

Executive	As Passed By House	As Reported By Senate Finance
<p><b>FCCCD10 Notification of net indebtedness</b></p> <p><b>R.C. 133.06</b></p> <p>Requires a school district, instead of OFCC, as in current law, to notify the Superintendent of Public Instruction if the district will exceed the limit on net indebtedness specified in continuing law.</p> <p><b>Fiscal effect: None.</b></p>	<p><b>R.C. 133.06</b></p> <p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>R.C. 133.06</b></p> <p>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>
<p><b>FCCCD11 Water bottle filling stations</b></p> <p>No provision.</p> <p>(1) No provision.</p> <p>(2) No provision.</p> <p>(3) No provision.</p> <p>(4) No provision.</p> <p>No provision.</p>	<p><b>R.C. 3318.038</b></p> <p>Makes the following changes to water bottle filling station and drinking fountain requirements enacted in late 2020 for classroom facility construction projects administered by OFCC:</p> <p>(1) Specifies that a water bottle filling station may be integrated into a drinking fountain as a "combination unit;"</p> <p>(2) Requires each building to have a minimum of one "combination unit," instead of drinking fountain as in current law, or water bottle filling station on each floor or wing of the building and per 100 students projected to attend the building;</p> <p>(3) Requires that a water bottle filling station be accessible to all people in compliance with the federal Americans with Disabilities Act; and</p> <p>(4) Requires a minimum of one water bottle filling station in or near each cafeteria, gymnasium, outdoor recreation space, or other high-traffic area.</p> <p>Requires a school district or other public school to permit students, teachers, and other school staff to carry and use water bottles that meet prescribed conditions, but also</p>	<p>No provision.</p> <p>(1) No provision.</p> <p>(2) No provision.</p> <p>(3) No provision.</p> <p>(4) No provision.</p> <p>No provision.</p>

Executive

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As Reported By Senate Finance

permits a district or school to prohibit water bottles from a library, computer lab, science lab, or other areas where it is dangerous to have drinking water and to issue disciplinary actions for misuse of a water bottle.

**Fiscal effect: May increase construction costs, shared between the state and school district depending on the district’s relative wealth, for new state-assisted public school facilities. Any new costs might be accounted for in the design phase of a project so as not to increase a project’s overall cost.**

**FCCCD1 Cultural Facilities Lease Rental Bond Payments**

**Section: 287.20**

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 2022-FY 2023 biennium under the primary leases and agreements for cultural sports facilities.

**Section: 287.20**

Same as the Executive.

**Section: 287.20**

Same as the Executive.

**FCCCD2 Common Schools General Obligation Bond Debt Service**

**Section: 287.20**

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 2022-FY 2023 biennium.

**Section: 287.20**

Same as the Executive.

**Section: 287.20**

Same as the Executive.

Executive

As Passed By House

As Reported By Senate Finance

**FCCCD3 Community project administration**

**Section: 287.30**

Requires that GRF appropriation item 230458, State Construction Management Services, be used by OFCC to administer Cultural and Sports Facilities Building Fund (Fund 7030) projects and to provide tools and services to state agency, university, and K-12 public school projects, including oversight of the Ohio Administrative Knowledge System Capital Improvements Module (OAKS-CI).

**Section: 287.30**

Same as the Executive.

**Section: 287.30**

Same as the Executive.

**FCCCD4 School facilities encumbrances and reappropriation**

**Section: 287.30**

Authorizes the Director of OBM, at the request of the Executive Director of OFCC, 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: 287.30**

Same as the Executive.

**Section: 287.30**

Same as the Executive.

Executive

As Passed By House

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**FCCCD5 Capital donations fund certifications and appropriations**

**Section: 287.40**

Requires the Executive Director of OFCC to certify to the Director of OBM 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: 287.40**

Same as the Executive.

**Section: 287.40**

Same as the Executive.

**FCCCD6 Amendment to project agreement for maintenance levy**

**Section: 287.50**

Requires OFCC to amend the project agreement between OFCC and a school district that is participating in the Accelerated Urban Initiative (AUI) if FCC 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**

**Section: 287.50**

Same as the Executive.

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

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Same as the Executive.

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

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As Reported By Senate Finance

**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.**

**FCCCD7 Disbursement determination**

**Section: 287.60**

Authorizes OFCC 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 OFCC 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 OFCC more flexibility in spending state funds on projects.**

**Section: 287.60**

Same as the Executive.

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

**Section: 287.60**

Same as the Executive.

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

**FCCCD8 Assistance to joint vocational school district**

**Section: 287.70**

Requires OFCC, in each year in which funds are available for additional projects, to provide assistance to at least one JVSD for the acquisition of classroom facilities.

**Section: 287.70**

Same as the Executive.

**Section: 287.70**

Same as the Executive.

Executive

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**FCCCD9 Returned or recovered funds**

**Section: 287.80**

Requires that any state-source surplus project construction funds or interest earnings returned to the state and any funds recovered from settlements with or judgments against parties relating to their involvement in a classroom facilities project be deposited into the fund for which the project's capital appropriations were made.

Permits, in any fiscal year in which OFCC has made a deposit, the Executive Director of OFCC to request the Director of OBM to authorize expenditures from those funds and specified appropriation items in excess of the amounts appropriated in amounts equal to the returned or recovered funds. If approved, appropriates the returned and recovered funds and requires the funds to be used for the Classroom Facilities Assistance Program or the Vocational Facilities Assistance Program.

**Section: 287.80**

Same as the Executive.

Same as the Executive.

**Section: 287.80**

Same as the Executive.

Same as the Executive, but permits the Executive Director of OFCC to seek the approval of the Controlling Board (instead of requesting the Director of OBM) to authorize additional expenditures.

**FCCCD12 Capital project earmark adjustments**

No provision.

(1) No provision.

(2) No provision.

No provision.

(1) No provision.

(2) No provision.

**Section: 610.14, 610.15**

Amends Section 237.13 of S.B. 310 of the 133rd General Assembly to do all of the following with respect to Cultural and Sports Facilities Building Fund (Fund 7030) capital appropriation item C230FM, Cultural and Sports Facilities Projects, for the FY 2021-FY 2022 capital biennium:

(1) Eliminates a \$400,000 earmark for the Cincinnati Opera House;

(2) Increases an existing earmark, by \$75,000, from \$50,000 to \$125,000, for the Williams County Fountain City Amphitheater Project; and

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(3) No provision.	(3) No provision.	(3) Earmarks \$50,000 for the Wright Patterson Air Force Base Holocaust Museum.
<b>Community Schools</b>		
<b>FCCCD13 Community School Credit Enhancement Program</b>		
No provision.	No provision.	<p><b>R.C. 3318.51</b></p> <p>Requires OFCC, by July 1, 2022, to conduct a study regarding the feasibility of establishing and operating the Community School Credit Enhancement Program and submit a report to the General Assembly, including the Senate President, Senate Minority Leader, House Speaker, and House Minority leader, regarding OFCC's findings and recommendations, including a recommendation regarding the financial obligations, costs, or guarantees the state would make under the program.</p>
No provision.	No provision.	Prescribes the Program as set out below, but prohibits OFCC from establishing or operating it until the General Assembly enacts subsequent legislation authorizing OFCC to do so.
No provision.	No provision.	Permits OFCC to guarantee up to 100% of the principal and interest on the financing made to a community school for the sole purpose of assisting in acquiring, improving, or replacing classroom facilities by lease, purchase, remodeling, new construction, or any other means.
No provision.	No provision.	Requires a community school to submit an application providing evidence that it 1) is in good standing with its sponsor, 2) is creditworthy, with additional weight given if the school is designated a Community School of Quality, and 3) the facilities that have been or will be acquired, improved, or replaced meet applicable health and safety standards.
No provision.	No provision.	Requires OFCC to evaluate applications, make a decision regarding the applications, and report the decision to the

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No provision.	No provision.	community school within 10 business days of making the decision.
No provision.	No provision.	Sets the limit of financing available under the Program at \$200 million, unless the amount approved in a single school year exceeds 90% of that amount (\$180 million), in which case the limit is increased to \$300 million for subsequent years.
No provision.	No provision.	Prohibits OFCC from approving an application if doing so would cause the total financing approved by the Program to exceed the limit for that school year.
No provision.	No provision.	Requires participating community schools to pay the Treasurer of State a fee of up to 0.25% of the outstanding principal of the school's guaranteed funding in any year that financing is outstanding.
No provision.	No provision.	Requires the Treasurer of State to deposit fees into the Community School Classroom Facility Guaranteed Financing Fund, which consists of moneys deposited by community schools, other funds appropriated by the General Assembly, federal grants, and private donations.
No provision.	No provision.	Permits OFCC to prescribe terms and conditions in approving guaranteed financing in a written agreement with a community school.
No provision.	No provision.	Specifies that bonds guaranteed under the Program are not an indebtedness of the state, but rather are obligations payable solely from revenues or other funds pledged by the community school or amounts appropriated by the General Assembly for the purposes of the Program.
No provision.	No provision.	Requires one or more debt service reserve funds to be established for a community school regarding bonds issued for the Program.



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No provision.	No provision.	Prohibits money in a debt service reserve fund from being withdrawn if the level of money in the fund remaining would be less than the fund requirement, unless the withdrawn money is used to pay 1) the principal of, redemption price of, or interest on a bond when it is due, if OFCC determines the school has no other money available to make the payment or 2) any redemption premium required to be paid when bonds are redeemed prior to maturity.
No provision.	No provision.	Permits the withdrawal of money from a school's debt service reserve fund if the level of money in the fund is in excess of the reserve fund requirement.
No provision.	No provision.	Requires OFCC, by December 1 of each year, to certify to the Governor the amount, if any, required to restore community school reserve funds to their respective debt service fund requirements, and requires the Governor to request an appropriation of the certified amount.
No provision.	No provision.	Requires schools that receive appropriated funds under the annual procedure to repay the state in a time and manner determined by OFCC.
No provision.	No provision.	Prohibits the state from altering or limiting the rights of bondholders until the bonds, including interest and other obligations, are fully met and discharged. Does not preclude alterations or limitations if the law provides for the protection of bondholders.
No provision.	No provision.	Permits OFCC to require a school to vest in it the right to enforce any covenant made to secure bonds issued under the Program by making appropriate provisions in the indenture related to the school's bonds.
No provision.	No provision.	Permits OFCC to require schools to make covenants and agreements in indentures or in a reimbursement agreement

Executive

As Passed By House

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No provision.

No provision.

to protect the interests of the state and to secure repayments to the state any moneys received by the school from an appropriation to restore amounts deposited into a school's debt service reserve fund.

Requires OFCC to adopt rules that prescribe financing standards and procedures that are designed to protect the state's interest in any guaranteed financing.

**Fiscal effect: Administrative costs of OFCC will increase to conduct the required study. Costs of the Program will depend on it being established under future legislation.**