

As Introduced

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Representatives Blessing, Foley

**Cosponsors: Representatives Stebelton, Hagan, R., Harwood, Mecklenborg,
McGregor, J., Combs, Koziura, Setzer, Webster, Evans, Peterson, Yuko,
Ujvagi**

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A B I L L

To amend section 3313.372 of the Revised Code to 1
authorize school boards, for on-site energy 2
generation measures and in the same manner as for 3
energy conservation measures, to enter into 4
installment contracts subject to specified terms 5
of payment and to provide that energy conservation 6
installment contracts are subject to those same 7
terms. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3313.372 of the Revised Code be 9
amended to read as follows: 10

Sec. 3313.372. (A) As used in this section, "energy 11
conservation measure" or "energy generation measure" means an 12
installation or modification of an installation in, or remodeling 13
of, a building, or installation of equipment on, in, or proximate 14
to a building, to reduce energy consumption or generate 15
electricity. It includes: 16

(1) Insulation of the building structure and systems within 17

the building;	18
(2) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;	19 20 21 22 23
(3) Automatic energy control systems;	24
(4) Heating, ventilating, or air conditioning system modifications or replacements;	25 26
(5) Caulking and weatherstripping;	27
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	28 29 30 31 32
(7) Energy recovery systems;	33
(8) Cogeneration systems <u>or other systems</u> that produce <u>or generate</u> steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings <u>on the premises or in conjunction with a net metering system</u> ;	34 35 36 37 38
(9) Any other modification, installation, or remodeling approved by the Ohio school facilities commission as an energy conservation measure.	39 40 41
(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures <u>or energy generation measures</u> . The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the	42 43 44 45 46 47

competitive bidding requirements of section 3313.46 of the Revised Code, and shall be on the following terms:

(1) Not less than ~~one-fifteenth~~ one-thirtieth of the costs thereof shall be paid within two years from the date of purchase.

(2) The remaining balance of the costs thereof shall be paid within ~~fifteen~~ thirty years from the date of purchase.

An installment payment contract entered into by a board of education under this section shall require the board to contract in accordance with division (A) of section 3313.46 of the Revised Code for the installation, modification, or remodeling of energy conservation measures or purchase and installation of energy generation measures unless division (A) of section 3313.46 of the Revised Code does not apply pursuant to division (B)(3) of that section. An installment payment contract entered into under this chapter may provide for the seller to retain title to energy generation equipment for part or all of the term of the contract.

(C) The board may issue the notes of the school district signed by the president and the treasurer of the board and specifying the terms of the purchase and securing the deferred payments provided in this section, payable at the times provided and bearing interest at a rate not exceeding the rate determined as provided in section 9.95 of the Revised Code. The notes may contain an option for prepayment and shall not be subject to Chapter 133. of the Revised Code. In the resolution authorizing the notes, the board may provide, without the vote of the electors of the district, for annually levying and collecting taxes in amounts sufficient to pay the interest on and retire the notes, except that the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code, except section 3318.052 of the Revised Code, shall not exceed one per cent of the district's tax valuation. Revenues derived from local taxes or otherwise, for the purpose of

conserving or generating energy or for defraying the current 80
operating expenses of the district, may be applied to the payment 81
of interest and the retirement of such notes. The notes may be 82
sold at private sale or given to the contractor under the 83
installment payment contract authorized by division (B) of this 84
section. 85

(D) Debt incurred under this section shall not be included in 86
the calculation of the net indebtedness of a school district under 87
section 133.06 of the Revised Code. 88

(E) No school district board shall enter into an installment 89
payment contract under division (B) of this section unless it 90
first obtains a report of the costs of the energy conservation or 91
generation measures and the savings thereof as described under 92
division (G) of section 133.06 of the Revised Code as a 93
requirement for issuing energy securities, makes a finding that 94
the amount spent on such measures is not likely to exceed the 95
amount of money it would save in energy costs and resultant 96
operational and maintenance costs as described in that division, 97
except that that finding shall cover the ensuing ~~fifteen~~ thirty 98
years, and the Ohio school facilities commission determines that 99
the district board's findings are reasonable and approves the 100
contract as described in that division. 101

The district board shall monitor the savings and maintain a 102
report of those savings, which shall be available to the 103
commission in the same manner as required by division (G) of 104
section 133.06 of the Revised Code in the case of energy 105
securities. 106

Section 2. That existing section 3313.372 of the Revised Code 107
is hereby repealed. 108