

Sub. H.B. 33  
As Passed by the Senate  
FCCCD15

\_\_\_\_\_ moved to amend as follows:

In line 83 of the title, after "3317.25," insert "3318.032,  
3318.05, 3318.054,"; after "3318.08," insert "3318.41," 1 2

In line 823, after "3317.25," insert "3318.032, 3318.05,  
3318.054," 3 4

In line 824, after "3318.08," insert "3318.41," 5

After line 53111, insert: 6

"**Sec. 3318.032.** (A) Except as otherwise provided in divisions 7  
(C) and (D) of this section, the portion of the basic project cost 8  
supplied by the school district shall be the greater of: 9  
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(1) The required percentage of the basic project costs; 11

(2)(a) For all districts except a district that opts to 12  
divide its entire classroom facilities needs into segments to be 13  
completed separately as authorized by section 3318.034 of the 14  
Revised Code, an amount necessary to raise the school district's 15  
net bonded indebtedness, as of the date the controlling board 16  
approved the project, to within five thousand dollars of the 17  
required level of indebtedness; 18

(b) For a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the following:

The required level of indebtedness X (the basic project cost of the segment as approved by the controlling board / the estimated basic project cost of the district's entire classroom facilities needs as determined jointly by the staff of the Ohio facilities construction commission and the district)

(B) The amount of the district's share determined under this section shall be calculated only as of the date the controlling board approved the project, and that amount applies throughout the ~~thirteen-month~~ sixteen-month period permitted under section 3318.05 of the Revised Code for the district's electors to approve the propositions described in that section. If the amount reserved and encumbered for a project is released because the electors do not approve those propositions within that period, and the school district later receives the controlling board's approval for the project, subject to a new project scope and estimated costs under section 3318.054 of the Revised Code, the district's portion shall be recalculated in accordance with this section as of the date of the controlling board's subsequent approval.

(C) At no time shall a school district's portion of the basic project cost be greater than ninety-five per cent of the total basic project cost.

(D) If the controlling board approves a project under sections 3318.01 to 3318.20 of the Revised Code for a school

district that previously received assistance under those sections 49  
 or section 3318.37 of the Revised Code within the twenty-year 50  
 period prior to the date on which the controlling board approves 51  
 the new project, the district's portion of the basic project cost 52  
 for the new project shall be the lesser of the following: 53

(1) The portion calculated under division (A) of this 54  
 section; 55

(2) The greater of the following: 56

(a) The required percentage of the basic project costs for 57  
 the new project; 58

(b) The percentage of the basic project cost paid by the 59  
 district for the previous project. 60

**Sec. 3318.05.** The conditional approval of the Ohio facilities 61  
 construction commission for a project shall lapse and the amount 62  
 reserved and encumbered for such project shall be released unless 63  
 the school district board accepts such conditional approval within 64  
 one hundred twenty days following the date of certification of the 65  
 conditional approval to the school district board and the electors 66  
 of the school district vote favorably on both of the propositions 67  
 described in divisions (A) and (B) of this section within ~~thirteen~~ 68  
sixteen months of the date of such certification, except that a 69  
 school district described in division (C) of this section does not 70  
 need to submit the proposition described in division (B) of this 71  
 section. The propositions described in divisions (A) and (B) of 72  
 this section shall be combined in a single proposal. If the 73  
 district board or the district's electors fail to meet such 74  
 requirements and the amount reserved and encumbered for the 75  
 district's project is released, the district shall be given first 76  
 priority for project funding as such funds become available, 77

subject to section 3318.054 of the Revised Code. 78

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(A) On the question of issuing bonds of the school district 80  
 board, for the school district's portion of the basic project 81  
 cost, in an amount equal to the school district's portion of the 82  
 basic project cost less the amount of the proceeds of any 83  
 securities authorized or to be authorized under division (J) of 84  
 section 133.06 of the Revised Code and dedicated by the school 85  
 district board to payment of the district's portion of the basic 86  
 project cost; and 87

(B) On the question of levying a tax the proceeds of which 88  
 shall be used to pay the cost of maintaining or upgrading the 89  
 classroom facilities included in the project. Such tax shall be at 90  
 the rate of not less than one-half mill for each dollar of 91  
 valuation for a period of twenty-three years, subject to any 92  
 extension approved under section 3318.061 of the Revised Code. 93

(C) If a school district has in place a tax levied under 94  
 section 5705.21 of the Revised Code for general permanent 95  
 improvements for a continuing period of time and the proceeds of 96  
 such tax can be used for maintenance or upgrades, or if a district 97  
 agrees to the transfers described in section 3318.051 of the 98  
 Revised Code, the school district need not levy the additional tax 99  
 required under division (B) of this section, provided the school 100  
 district board includes in the agreement entered into under 101  
 section 3318.08 of the Revised Code provisions either: 102

(1) Earmarking an amount from the proceeds of that permanent 103  
 improvement tax for maintenance or upgrades of classroom 104  
 facilities equivalent to the amount of the additional tax and for 105  
 the equivalent number of years otherwise required under this 106  
 section; 107

(2) Requiring the transfer of money in accordance with 108  
 section 3318.051 of the Revised Code. 109

The district board subsequently may rescind the agreement to 110  
 make the transfers under section 3318.051 of the Revised Code only 111  
 so long as the electors of the district have approved, in 112  
 accordance with section 3318.063 of the Revised Code, the levy of 113  
 a tax for the maintenance or upgrades of the classroom facilities 114  
 acquired under the district's project and that levy continues to 115  
 be collected as approved by the electors. 116

(D) Proceeds of the tax to be used for maintenance or upgrade 117  
 of the classroom facilities under either division (B) or (C)(1) of 118  
 this section, and transfers of money in accordance with section 119  
 3318.051 of the Revised Code shall be deposited into a separate 120  
 fund established by the school district for such purpose. 121

(E) Proceeds of the tax to be used for maintenance or 122  
 upgrades of the classroom facilities under either division (B) or 123  
 (C)(1) of this section shall not be used to upgrade classroom 124  
 facilities, unless the district board submits to the Ohio 125  
 facilities construction commission a proposal regarding the use of 126  
 those proceeds for upgrades and the commission approves the 127  
 proposal. 128

**Sec. 3318.054.** (A) If conditional approval of a city, 129  
 exempted village, or local school district's project lapses as 130  
 provided in section 3318.05 of the Revised Code, or if conditional 131  
 approval of a joint vocational school district's project lapses as 132  
 provided in division (D) of section 3318.41 of the Revised Code, 133  
 because the district's electors have not approved the ballot 134  
 measures necessary to generate the district's portion of the basic 135  
 project cost, and if the district board desires to seek a new 136

conditional approval of the project, the district board shall 137  
request that the Ohio facilities construction commission set the 138  
scope, basic project cost, and school district portion of the 139  
basic project cost prior to resubmitting the ballot measures to 140  
the electors. To do so, the commission shall use the district's 141  
current assessed tax valuation and the district's percentile for 142  
the prior fiscal year. For a district that has entered into an 143  
agreement under section 3318.36 of the Revised Code and desires to 144  
proceed with a project under sections 3318.01 to 3318.20 of the 145  
Revised Code, the district's portion of the basic project cost 146  
shall be the percentage specified in that agreement. The project 147  
scope and basic costs established under this division shall be 148  
valid for ~~thirteen~~ sixteen months from the date the commission 149  
approves them. 150

(B) Upon the commission's approval under division (A) of this 151  
section, the district board may submit the ballot measures to the 152  
district's electors for approval of the project based on the new 153  
project scope and estimated costs. Upon electoral approval of 154  
those measures, the district shall be given first priority for 155  
project funding as such funds become available. 156

(C) When the commission determines that funds are available 157  
for the district's project, the commission shall do all of the 158  
following: 159

(1) Determine the school district portion of the basic 160  
project cost under section 3318.032 of the Revised Code, in the 161  
case of a city, exempted village, or local school district, or 162  
under section 3318.42 of the Revised Code, in the case of a joint 163  
vocational school district; 164

(2) Conditionally approve the project and submit it to the 165  
controlling board for approval pursuant to section 3318.04 of the 166

Revised Code;	167
(3) Encumber funds for the project under section 3318.11 of the Revised Code;	168 169
(4) Enter into an agreement with the district board under section 3318.08 of the Revised Code."	170 171
After line 53341, insert:	172
" <b>Sec. 3318.41.</b> (A)(1) The Ohio facilities construction commission annually shall assess the classroom facilities needs of the number of joint vocational school districts that the commission reasonably expects to be able to provide assistance to in a fiscal year, based on the amount set aside for that fiscal year under division (B) of section 3318.40 of the Revised Code and the order of priority prescribed in division (B) of section 3318.42 of the Revised Code, except that in fiscal year 2004 the commission shall conduct at least the five assessments prescribed in division (E) of section 3318.40 of the Revised Code.	173 174 175 176 177 178 179 180 181 182
Upon conducting an assessment of the classroom facilities needs of a school district, the commission shall make a determination of all of the following:	183 184 185
(a) The number of classroom facilities to be included in a project and the basic project cost of acquiring the classroom facilities included in the project. The number of facilities and basic project cost shall be determined in accordance with the specifications adopted under section 3318.311 of the Revised Code except to the extent that compliance with such specifications is waived by the commission pursuant to the rule of the commission adopted under division (F) of section 3318.40 of the Revised Code.	186 187 188 189 190 191 192 193
(b) The school district's portion of the basic project cost	194

as determined under division (C) of section 3318.42 of the Revised Code; 195  
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(c) The remaining portion of the basic project cost that shall be supplied by the state; 197  
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(d) The amount of the state's portion of the basic project cost to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal years from funds set aside under division (B) of section 3318.40 of the Revised Code. 199  
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(2) Divisions (A), (C), and (D) of section 3318.03 of the Revised Code apply to any project under sections 3318.40 to 3318.45 of the Revised Code. 204  
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(B)(1) If the commission makes a determination under division (A) of this section in favor of the acquisition of classroom facilities for a project under sections 3318.40 to 3318.45 of the Revised Code, such project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval. The controlling board shall immediately approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and the amount of the state's portion of the basic project cost to be encumbered in the current fiscal year. In the event of approval by the controlling board, the commission shall certify the conditional approval to the joint vocational school district board of education and shall encumber the approved funds for the current fiscal year. 207  
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(2) No school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code shall have another such project conditionally approved until the expiration of twenty years after the school district's prior project was conditionally 221  
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approved, unless the school district board demonstrates to the satisfaction of the commission that the school district has experienced since conditional approval of its prior project an exceptional increase in enrollment or program requirements significantly above the school district's design capacity under that prior project as determined by rule of the commission. Any rule adopted by the commission to implement this division shall be tailored to address the classroom facilities needs of joint vocational school districts.

(C) In addition to generating the amount of the school district's portion of the basic project cost as determined under division (C) of section 3318.42 of the Revised Code, in order for a school district to receive assistance under sections 3318.40 to 3318.45 of the Revised Code, the school district board shall set aside school district moneys for the maintenance of the classroom facilities included in the school district's project in the amount and manner prescribed in section 3318.43 of the Revised Code.

(D)(1) The conditional approval for a project certified under division (B)(1) of this section shall lapse and the amount reserved and encumbered for such project shall be released unless both of the following conditions are satisfied:

(a) Within one hundred twenty days following the date of certification of the conditional approval to the joint vocational school district board, the school district board accepts the conditional approval and certifies to the commission the school district board's plan to generate the school district's portion of the basic project cost, as determined under division (C) of section 3318.42 of the Revised Code, and to set aside moneys for maintenance of the classroom facilities acquired under the project, as prescribed in section 3318.43 of the Revised Code.

(b) Within ~~thirteen~~ sixteen months following the date of certification of the conditional approval to the school district board, the electors of the school district vote favorably on any ballot measures proposed by the school district board to generate the school district's portion of the basic project cost.

(2) If the school district board or electors fail to satisfy the conditions prescribed in division (D)(1) of this section and the amount reserved and encumbered for the school district's project is released, the school district shall be given first priority over other joint vocational school districts for project funding under sections 3318.40 to 3318.45 of the Revised Code as such funds become available, subject to section 3318.054 of the Revised Code.

(E) If the conditions prescribed in division (D)(1) of this section are satisfied, the commission and the school district board shall enter into an agreement as prescribed in section 3318.08 of the Revised Code and shall proceed with the development of plans, cost estimates, designs, drawings, and specifications as prescribed in section 3318.091 of the Revised Code.

(F) Costs in excess of those approved by the commission under section 3318.091 of the Revised Code shall be payable only as provided in sections 3318.042 and 3318.083 of the Revised Code.

(G) Advertisement for bids and the award of contracts for construction of any project under sections 3318.40 to 3318.45 of the Revised Code shall be conducted in accordance with section 3318.10 of the Revised Code.

(H) In accordance with division (R) of section 3318.08 of the Revised Code, the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of a project under sections 3318.40 to 3318.45 of the Revised

Code shall be spent simultaneously in proportion to the state's 285  
 and the school district's respective portions of that basic 286  
 project cost. 287

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 288  
 Code apply to projects under sections 3318.40 to 3318.45 of the 289  
 Revised Code." 290

In line 124647, after "3317.25," insert "3318.032, 3318.05, 291  
 3318.054, "; after "3318.08," insert "3318.41," 292

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Levies for school facilities projects** 293

**R.C. 3318.032, 3318.05, 3318.054, and 3318.41** 294

Restores provisions of the House-passed version of the bill 295  
 that do the following: 296

Extend the time period by which the electors of a local, 297  
 exempted village, or city school district must vote favorably on 298  
 bond and tax levies related to a school facilities project from 13 299  
 months after the Ohio School Facilities Commission grants 300  
 conditional approval of the project to 16 months after such 301  
 approval. 302

Similarly, extend the time period from 13 months to 16 months 303  
 in relation to a joint vocational school district project. 304