

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 5

Representatives Kunze, Koehler

A BILL

To amend section 117.47 and to enact sections 1
117.473, 117.48, and 2744.11 of the Revised Code 2
to allow the Auditor of State to conduct 3
business case studies regarding the efficiency 4
of local public offices and state agencies, to 5
authorize the Auditor of State to establish a 6
shared equipment service agreement program among 7
political subdivisions, and to specify that a 8
political subdivision that uses the loaned 9
equipment has potential liability for its use 10
under the Political Subdivision Tort Liability 11
Law. 12

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

Section 1. That section 117.47 be amended and sections 13
117.473, 117.48, and 2744.11 of the Revised Code be enacted to 14
read as follows: 15

Sec. 117.47. There is hereby created in the state treasury 16
the leverage for efficiency, accountability, and performance 17
fund. The auditor of state shall use the fund to ~~make~~do the 18
following: 19

(A) Make loans to state agencies and local public offices 20
that have applied to and been approved by the auditor of state 21
to receive the loans and to pay the costs of conducting 22
performance audits incurred by the auditor of state. ~~The~~; and 23

(B) Pay the costs of conducting business case studies for 24
state agencies or local public offices to achieve greater 25
efficiency. 26

The fund shall consist of money appropriated to it plus 27
the repayments of principal and interest on loans made from the 28
fund. Interest earned on money in the fund shall be credited to 29
the fund. 30

During a fiscal year, the auditor of state shall use not 31
more than fifty per cent of the fund to satisfy the requirement 32
under division (A) of this section and not more than fifty per 33
cent to satisfy the requirement under division (B) of this 34
section. 35

Sec. 117.473. A state agency or local public office may 36
request that the auditor of state conduct a business case study 37
to determine how the state agency or local public office may 38
achieve greater efficiency. 39

The team that conducts performance audits shall conduct 40
the business case studies at its discretion and as funds allow. 41
The auditor of state shall pay the costs it incurs by conducting 42
business case studies under this section and section 117.47 of 43
the Revised Code. 44

Sec. 117.48. (A) As used in this section, "governmental 45
function," "political subdivision," and "proprietary function" 46
have the meanings defined in section 2744.01 of the Revised 47
Code. 48

(B) The auditor of state may establish a shared equipment service agreement program under which a political subdivision may enter into an agreement with another political subdivision that provides for the contracting lender political subdivision to lend its capital equipment to the contracting recipient political subdivision for the temporary use by the recipient political subdivision in the performance of a governmental function or proprietary function of the recipient political subdivision. 49
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(C) Section 2744.11 of the Revised Code applies if the auditor of state establishes a shared equipment service agreement program under division (B) of this section. 58
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Sec. 2744.11. If, pursuant to a shared equipment service agreement program established by the auditor of state under section 117.48 of the Revised Code, an agreement is entered into by a contracting lender political subdivision to lend its capital equipment to a contracting recipient political subdivision for the temporary use by the recipient political subdivision in the performance of a governmental or proprietary function, the agreement shall provide that the recipient political subdivision and its officers and employees, as applicable, assume any potential liability under this chapter in a civil action for damages for injury, death, or loss to person or property allegedly caused by an act or omission of the recipient political subdivision or its officers or employees resulting from the use of the equipment in the performance of the recipient political subdivision's governmental or proprietary functions. This chapter applies insofar as the recipient political subdivision under the agreement or any of its officers or employees is engaged in the use of the equipment covered by the agreement in the performance of a governmental or 61
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proprietary function. 80

Section 2. That existing section 117.47 of the Revised 81
Code is hereby repealed. 82