

## Executive

## As Passed by the House

## As Passed by the Senate

## As Enacted

## FCCCD9 Abolishment of the School Facilities Commission; transfer of duties to the Ohio Facilities Construction Commission

R.C. 123.20, Repealed: 3318.19, 3318.30, 3318.31; Section 515.10; conforming changes in 107.031, 123.20, 133.022, 133.06, 133.061, 151.03, 183.51, 3311.751, 3313.372, and various sections in Chapter 3318.

Abolishes the Ohio School Facilities Commission (SFC) and transfers its responsibilities to the Ohio Facilities Construction Commission (FCC).

**Fiscal effect: No effect on service delivery. Currently, FCC and SFC work as one organization. However, it may reduce administrative costs by, for example, eliminating the required quarterly meetings for SFC.**

R.C. 123.20, Repealed: 3318.19, 3318.30, 3318.31; Section 515.10; conforming changes in 107.031, 123.20, 133.022, 133.06, 133.061, 151.03, 183.51, 3311.751, 3313.372, and various sections in Chapter 3318.

Same as the Executive.

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

R.C. 123.20, Repealed: 3318.19, 3318.30, 3318.31; Section 515.10; conforming changes in 107.031, 123.20, 133.022, 133.06, 133.061, 151.03, 183.51, 3311.751, 3313.372, and various sections in Chapter 3318.

Same as the Executive.

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

R.C. 123.20, Repealed: 3318.19, 3318.30, 3318.31; Section 515.10; conforming changes in 107.031, 123.20, 133.022, 133.06, 133.061, 151.03, 183.51, 3311.751, 3313.372, and various sections in Chapter 3318.

Same as the Executive.

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

## Executive

## As Passed by the House

## As Passed by the Senate

## As Enacted

## FCCCD13 OFCC Membership

**R.C. 123.20, Section 803.10**

Requires the Governor's appointment to the FCC to be an administrative department head who is not the Director of OBM or the Director of DAS (both of whom are members of the FCC under current law unchanged by the bill) and permits that member to designate an employee of the member's agency to serve on the member's behalf.

Removes provisions specifying the length of the term of the member of the FCC appointed by the Governor and the manner for filling a vacancy for that member's position.

Specifies that the member of the FCC appointed by the Governor prior to the bill's effective date will serve the remainder of the member's term. Requires the Governor, when that member's term expires or if the member is unable to fulfill the term, to appoint a member to the OFCC as provided by the bill

No provision.

**R.C. 123.20, Section 803.10**

Same as the Executive.

Same as the Executive.

Same as the Executive.

Adds as nonvoting members to OFCC two senators appointed by the Senate President and two representatives appointed by the Speaker of the House and specifies that the senators must not be from the same political party and that the representatives must not

**R.C. 123.20, Section 803.10**

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the House.

**R.C. 123.20, Section 803.10**

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the House.

## Executive

## As Passed by the House

## As Passed by the Senate

## As Enacted

Fiscal effect: None.

be from the same political party.

Fiscal effect: Same as the Executive (members of FCC serve without compensation).

Fiscal effect: Same as the House.

Fiscal effect: Same as the House.

## FCCCD14 Reporting requirements regarding Capital Facilities Projects

## R.C. 123.27 (repealed)

Repeals a provision requiring the submission of a report by a public entity to the FCC regarding a capital facilities project funded wholly or in part using state funds (the report must provide the total original contract bid, total cost of change orders, total actual cost of the project, total costs incurred for mediation and litigation services, and any other data requested by FCC).

Repeals a provision requiring the annual submission of a report by the Attorney General to FCC on any mediation and litigation costs associated with capital facilities projects for which a judgement has been rendered.

Fiscal effect: Minimal.

## R.C. 123.27 (repealed)

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

## R.C. 123.27 (repealed)

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

## R.C. 123.27 (repealed)

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

| Executive   | As Passed by the House | As Passed by the Senate   | As Enacted  |
|---|------------------------|---|---|
| <b>FCCCD20 School district indebtedness for purchase of alternative fuel vehicles</b> |                        |   |   |
| No provision.   | No provision.          | <p><b>R.C. 133.06, 3313.372, 3313.46</b></p> <p>Permits a school district to contract with a person experienced in the implementation of student transportation to produce a report that includes an analysis of and recommendations for the use of alternative fuel vehicles by school districts.</p>  | <p><b>R.C. 133.06, 3313.372, 3313.46</b></p> <p>Same as the Senate.</p> |
| No provision.   | No provision.          | <p>Requires the report to include cost estimates detailing the return on investment over the life of the alternative fuel vehicles and environmental impact of alternative fuel vehicles and estimates of all costs associated with alternative fuel transportation, including facility modifications and vehicle purchase costs or conversion costs.</p> | Same as the Senate.   |
| No provision.   | No provision.          | <p>Permits a district to submit to OFCC a copy of its findings and a request for approval to incur unvoted indebtedness to finance the purchase of the new alternative fuel vehicles or vehicle conversions, in an amount of up to 9/10 of 1% of the district's tax valuation.</p>  | Same as the Senate.   |
| No provision.   | No provision.          | <p>Permits OFCC, in consultation with the Auditor of State, to deny a district that submits a request if that district is in a state of fiscal watch and the expenditure of funds is not in the best interest of the district.</p>  | Same as the Senate.   |

| Executive  | As Passed by the House                       | As Passed by the Senate  | As Enacted                                   |
|--|--|--|--|
| No provision.  | No provision.                                | Requires the district to monitor the purchase of new alternative fuel vehicles or vehicle conversions, and maintain and annually update a report to be submitted to OFCC that documents the purchase of new alternative fuel vehicles or vehicle conversions, the associated environmental impact, and return on investment. | Same as the Senate.                          |
| No provision.  | No provision.                                | Prohibits a district that is in a state of fiscal emergency from submitting a request without the approval of the district's financial planning and supervision commission.  | Same as the Senate.                          |
| No provision.  | No provision.                                | Prohibits a district for which an academic distress commission has been established from submitting a request without the approval of the academic distress commission.  | Same as the Senate.                          |
|  |  | <b>Fiscal effect: Permissive.</b>  | <b>Fiscal effect: Same as the Senate.</b>    |
| <b>FCCCD11 Contractor debarment</b>  |  |  |  |
| <b>R.C. 153.02</b><br>Allows the Executive Director of FCC to debar a subcontractor, supplier, or manufacturer, in addition to a contracting firm as under current law, as well as a partner, officer, or director of one of those entities. | <b>R.C. 153.02</b><br>Same as the Executive. | <b>R.C. 153.02</b><br>Same as the Executive.   | <b>R.C. 153.02</b><br>Same as the Executive. |

| Executive  | As Passed by the House                | As Passed by the Senate               | As Enacted                            |
|--|---------------------------------------|---------------------------------------|---------------------------------------|
| Fiscal effect: None. Allows FCC to prevent owners of a debarred business entity from dissolving the entity and reforming as a new one in order to avoid the debarment. | Fiscal effect: Same as the Executive. | Fiscal effect: Same as the Executive. | Fiscal effect: Same as the Executive. |

**FCCCD16 \*\*VETOED\*\* School facilities assistance segmenting**

|               | R.C. 3318.037  | R.C. 3318.037          | R.C. 3318.037          |
|---------------|--|------------------------|------------------------|
| No provision. | [***VETOED: Specifies that the portion of the cost for a second or subsequent segment of a school district's facilities project under the Classroom Facilities Assistance Program (except for the Accelerated Urban Program) must be the "required percentage" of the basic project costs based on the district's current percentile ranking, if the district satisfies all of the following criteria:***] | Same as the House.     | Same as the House.     |
| No provision. | [***VETOED: (1) The district executed the agreement for the project that was segmented;***]  | (1) Same as the House. | (1) Same as the House. |
| No provision. | [***VETOED: (2) The district has undertaken one or more segments of that project and has applied to FCC for funding for subsequent segment of the project; and***]   | (2) Same as the House. | (2) Same as the House. |
| No provision. | [***VETOED: (3) Since the original project agreement was executed, the district has experienced a decrease in its adjusted valuation per pupil such that the district's  | (3) Same as the House. | (3) Same as the House. |

## Executive

## As Passed by the House

## As Passed by the Senate

## As Enacted

current percentile ranking is lower than its percentile ranking on the date the district executed the original agreement for the project.\*\*\*]

**Fiscal effect: May decrease the local share of the cost for classroom facilities project segments for eligible districts and thus, increase the state share of the cost for those project segments (in general, the district's local share of the basic project cost is based on its percentile ranking).**

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

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

## FCCCD22 1:1 School Facilities Option Program

No provision.

No provision.

**R.C. 3318.39**

Establishes the 1:1 School Facilities Option Program as an alternative to assist school districts that have not entered into an agreement for classroom facilities assistance (except for emergency assistance) with constructing, acquiring, reconstructing, or making additions or repairs to any feature of a classroom facility.

**R.C. 3318.39**

Same as the Senate.

No provision.

No provision.

Specifies that a district becomes eligible for the alternative program only at the time it becomes eligible for assistance under the Classroom Facilities Program (CFAP) or Vocational School Facilities Assistance Program (VFAP), in accordance with the annual wealth percentile rankings of districts

Same as the Senate.

| Executive     | As Passed by the House | As Passed by the Senate   | As Enacted          |
|---------------|------------------------|---|---------------------|
| No provision. | No provision.          | <p>under continuing law.</p> <p>Requires OFCC, at the request of an eligible district, to assess the district's current facilities conditions and determine the scope of the entire project, the basic project cost of the district's classroom facilities needs, and the state's portion of the total project if the school were to receive assistance under CFAP or VFAP.</p> | Same as the Senate. |
| No provision. | No provision.          | <p>Specifies that a district that opts to receive assistance under the alternative program is eligible to receive up to the greater of \$1 million or 10% of the state's share of the total project cost under CFAP or VFAP, provided that the district matches the amount of state funds it receives on a one-to-one basis.</p>  | Same as the Senate. |
| No provision. | No provision.          | <p>Specifies that a district that receives assistance under the 1:1 School Facilities Option Program is not eligible for subsequent assistance under either CFAP or VFAP until the expiration of 20 years after the date the district enters into an agreement under the program.</p>   | Same as the Senate. |



Executive

As Passed by the House

As Passed by the Senate

As Enacted

**Fiscal effect: Traditional and joint vocational school districts that may not actually participate in and therefore may not receive any actual funding from any of the state's school facilities assistance programs, including CFAP, may choose to participate in this new program to receive some state funds for facilities projects. The number of districts opting for this CFAP alternative program and the amount of state funds these districts will receive will depend on the scope of the projects, the facilities needs assessment conducted by OFCC, as well as the program's guidelines, procedures, and appropriation levels.**

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

**FCCCD19 \*\*VETOED\*\* JVSD facilities projects**

No provision.

No provision.

**R.C. 3318.421**

[\*\*VETOED: Permits OFCC to select one JVSD in each of fiscal years 2018 and 2019 to receive assistance to do one or both of the following:\*\*]

**R.C. 3318.421**

Same as the Senate.

No provision.

No provision.

[\*\*VETOED: (1) Construct a new complete classroom facility as a replacement for one or more of the facilities currently operated by the district:\*\*]

(1) Same as the Senate.

No provision.

No provision.

[\*\*VETOED: (2) Renovate the district's existing facilities.\*\*]

(2) Same as the Senate.

| Executive     | As Passed by the House | As Passed by the Senate   | As Enacted                                |
|---------------|------------------------|---|---|
| No provision. | No provision.          | [***VETOED: Requires the selection to be made through a competitive process that allows any JVSD to apply for assistance.***]   | Same as the Senate.                       |
| No provision. | No provision.          | [***VETOED: Specifies that OFCC must select a district that has a compelling need for new construction and that demonstrates to the satisfaction of OFCC that the project is necessary for the district to meet the workforce deficiency or demand in the local community or a local industry.***]                            | Same as the Senate.                       |
| No provision. | No provision.          | [***VETOED: Permits OFCC to consult with other state agencies, public entities, nonprofit organizations, private corporations, or JobsOhio in making its determination.***]   | Same as the Senate.                       |
| No provision. | No provision.          | [***VETOED: Specifies that the district's portion of the total cost of the project to be calculated in accordance with current law, but specifies that the district's portion must not exceed 50% but also specifies that the state portion of the cost for any district's project may not exceed \$26 million.***]           | Same as the Senate.                       |
|               |                        | <p><b>Fiscal effect: Districts whose projects are selected for funding under the provision may be served sooner and with a lower local share than otherwise. Accordingly, the provision may increase the state share of the cost of such projects and delay the execution of facilities projects for other districts.</b></p> | <b>Fiscal effect: Same as the Senate.</b> |

## Executive

## As Passed by the House

## As Passed by the Senate

## As Enacted

**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 FCC's required payments during the FY 2018-FY 2019 biennium under the primary leases and agreements for cultural and sports facilities.

**Section: 287.20**

Same as the Executive.

**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 2018-FY 2019 biennium.

**Section: 287.20**

Same as the Executive.

**Section: 287.20**

Same as the Executive.

**Section: 287.20**

Same as the Executive.

## Executive

## As Passed by the House

## As Passed by the Senate

## As Enacted

**FCCCD3 Community project administration****Section: 287.30**

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

**Section: 287.30**

Same as the Executive.

**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 FCC, 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.

**Section: 287.30**

Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

As Enacted

**FCCCD5 Capital donations fund certifications and appropriations**

**Section: 287.40**

Requires the Executive Director of FCC 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.

**Section: 287.40**

Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

As Enacted

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

**Section: 287.50**

Requires FCC to amend the project agreement between FCC 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.

**Section: 287.50**

Same as the Executive.

**Section: 287.50**

Same as the Executive.

**Section: 287.50**

Same as the Executive.

## Executive

## As Passed by the House

## As Passed by the Senate

## As Enacted

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.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

## Executive

## As Passed by the House

## As Passed by the Senate

## As Enacted

**FCCCD7 Disbursement determination****Section: 287.60**

Authorizes FCC 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 FCC 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 FCC 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.**

**Section: 287.60**

Same as the Executive.

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

**FCCCD8 Assistance to joint vocational school district****Section: 287.70**

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

**Section: 287.70**

Same as the Executive.

**Section: 287.70**

Same as the Executive.

**Section: 287.70**

Same as the Executive.



## Executive

## As Passed by the House

## As Passed by the Senate

## As Enacted

Fiscal effect: FCC already has the authority to spend up to 2% of its annual capital appropriations on JVSD projects. If FCC were to reach the 2% limit, this provision would permit SFC to provide assistance to at least one JVSD per year.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

---

**FCCCD18 Community School Classroom Facilities Grants capital appropriation**

No provision.

**Section: 503.05**

Makes a capital appropriation of \$7,989,174 for the FY 2018-FY 2019 biennium from Fund 7021 capital appropriation item C230W4, Community School Classroom Facilities Grants, to provide funding to certain "high performing" community schools for the purchase, construction, reconstruction, renovation, remodeling, or addition to classroom facilities.

No provision.

**Section: 503.05**

Same as the House.

No provision.

Requires an eligible community school to demonstrate that the funds will be used to increase classroom seating, serve unmet student needs, and show innovation in design so as to be replicable. Requires a facility purchased, constructed, or modified through a grant to purposes for a minimum of ten years after receiving the grant funds.

No provision.

Same as the House.

No provision.

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

No provision.

Same as the House.

| Executive   | As Passed by the House  | As Passed by the Senate  | As Enacted   |
|---|---|--|--|
| No provision.   | <p>Requires that grants be jointly approved by the FCC Executive Director and the Superintendent of Public Instruction.</p> <p><b>Fiscal effect: Appears to continue the grant program for an additional fiscal year. S.B. 260 of the 131st General Assembly reappropriated \$25 million from capital appropriation item C230W4 for the grants (using identical requirements and criteria) for the FY 2017-FY 2018 capital biennium. The amount appropriated in the bill is the same as the balance currently remaining from the reappropriation in S.B. 260.</b></p> | No provision.  | <p>Same as the House.</p> <p><b>Fiscal effect: Same as the House.</b></p>                                    |
| <b>FCFCD12 Cultural Facilities Commission Administration Fund abolishment</b>   |   |  |  |
| <p><b>Section: 512.90</b><br/>Abolishes the Cultural Facilities Commission Administration Fund (Fund 4T80).</p> <p><b>Fiscal effect: None. Fund 4T80's remaining cash balance was transferred out of the fund in December 2015.</b></p> | <p><b>Section: 512.90</b><br/>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p>  | <p><b>Section: 512.90</b><br/>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p> | <p><b>Section: 512.90</b><br/>Same as the Executive.</p> <p><b>Fiscal effect: Same as the Executive.</b></p> |

## Executive

## As Passed by the House

## As Passed by the Senate

## As Enacted

## FCCCD10 Agency administration of capital facilities projects

Sections: 610.20, and 610.21 (codifying Sec. 529.10 of S.B. 310 of the 131st General Assembly as R.C. 123.211), R.C.123.21

Permits the Department of Administrative Services, the Ohio School for the Deaf, and the Ohio State School for the Blind to administer a capital facilities project whose estimated cost is less than \$1.5 million.

Codifies the section of current law that allows certain other state agencies to administer such a project.

**Fiscal effect: May increase the efficiency with which smaller capital projects for these agencies are carried out. These three agencies are the only FCC customers that currently do not have local administration authority for smaller capital projects. May also reduce capital project administration workload for FCC.**

Sections: 610.20, and 610.21 (codifying Sec. 529.10 of S.B. 310 of the 131st General Assembly as R.C. 123.211), R.C.123.21

Same as the Executive.

Same as the Executive.

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

Sections: 610.20, and 610.21 (codifying Sec. 529.10 of S.B. 310 of the 131st General Assembly as R.C. 123.211), R.C.123.21

Same as the Executive.

Same as the Executive.

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

Sections: 610.20, and 610.21 (codifying Sec. 529.10 of S.B. 310 of the 131st General Assembly as R.C. 123.211), R.C.123.21

Same as the Executive.

Same as the Executive.

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

## Executive

## As Passed by the House

## As Passed by the Senate

## As Enacted

## FCCCD15 Capital appropriations

|               | <b>Sections: 610.36, 610.37</b>   | <b>Sections: 610.36, 610.37</b> | <b>Sections: 610.36, 610.37</b> |
|---------------|---|---------------------------------|---------------------------------|
| No provision. | Amends Section 239.10 of S.B. 310 of the 131st General Assembly to establish two new capital appropriation items:   | Same as the House.              | Same as the House.              |
| No provision. | (1) Fund 7030 appropriation item C230EJ, James A. Garfield Monument Maintenance, with an appropriation of \$500,000.  | Same as the House.              | Same as the House.              |
| No provision. | (2) Fund 7030 appropriation item C230EK, Ohio Soldiers and Sailors Orphans Home/Ohio Veterans Children's Home Chapel Restoration, with an appropriation of \$150,000. | Same as the House.              | Same as the House.              |

Executive

As Passed by the House

As Passed by the Senate

As Enacted

**DASCD37 Authority over contracts for improvements to existing facilities**

|               |  |               |               |
|---------------|--|---------------|---------------|
| No provision. | <p><b>R.C. 153.01, 123.21, 123.211</b></p> <p>Specifies that the Ohio Facilities Construction Commission's powers do not extend to letting or administering contracts that fall under the power of the Department of Administrative Services to make changes to existing facilities.</p> | No provision. | No provision. |
| No provision. | <p>Provides that a contract awarded by DAS takes precedence over the authority of the Ohio Facilities Construction Commission.</p> <p><b>Fiscal effect: None apparent.</b></p>   | No provision. | No provision. |