid from GRF appropriation items 100439, Equal Opportunity Certification Programs, 100451, Minority Affairs, and 102321, Construction Compliance. Requires the Director of Budget and Management to cancel existing encumbrances against the latter three items and reestablish them against item 100457. Appropriates those reestablished encumbrances.

(2) Same as the Executive.

(2) Same as the Executive.

(3) Specifies that GRF appropriation item 100458, State Construction Management Services, be used to pay costs of statewide shared construction-related services and capital improvement project management services provided through the state's enterprise resource planning system.

(3) Same as the Executive.

(3) Same as the Executive.

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DASCD14 Online Clearinghouse to Identify Available Joint Purchasing Opportunities

Section: 701.30

Requires DAS, by itself or by contract with another entity, to establish, operate, and maintain a state web site to serve as an online clearinghouse of information about existing joint purchasing programs between or among political subdivisions.

No provision. Included in the web site the bill requires the Auditor of State to develop and maintain (see AUDCD2).

Section: 701.33

Same as the Executive.

Requires DAS to: (1) use a domain name that will be easily recognized, remembered, and understood by users, (2) maintain the web site so it is fully accessible to and searchable by members of the public, (3) not charge a fee to a person who uses the web site, (4) compile information provided by political subdivisions on the web site about joint purchasing arrangements they are involved in that DAS verifies, through statewide associations and others, have resulted in verifiable cost savings, (5) enable political subdivisions to register and request inclusion of their submitted information, (6) enable information to be accessed by key word, by program name, by county, by type of product or service, and by other useful identifiers, (7) maintain adequate systemic security and back-up features, and develop and maintain a contingency plan for coping with and recovering from unforeseen disruptions in service, and (8) maintain the web site in such a manner that it will not infringe legally protected interests, so that vulnerability of the web site to interruption because of litigation or the threat of litigation is reduced.

No provision.

Same as the Executive.

Requires DAS to bear the expense of establishing, operating, and maintaining the online clearinghouse web site.

No provision.

Same as the Executive.

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**Fiscal effect: DAS will incur new costs for developing and maintaining this web site.**

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

DASCD13 Enterprise Services Improvements and Efficiencies

**Section: 701.40**

Provides authority for the directors of Budget and Management and Administrative Services to determine ways to improve efficiencies of "enterprise services," including the areas of procurement, human resources, and information technology.

No provision.

No provision.

Allows the consolidation and transfer of services and to make budget and program changes as necessary to implement enterprise improvements and efficiencies.

No provision.

No provision.

Allows the Director of Budget and Management, upon agreement with the Director of Administrative Services, to establish any new funds, appropriations, full or partial encumbrances, and consolidate funds and transfer cash, employees, assets and liabilities, including, but not limited to, records and contracts and agreements, to facilitate the improvements authorized by the section.

No provision.

No provision.

**Fiscal effect: Could result in changes to various centralized business functions of state government, including procurement, human resources, and information technology, overseen by DAS and OBM. Many of these centralized services are supported by fees charged to state agencies.**

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<p>DASCD22      Teleconferencing and Web Conferencing Study</p> <p>No provision.</p> <p>No provision.</p>	<p><b>Section: 701.41</b></p> <p>Requires DAS to study optimizing the use of teleconferencing and web conferencing to reduce travel expenses in state government. Specifies that the agency is to assess current teleconferencing capabilities within state government operations, and research applicable industry standards and best practices in these areas.</p> <p>Requires DAS to report its findings not later than December 31, 2012, to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the Governor.</p> <p><b>Fiscal effect: DAS could incur some minimal costs to conduct the required study.</b></p>	<p><b>Section: 701.41</b></p> <p>Same as the House.</p> <p>Same as the House.</p> <p><b>Fiscal effect: Same as the House.</b></p>
<p>DASCD6      State Fire Marshal Added to the Multi-Agency Radio Communications System Steering Committee</p> <p><b>Section: 701.50</b></p> <p>Adds the State Fire Marshal, or the State Fire Marshal's designee, to the Multi-Agency Radio Communications System Steering Committee.</p> <p><b>Fiscal effect: None.</b></p>	<p><b>Section: 701.50</b></p> <p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>Section: 701.50</b></p> <p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>

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DASCD21

Compressed Natural Gas Study Committee

**Sections: 701.80, 601.40**  
*Amends Section 207.20.10 of H.B. 153*

No provision.

Creates the seven-member Compressed Natural Gas Study Committee, consisting of the following: Two members of the Senate; two members of the House of Representatives; one person appointed by the Governor who is an Ohio resident and has knowledge of or experience in the use of alternative motor vehicle fuels; and the Directors of the Department of Administrative Services and the Department of Transportation or their designees.

No provision.

No provision.

Requires the Committee to examine the use of compressed natural gas in the motor vehicle fleets of the state and political subdivisions, and authorizes the committee to hire consultants or experts to assist in its duties.

No provision.

No provision.

Requires the Committee to issue a report on its findings, including any recommendation for funding the conversion of fleets to compressed natural gas. Requires that copies of the report be delivered to the Governor, the Ohio Senate, and the Ohio House of Representatives. Specifies that the Committee ceases to exist upon issuing its report.

No provision.

No provision.

Earmarks \$250,000 from GSF appropriation item 100637, Fleet Management, in FY 2013 to be used by the Compressed Natural Gas Study Committee to conduct its study.

No provision.

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LOCCD9      Group Insurance Coverage for County Officers and Employees

R.C.      305.171

Eliminates the provision that prohibits boards of county commissioners from contracting for or purchasing group insurance policies, or benefits once the Department of Administrative Services (DAS) implements health care plans that contain best practices for counties.

No provision. Included in H.B. 509, As Introduced.

No provision. Included in H.B. 509, As Introduced.

**Fiscal effect: The impact of this provision will depend on the terms of the health care contracts and how they compare to the best practices established by DAS.**