

**As Introduced**

**128th General Assembly  
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**H. B. No. 113**

**Representatives Foley, Blessing**

**Cosponsors: Representatives Celeste, Skindell, Morgan, Harris, Evans,  
Snitchler, Pillich, Mecklenborg, Murray, Phillips, Combs, Grossman,  
Harwood, Newcomb, McGregor, Chandler, Oelslager, Yates, Ujvagi,  
Weddington, Stewart, Yuko, Stebelton, Adams, J., Bacon, Hagan**

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**A B I L L**

To amend sections 133.06, 133.20, 3313.372, 3313.46, 1  
and 4928.62 and to enact section 3313.377 of the 2  
Revised Code to authorize school boards, for 3  
on-site renewable energy generation measures and 4  
in the same manner as for energy conservation 5  
measures, to enter into installment contracts 6  
subject to specified terms of payment, to provide 7  
that energy conservation installment contracts are 8  
subject to those same terms, and to require that 9  
at least twenty-five per cent of the schools in 10  
the state's school districts have a long-term 11  
supply of solar-sourced electricity. 12

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

**Section 1.** That sections 133.06, 133.20, 3313.372, 3313.46, 13  
and 4928.62 be amended and section 3313.377 of the Revised Code be 14  
enacted to read as follows: 15

**Sec. 133.06.** (A) A school district shall not incur, without a 16

vote of the electors, net indebtedness that exceeds an amount 17  
equal to one-tenth of one per cent of its tax valuation, except as 18  
provided in divisions (G) and (H) of this section and in division 19  
(C) of section 3313.372 of the Revised Code, or as prescribed in 20  
section 3318.052 of the Revised Code, or as provided in division 21  
(J) of this section. 22

(B) Except as provided in divisions (E), (F), and (I) of this 23  
section, a school district shall not incur net indebtedness that 24  
exceeds an amount equal to nine per cent of its tax valuation. 25

(C) A school district shall not submit to a vote of the 26  
electors the question of the issuance of securities in an amount 27  
that will make the district's net indebtedness after the issuance 28  
of the securities exceed an amount equal to four per cent of its 29  
tax valuation, unless the superintendent of public instruction, 30  
acting under policies adopted by the state board of education, and 31  
the tax commissioner, acting under written policies of the 32  
commissioner, consent to the submission. A request for the 33  
consents shall be made at least one hundred five days prior to the 34  
election at which the question is to be submitted. 35

The superintendent of public instruction shall certify to the 36  
district the superintendent's and the tax commissioner's decisions 37  
within thirty days after receipt of the request for consents. 38

If the electors do not approve the issuance of securities at 39  
the election for which the superintendent of public instruction 40  
and tax commissioner consented to the submission of the question, 41  
the school district may submit the same question to the electors 42  
on the date that the next special election may be held under 43  
section 3501.01 of the Revised Code without submitting a new 44  
request for consent. If the school district seeks to submit the 45  
same question at any other subsequent election, the district shall 46  
first submit a new request for consent in accordance with this 47  
division. 48

(D) In calculating the net indebtedness of a school district, 49  
none of the following shall be considered: 50

(1) Securities issued to acquire school buses and other 51  
equipment used in transporting pupils or issued pursuant to 52  
division (D) of section 133.10 of the Revised Code; 53

(2) Securities issued under division (F) of this section, 54  
under section 133.301 of the Revised Code, and, to the extent in 55  
excess of the limitation stated in division (B) of this section, 56  
under division (E) of this section; 57

(3) Indebtedness resulting from the dissolution of a joint 58  
vocational school district under section 3311.217 of the Revised 59  
Code, evidenced by outstanding securities of that joint vocational 60  
school district; 61

(4) Loans, evidenced by any securities, received under 62  
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 63  
Revised Code; 64

(5) Debt incurred under section 3313.374 of the Revised Code; 65

(6) Debt incurred pursuant to division (B)(5) of section 66  
3313.37 of the Revised Code to acquire computers and related 67  
hardware; 68

(7) Debt incurred under section 3318.042 of the Revised Code. 69

(E) A school district may become a special needs district as 70  
to certain securities as provided in division (E) of this section. 71

(1) A board of education, by resolution, may declare its 72  
school district to be a special needs district by determining both 73  
of the following: 74

(a) The student population is not being adequately serviced 75  
by the existing permanent improvements of the district. 76

(b) The district cannot obtain sufficient funds by the 77  
issuance of securities within the limitation of division (B) of 78

this section to provide additional or improved needed permanent 79  
improvements in time to meet the needs. 80

(2) The board of education shall certify a copy of that 81  
resolution to the superintendent of public instruction with a 82  
statistical report showing all of the following: 83

(a) A history of and a projection of the growth of the 84  
student population; 85

(b) The history of and a projection of the growth of the tax 86  
valuation; 87

(c) The projected needs; 88

(d) The estimated cost of permanent improvements proposed to 89  
meet such projected needs. 90

(3) The superintendent of public instruction shall certify 91  
the district as an approved special needs district if the 92  
superintendent finds both of the following: 93

(a) The district does not have available sufficient 94  
additional funds from state or federal sources to meet the 95  
projected needs. 96

(b) The projection of the potential average growth of tax 97  
valuation during the next five years, according to the information 98  
certified to the superintendent and any other information the 99  
superintendent obtains, indicates a likelihood of potential 100  
average growth of tax valuation of the district during the next 101  
five years of an average of not less than three per cent per year. 102  
The findings and certification of the superintendent shall be 103  
conclusive. 104

(4) An approved special needs district may incur net 105  
indebtedness by the issuance of securities in accordance with the 106  
provisions of this chapter in an amount that does not exceed an 107  
amount equal to the greater of the following: 108

(a) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;

(b) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years.

(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of its tax valuation, as provided in this division.

(1) A board of education, by resolution, may declare an emergency if it determines both of the following:

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.

(b) Existing fiscal and net indebtedness limitations make adequate replacement, additions, or improvements impossible.

(2) Upon the declaration of an emergency, the board of education may, by resolution, submit to the electors of the district pursuant to section 133.18 of the Revised Code the question of issuing securities for the purpose of paying the cost,

in excess of any insurance or condemnation proceeds received by 140  
the district, of permanent improvements to respond to the 141  
emergency need. 142

(3) The procedures for the election shall be as provided in 143  
section 133.18 of the Revised Code, except that: 144

(a) The form of the ballot shall describe the emergency 145  
existing, refer to this division as the authority under which the 146  
emergency is declared, and state that the amount of the proposed 147  
securities exceeds the limitations prescribed by division (B) of 148  
this section; 149

(b) The resolution required by division (B) of section 133.18 150  
of the Revised Code shall be certified to the county auditor and 151  
the board of elections at least seventy-five days prior to the 152  
election; 153

(c) The county auditor shall advise and, not later than 154  
sixty-five days before the election, confirm that advice by 155  
certification to, the board of education of the information 156  
required by division (C) of section 133.18 of the Revised Code; 157

(d) The board of education shall then certify its resolution 158  
and the information required by division (D) of section 133.18 of 159  
the Revised Code to the board of elections not less than sixty 160  
days prior to the election. 161

(4) Notwithstanding division (B) of section 133.21 of the 162  
Revised Code, the first principal payment of securities issued 163  
under this division may be set at any date not later than sixty 164  
months after the earliest possible principal payment otherwise 165  
provided for in that division. 166

(G)(1) The board of education may contract with an architect, 167  
professional engineer, or other person experienced in the design 168  
and implementation of energy conservation measures, as defined in 169  
section 3313.372 of the Revised Code, for an analysis and 170

recommendations pertaining to installations, modifications of 171  
installations, or remodeling that would significantly reduce 172  
energy consumption in buildings owned by the district. The report 173  
shall include estimates of all costs of such installations, 174  
modifications, or remodeling, including costs of design, 175  
engineering, installation, maintenance, repairs, and debt service, 176  
and estimates of the amounts by which energy consumption and 177  
resultant operational and maintenance costs, as defined by the 178  
Ohio school facilities commission, would be reduced. 179

If the board finds after receiving the report that the amount 180  
of money the district would spend on such installations, 181  
modifications, or remodeling is not likely to exceed the amount of 182  
money it would save in energy and resultant operational and 183  
maintenance costs over the ensuing ~~fifteen~~ thirty years, the board 184  
may submit to the commission a copy of its findings and a request 185  
for approval to incur indebtedness to finance the making or 186  
modification of installations or the remodeling of buildings for 187  
the purpose of significantly reducing energy consumption. 188

If the commission determines that the board's findings are 189  
reasonable, it shall approve the board's request. Upon receipt of 190  
the commission's approval, the district may issue securities 191  
without a vote of the electors in a principal amount not to exceed 192  
nine-tenths of one per cent of its tax valuation for the purpose 193  
of making such installations, modifications, or remodeling, but 194  
the total net indebtedness of the district without a vote of the 195  
electors incurred under this and all other sections of the Revised 196  
Code, except section 3318.052 of the Revised Code, shall not 197  
exceed one per cent of the district's tax valuation. 198

So long as any securities issued under division (G)(1) of 199  
this section remain outstanding, the board of education shall 200  
monitor the energy consumption and resultant operational and 201  
maintenance costs of buildings in which installations or 202

modifications have been made or remodeling has been done pursuant 203  
to division (G)(1) of this section and shall maintain and annually 204  
update a report documenting the reductions in energy consumption 205  
and resultant operational and maintenance cost savings 206  
attributable to such installations, modifications, or remodeling. 207  
The report shall be certified by an architect or engineer 208  
independent of any person that provided goods or services to the 209  
board in connection with the energy conservation measures that are 210  
the subject of the report. The resultant operational and 211  
maintenance cost savings shall be certified by the school district 212  
treasurer. The report shall be made available to the commission 213  
upon request. 214

(2) The board may submit to the commission a request for 215  
approval to incur indebtedness to finance the installation or 216  
modification of an installation in, or remodeling of, buildings 217  
owned by the district, or installation of equipment on, in, or 218  
proximate to the buildings, to generate electricity from renewable 219  
energy resources. If the commission determines that the request is 220  
reasonable, it shall approve the board's request. Upon receipt of 221  
the commission's approval, the district may issue securities 222  
without a vote of the electors in a principal amount not to exceed 223  
nine-tenths of one per cent of its tax valuation for the purpose 224  
of making such installations, modifications, or remodeling, but 225  
the total net indebtedness of the district without a vote of the 226  
electors incurred under this and all other sections of the Revised 227  
Code, except section 3318.052 of the Revised Code, shall not 228  
exceed one per cent of the district's valuation. 229

(H) With the consent of the superintendent of public 230  
instruction, a school district may incur without a vote of the 231  
electors net indebtedness that exceeds the amounts stated in 232  
divisions (A) and (G) of this section for the purpose of paying 233  
costs of permanent improvements, if and to the extent that both of 234



the following conditions are satisfied: 235

(1) The fiscal officer of the school district estimates that 236  
receipts of the school district from payments made under or 237  
pursuant to agreements entered into pursuant to section 725.02, 238  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 239  
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 240  
Code, or distributions under division (C) of section 5709.43 of 241  
the Revised Code, or any combination thereof, are, after 242  
accounting for any appropriate coverage requirements, sufficient 243  
in time and amount, and are committed by the proceedings, to pay 244  
the debt charges on the securities issued to evidence that 245  
indebtedness and payable from those receipts, and the taxing 246  
authority of the district confirms the fiscal officer's estimate, 247  
which confirmation is approved by the superintendent of public 248  
instruction; 249

(2) The fiscal officer of the school district certifies, and 250  
the taxing authority of the district confirms, that the district, 251  
at the time of the certification and confirmation, reasonably 252  
expects to have sufficient revenue available for the purpose of 253  
operating such permanent improvements for their intended purpose 254  
upon acquisition or completion thereof, and the superintendent of 255  
public instruction approves the taxing authority's confirmation. 256

The maximum maturity of securities issued under division (H) 257  
of this section shall be the lesser of twenty years or the maximum 258  
maturity calculated under section 133.20 of the Revised Code. 259

(I) A school district may incur net indebtedness by the 260  
issuance of securities in accordance with the provisions of this 261  
chapter in excess of the limit specified in division (B) or (C) of 262  
this section when necessary to raise the school district portion 263  
of the basic project cost and any additional funds necessary to 264  
participate in a project under Chapter 3318. of the Revised Code, 265  
including the cost of items designated by the Ohio school 266

facilities commission as required locally funded initiatives and 267  
the cost for site acquisition. The school facilities commission 268  
shall notify the superintendent of public instruction whenever a 269  
school district will exceed either limit pursuant to this 270  
division. 271

(J) A school district whose portion of the basic project cost 272  
of its classroom facilities project under sections 3318.01 to 273  
3318.20 of the Revised Code is greater than or equal to one 274  
hundred million dollars may incur without a vote of the electors 275  
net indebtedness in an amount up to two per cent of its tax 276  
valuation through the issuance of general obligation securities in 277  
order to generate all or part of the amount of its portion of the 278  
basic project cost if the controlling board has approved the 279  
school facilities commission's conditional approval of the project 280  
under section 3318.04 of the Revised Code. The school district 281  
board and the Ohio school facilities commission shall include the 282  
dedication of the proceeds of such securities in the agreement 283  
entered into under section 3318.08 of the Revised Code. No state 284  
moneys shall be released for a project to which this section 285  
applies until the proceeds of any bonds issued under this section 286  
that are dedicated for the payment of the school district portion 287  
of the project are first deposited into the school district's 288  
project construction fund. 289

**Sec. 133.20.** (A) This section applies to bonds that are 290  
general obligation Chapter 133. securities. If the bonds are 291  
payable as to principal by provision for annual installments, the 292  
period of limitations on their last maturity, referred to as their 293  
maximum maturity, shall be measured from a date twelve months 294  
prior to the first date on which provision for payment of 295  
principal is made. If the bonds are payable as to principal by 296  
provision for semiannual installments, the period of limitations 297  
on their last maturity shall be measured from a date six months 298

prior to the first date on which provision for payment of	299
principal is made.	300
(B) Bonds issued for the following permanent improvements or	301
for permanent improvements for the following purposes shall have	302
maximum maturities not exceeding the number of years stated:	303
(1) Fifty years:	304
(a) The clearance and preparation of real property for	305
redevelopment as an urban redevelopment project;	306
(b) Acquiring, constructing, widening, relocating, enlarging,	307
extending, and improving a publicly owned railroad or line of	308
railway or a light or heavy rail rapid transit system, including	309
related bridges, overpasses, underpasses, and tunnels, but not	310
including rolling stock or equipment;	311
(c) Pursuant to section 307.675 of the Revised Code,	312
constructing or repairing a bridge using long life expectancy	313
material for the bridge deck, and purchasing, installing, and	314
maintaining any performance equipment to monitor the physical	315
condition of a bridge so constructed or repaired. Additionally,	316
the average maturity of the bonds shall not exceed the expected	317
useful life of the bridge deck as determined by the county	318
engineer under that section.	319
(2) Forty years:	320
(a) General waterworks or water system permanent	321
improvements, including buildings, water mains, or other	322
structures and facilities in connection therewith;	323
(b) Sewers or sewage treatment or disposal works or	324
facilities, including fireproof buildings or other structures in	325
connection therewith;	326
(c) Storm water drainage, surface water, and flood prevention	327
facilities.	328

(3) Thirty-five years:	329
(a) An arena, a convention center, or a combination of an arena and convention center under section 307.695 of the Revised Code;	330 331 332
(b) Sports facilities.	333
(4) Thirty years:	334
(a) Municipal recreation, excluding recreational equipment;	335
(b) Urban redevelopment projects;	336
(c) Acquisition of real property;	337
(d) Street or alley lighting purposes or relocating overhead wires, cables, and appurtenant equipment underground;	338 339
<u>(e) Energy conservation and energy generation measures as authorized by section 133.06 of the Revised Code.</u>	340 341
(5) Twenty years: constructing, reconstructing, widening, opening, improving, grading, draining, paving, extending, or changing the line of roads, highways, expressways, freeways, streets, sidewalks, alleys, or curbs and gutters, and related bridges, viaducts, overpasses, underpasses, grade crossing eliminations, service and access highways, and tunnels.	342 343 344 345 346 347
(6) Fifteen years:	348
(a) Resurfacing roads, highways, streets, or alleys;	349
(b) Alarm, telegraph, or other communications systems for police or fire departments or other emergency services;	350 351
(c) Passenger buses used for mass transportation;	352
<del>(d) Energy conservation measures as authorized by section 133.06 of the Revised Code.</del>	353 354
(7) Ten years:	355
(a) Water meters;	356

(b) Fire department apparatus and equipment;	357
(c) Road rollers and other road construction and servicing vehicles;	358 359
(d) Furniture, equipment, and furnishings;	360
(e) Landscape planting and other site improvements;	361
(f) Playground, athletic, and recreational equipment and apparatus;	362 363
(g) Energy conservation measures as authorized by section 505.264 of the Revised Code.	364 365
(8) Five years: New motor vehicles other than those described in any other division of this section and those for which provision is made in other provisions of the Revised Code.	366 367 368
(C) Bonds issued for any permanent improvements not within the categories set forth in division (B) of this section shall have maximum maturities of from five to thirty years as the fiscal officer estimates is the estimated life or period of usefulness of those permanent improvements. Bonds issued under section 133.51 of the Revised Code for purposes other than permanent improvements shall have the maturities, not to exceed forty years, that the taxing authority shall specify. Bonds issued for energy conservation measures under section 307.041 of the Revised Code shall have maximum maturities not exceeding the lesser of the average life of the energy conservation measures as detailed in the energy conservation report prepared under that section or thirty years.	369 370 371 372 373 374 375 376 377 378 379 380 381
(D) Securities issued under section 505.265 of the Revised Code shall mature not later than December 31, 2035.	382 383
(E) A securities issue for one purpose may include permanent improvements within two or more categories under divisions (B) and (C) of this section. The maximum maturity of such a bond issue	384 385 386

shall not exceed the average number of years of life or period of 387  
usefulness of the permanent improvements as measured by the 388  
weighted average of the amounts expended or proposed to be 389  
expended for the categories of permanent improvements. 390

**Sec. 3313.372.** (A) As used in this section, ~~"energy:~~ 391

(1) "Energy conservation measure" means an installation or 392  
modification of an installation in, or remodeling of, a building, 393  
to reduce energy consumption. It includes: 394

~~(1)~~(a) Insulation of the building structure and systems 395  
within the building; 396

~~(2)~~(b) Storm windows and doors, multiglazed windows and 397  
doors, heat absorbing or heat reflective glazed and coated window 398  
and door systems, additional glazing, reductions in glass area, 399  
and other window and door system modifications that reduce energy 400  
consumption; 401

~~(3)~~(c) Automatic energy control systems; 402

~~(4)~~(d) Heating, ventilating, or air conditioning system 403  
modifications or replacements; 404

~~(5)~~(e) Caulking and weatherstripping; 405

~~(6)~~(f) Replacement or modification of lighting fixtures to 406  
increase the energy efficiency of the system without increasing 407  
the overall illumination of a facility, unless such increase in 408  
illumination is necessary to conform to the applicable state or 409  
local building code for the proposed lighting system; 410

~~(7)~~(g) Energy recovery systems; 411

~~(8) Cogeneration systems that produce steam or forms of 412  
energy such as heat, as well as electricity, for use primarily 413  
within a building or complex of buildings; 414~~

~~(9)~~(h) Any other modification, installation, or remodeling 415

approved by the Ohio school facilities commission as an energy 416  
conservation measure. 417

(2) "Renewable energy generation measure" means an 418  
installation or modification of an installation in, or remodeling 419  
of, a building, or installation of equipment on, in, or proximate 420  
to a building, to generate electricity from renewable energy 421  
resources as defined in section 4928.01 of the Revised Code. A 422  
"renewable energy generation measure" includes cogeneration 423  
systems or other systems that produce or generate steam or forms 424  
of energy such as heat, as well as electricity, for use on the 425  
premises or in conjunction with a net metering system. 426

(B) A board of education of a city, exempted village, local, 427  
or joint vocational school district may enter into an installment 428  
payment contract for the purchase and installation of energy 429  
conservation measures or renewable energy generation measures. The 430  
provisions of such installment payment contracts dealing with 431  
interest charges and financing terms shall not be subject to the 432  
competitive bidding requirements of section 3313.46 of the Revised 433  
Code, and shall be on the following terms: 434

(1) Not less than ~~one-fifteenth~~ one-thirtieth of the costs 435  
thereof shall be paid within two years from the date of purchase. 436

(2) The remaining balance of the costs thereof shall be paid 437  
within ~~fifteen~~ thirty years from the date of purchase. 438

An installment payment contract entered into by a board of 439  
education under this section shall require the board to contract 440  
in accordance with division (A) of section 3313.46 of the Revised 441  
Code for the installation, modification, or remodeling of energy 442  
conservation measures or purchase and installation of renewable 443  
energy generation measures unless division (A) of section 3313.46 444  
of the Revised Code does not apply pursuant to division (B)(3) of 445  
that section. An installment payment contract entered into under 446

this chapter may provide for the seller to retain title to 447  
renewable energy generation equipment for part or all of the term 448  
of the contract. 449

(C) The board may issue the notes of the school district 450  
signed by the president and the treasurer of the board and 451  
specifying the terms of the purchase and securing the deferred 452  
payments provided in this section, payable at the times provided 453  
and bearing interest at a rate not exceeding the rate determined 454  
as provided in section 9.95 of the Revised Code. The notes may 455  
contain an option for prepayment and shall not be subject to 456  
Chapter 133. of the Revised Code. In the resolution authorizing 457  
the notes, the board may provide, without the vote of the electors 458  
of the district, for annually levying and collecting taxes in 459  
amounts sufficient to pay the interest on and retire the notes, 460  
except that the total net indebtedness of the district without a 461  
vote of the electors incurred under this and all other sections of 462  
the Revised Code, except section 3318.052 of the Revised Code, 463  
shall not exceed one per cent of the district's tax valuation. 464  
Revenues derived from local taxes or otherwise, for the purpose of 465  
conserving or generating energy or for defraying the current 466  
operating expenses of the district, may be applied to the payment 467  
of interest and the retirement of such notes. The notes may be 468  
sold at private sale or given to the contractor under the 469  
installment payment contract authorized by division (B) of this 470  
section. 471

(D) Debt incurred under this section shall not be included in 472  
the calculation of the net indebtedness of a school district under 473  
section 133.06 of the Revised Code. 474

(E)(1) No school district board shall enter into an 475  
installment payment contract under division (B) of this section 476  
for the purchase and installation of energy conservation measures 477  
unless it first obtains a report of the costs of the energy 478



conservation measures and the savings thereof as described under 479  
division (G)(1) of section 133.06 of the Revised Code as a 480  
requirement for issuing energy securities, makes a finding that 481  
the amount spent on such measures is not likely to exceed the 482  
amount of money it would save in energy costs and resultant 483  
operational and maintenance costs as described in that division, 484  
except that that finding shall cover the ensuing ~~fifteen~~ thirty 485  
years, and the Ohio school facilities commission determines that 486  
the district board's findings are reasonable and approves the 487  
contract as described in that division. 488

The district board shall monitor the savings and maintain a 489  
report of those savings, which shall be available to the 490  
commission in the same manner as required by division (G) of 491  
section 133.06 of the Revised Code in the case of energy 492  
securities. 493

(2) No school district board shall enter into an installment 494  
payment contract under division (B) of this section for the 495  
purchase and installation of renewable energy generation measures 496  
unless the commission determines that the board's request to enter 497  
into the contract is reasonable and approves the contract as 498  
described in that division. 499

Sec. 3313.377. (A) As used in this section, "solar energy 500  
system" means a system providing solar-sourced electricity. 501

(B)(1) Except as provided in division (B)(2) of this section, 502  
each school district within the state shall ensure that, within 503  
five years after the effective date of this section, at least 504  
twenty-five per cent of the district's schools have a long-term 505  
supply of solar-sourced electricity derived in accordance with 506  
this section. 507

(2) If the thirty-year cost of compliance with the 508  
solar-sourced electricity requirements of this section would be 509

uneconomic regarding one or more schools in a district relative to 510  
the reasonably forecasted retail rate of electricity payable for 511  
that school or schools over the thirty-year period, with the 512  
result that the district is unable to comply with the percentage 513  
requirement of division (B)(1) of this section, the district shall 514  
comply with the solar-sourced electricity requirements at a 515  
percentage rate as close as possible to the percentage requirement 516  
of that division. 517

(3) The district board of education shall designate the 518  
particular schools that shall have the long-term supply described 519  
in division (B)(1) of this section. 520

(C)(1) To comply with division (B) of this section, the 521  
district board of education shall provide for the installation, 522  
operation, and maintenance of a solar energy system on the 523  
property of each designated school. The board may provide for such 524  
system either by its direct ownership of the system or by hosting 525  
the system pursuant to a contract with a third-party provider, 526  
other than the school, that shall own the system and install, 527  
operate, and maintain the system. In the case of direct ownership 528  
of the system, the board may enter into an installment payment 529  
contract for renewable energy generation measures pursuant to 530  
section 3313.372 of the Revised Code. In the case of a board 531  
hosting the system pursuant to a contract with a third party 532  
provider, the board shall enter into a power purchase agreement 533  
with the third-party provider to supply the designated school with 534  
the electricity generated by the solar energy system installed at 535  
the school. 536

(2) A solar energy system installed at a school under this 537  
section shall be capable of generating the annual average 538  
electricity load of the school and shall have a minimum, peak, 539  
alternating current generating-capacity of fifty kilowatts or 540  
direct current generating-capacity of fifty thousand kilowatt 541

hours. When deciding upon the configuration of a solar energy 542  
system, the board shall consider the size of the roof of the 543  
school building on which the system may be installed or any other 544  
applicable property limitation at the school. 545

(D) No school district shall purchase renewable energy 546  
resource credits to meet the solar energy requirements of this 547  
section. 548

**Sec. 3313.46.** (A) In addition to any other law governing the 549  
bidding for contracts by the board of education of any school 550  
district, when any such board determines to build, repair, 551  
enlarge, improve, or demolish any school building, the cost of 552  
which will exceed twenty-five thousand dollars, except in cases of 553  
urgent necessity, or for the security and protection of school 554  
property, and except as otherwise provided in division (D) of 555  
section 713.23 and in section 125.04 of the Revised Code, all of 556  
the following shall apply: 557

(1) The board shall cause to be prepared the plans, 558  
specifications, and related information as required in divisions 559  
(A), (B), and (D) of section 153.01 of the Revised Code unless the 560  
board determines that other information is sufficient to inform 561  
any bidders of the board's requirements. However, if the board 562  
determines that such other information is sufficient for bidding a 563  
project, the board shall not engage in the construction of any 564  
such project involving the practice of professional engineering, 565  
professional surveying, or architecture, for which plans, 566  
specifications, and estimates have not been made by, and the 567  
construction thereof inspected by, a licensed professional 568  
engineer, licensed professional surveyor, or registered architect. 569

(2) The board shall advertise for bids once each week for a 570  
period of not less than two consecutive weeks in a newspaper of 571  
general circulation in the district before the date specified by 572

the board for receiving bids. The board may also cause notice to 573  
be inserted in trade papers or other publications designated by it 574  
or to be distributed by electronic means, including posting the 575  
notice on the board's internet web site. If the board posts the 576  
notice on its web site, it may eliminate the second notice 577  
otherwise required to be published in a newspaper of general 578  
circulation within the school district, provided that the first 579  
notice published in such newspaper meets all of the following 580  
requirements: 581

(a) It is published at least two weeks before the opening of 582  
bids. 583

(b) It includes a statement that the notice is posted on the 584  
board of education's internet web site. 585

(c) It includes the internet address of the board's internet 586  
web site. 587

(d) It includes instructions describing how the notice may be 588  
accessed on the board's internet web site. 589

(3) Unless the board extends the time for the opening of bids 590  
they shall be opened at the time and place specified by the board 591  
in the advertisement for the bids. 592

(4) Each bid shall contain the name of every person 593  
interested therein. Each bid shall meet the requirements of 594  
section 153.54 of the Revised Code. 595

(5) When both labor and materials are embraced in the work 596  
bid for, the board may require that each be separately stated in 597  
the bid, with the price thereof, or may require that bids be 598  
submitted without such separation. 599

(6) None but the lowest responsible bid shall be accepted. 600  
The board may reject all the bids, or accept any bid for both 601  
labor and material for such improvement or repair, which is the 602

lowest in the aggregate. In all other respects, the award of 603  
contracts for improvement or repair, but not for purchases made 604  
under section 3327.08 of the Revised Code, shall be pursuant to 605  
section 153.12 of the Revised Code. 606

(7) The contract shall be between the board and the bidders. 607  
The board shall pay the contract price for the work pursuant to 608  
sections 153.13 and 153.14 of the Revised Code. The board shall 609  
approve and retain the estimates referred to in section 153.13 of 610  
the Revised Code and make them available to the auditor of state 611  
upon request. 612

(8) When two or more bids are equal, in the whole, or in any 613  
part thereof, and are lower than any others, either may be 614  
accepted, but in no case shall the work be divided between such 615  
bidders. 616

(9) When there is reason to believe there is collusion or 617  
combination among the bidders, or any number of them, the bids of 618  
those concerned therein shall be rejected. 619

(B) Division (A) of this section does not apply to the board 620  
of education of any school district in any of the following 621  
situations: 622

(1) The acquisition of educational materials used in 623  
teaching. 624

(2) If the board determines and declares by resolution 625  
adopted by two-thirds of all its members that any item is 626  
available and can be acquired only from a single source. 627

(3) If the board declares by resolution adopted by two-thirds 628  
of all its members that division (A) of this section does not 629  
apply to any installation, modification, or remodeling ~~involved in~~ 630  
any of either of the following: 631

(a) An energy conservation measure undertaken through an 632

installment payment contract under section 3313.372 of the Revised Code or undertaken pursuant to division (G)(1) of section 133.06 of the Revised Code;

(b) A renewable energy generation measure, including a solar energy system under section 3313.377 of the Revised Code, undertaken through an installment payment contract under section 3313.372 of the Revised Code or undertaken pursuant to division (G)(2) of section 133.06 of the Revised Code.

(4) The acquisition of computer software for instructional purposes and computer hardware for instructional purposes pursuant to division (B)(4) of section 3313.37 of the Revised Code.

(C) No resolution adopted pursuant to division (B)(2) or (3) of this section shall have any effect on whether sections 153.12 to 153.14 and 153.54 of the Revised Code apply to the board of education of any school district with regard to any item.

**Sec. 4928.62.** (A) There is hereby created the advanced energy program, which shall be administered by the director of development. Under the program, the director may authorize the use of moneys in the advanced energy fund for financial, technical, and related assistance for advanced energy projects in this state or for economic development assistance, in furtherance of the purposes set forth in section 4928.63 of the Revised Code. To the extent feasible given approved applications for assistance, the assistance shall be distributed among the certified territories of electric distribution utilities and participating electric cooperatives, and among the service areas of participating municipal electric utilities, in amounts proportionate to the remittances of each utility and cooperative under divisions (B)(1) and (3) of section 4928.61 of the Revised Code.

The director shall not authorize financial assistance for an advanced energy project under the program unless the director

first determines that the project will create new jobs or preserve 664  
existing jobs in this state or use innovative technologies or 665  
materials. 666

(B) In carrying out sections 4928.61 to 4928.63 of the 667  
Revised Code, the director may do all of the following to further 668  
the public interest in advanced energy projects and economic 669  
development: 670

(1) Award grants, contracts, loans, loan participation 671  
agreements, linked deposits, and energy production incentives; 672

(2) Acquire in the name of the director any property of any 673  
kind or character in accordance with this section, by purchase, 674  
purchase at foreclosure, or exchange, on such terms and in such 675  
manner as the director considers proper; 676

(3) Make and enter into all contracts and agreements 677  
necessary or incidental to the performance of the director's 678  
duties and the exercise of the director's powers under sections 679  
4928.61 to 4928.63 of the Revised Code; 680

(4) Employ or enter into contracts with financial 681  
consultants, marketing consultants, consulting engineers, 682  
architects, managers, construction experts, attorneys, technical 683  
monitors, energy evaluators, or other employees or agents as the 684  
director considers necessary, and fix their compensation; 685

(5) Adopt rules prescribing the application procedures for 686  
financial assistance under the advanced energy program; the terms 687  
and conditions of any grants, contracts, loans, loan participation 688  
agreements, linked deposits, and energy production incentives; 689  
criteria pertaining to the eligibility of participating lending 690  
institutions; and any other matters necessary for the 691  
implementation of the program; 692

(6) Do all things necessary and appropriate for the operation 693  
of the program. 694

(C) The department of development may hold ownership to any unclaimed energy efficiency and renewable energy emission allowances provided for in Chapter 3745-14 of the Administrative Code or otherwise, that result from advanced energy projects that receive funding from the advanced energy fund, and it may use the allowances to further the public interest in advanced energy projects or for economic development.

(D) Financial statements, financial data, and trade secrets submitted to or received by the director from an applicant or recipient of financial assistance under sections 4928.61 to 4928.63 of the Revised Code, or any information taken from those statements, data, or trade secrets for any purpose, are not public records for the purpose of section 149.43 of the Revised Code.

(E) Nothing in the amendments of sections 4928.61, 4928.62, and 4928.63 of the Revised Code by Sub. H.B. 251 of the 126th general assembly shall affect any pending or effected assistance, pending or effected purchases or exchanges of property made, or pending or effected contracts or agreements entered into pursuant to division (A) or (B) of this section as the section existed prior to the effective date of those amendments, January 4, 2007, or shall affect the exemption provided under division (C) of this section as the section existed prior to that effective date.

(F) Any assistance a school district receives for an advanced energy project, including a geothermal heating, ventilating, and air conditioning system, and renewable energy generation measures under sections 3313.372 and 3313.377 of the Revised Code, shall be in addition to any assistance provided under Chapter 3318. of the Revised Code and. Any assistance for an advanced energy project under this division shall not be included as part of the district or state portion of the basic project cost under ~~that chapter~~ Chapter 3318. of the Revised Code.

**Section 2.** That existing sections 133.06, 133.20, 3313.372,



3313.46, and 4928.62 of the Revised Code are hereby repealed.

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