

As Passed by the Senate

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 56

Senators Mumper, Wachtmann, Harris, Cates, Jacobson

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A BILL

To amend section 3318.31 of the Revised Code to enact 1
as a separate act the provision of law exempting 2
employees of the Ohio School Facilities Commission 3
from the collective bargaining law. 4

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

Section 1. That section 3318.31 of the Revised Code be 5
amended to read as follows: 6

Sec. 3318.31. (A) The Ohio school facilities commission may 7
perform any act and ensure the performance of any function 8
necessary or appropriate to carry out the purposes of, and 9
exercise the powers granted under, Chapter 3318. of the Revised 10
Code, including any of the following: 11

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 12
the Revised Code, rules for the administration of programs 13
authorized under Chapter 3318. of the Revised Code. 14

(2) Contract with, retain the services of, or designate, and 15
fix the compensation of, such agents, accountants, consultants, 16
advisers, and other independent contractors as may be necessary or 17
desirable to carry out the programs authorized under Chapter 3318. 18
of the Revised Code, or authorize the executive director to 19
perform such powers and duties. 20

(3) Receive and accept any gifts, grants, donations, and pledges, and receipts therefrom, to be used for the programs authorized under Chapter 3318. of the Revised Code.

(4) Make and enter into all contracts, commitments, and agreements, and execute all instruments, necessary or incidental to the performance of its duties and the execution of its rights and powers under Chapter 3318. of the Revised Code, or authorize the executive director to perform such powers and duties.

(B) The commission shall appoint and fix the compensation of an executive director who shall serve at the pleasure of the commission. The executive director shall supervise the operations of the commission and perform such other duties as delegated by the commission. The executive director also shall employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, who shall serve at the pleasure of the executive director. ~~The employees of the commission shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code~~ The employees of the commission shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code.

(C) The attorney general shall serve as the legal representative for the commission and may appoint other counsel as necessary for that purpose in accordance with section 109.07 of the Revised Code.

Section 2. That existing section 3318.31 of the Revised Code is hereby repealed.

Section 3. The amendment to section 3318.31 of the Revised Code as made in Am. Sub. H.B. 405 of the 124th General Assembly was held to violate the one-subject rule of Ohio Constitution,

Article II, Section 15(D), in <i>State, ex rel. Ohio Civil Service</i>	51
<i>Employees Assoc., AFSCME, Local 11, AFL-CIO v. SERB</i> (2004), 104	52
Ohio St.3d 122, 818 N.E.2d 688. The purpose of this act is to	53
re-enact this amendment in a measure that does not violate the	54
one-subject rule of the Ohio Constitution.	55