

**As Reported by the Senate Finance and Financial Institutions
Committee**

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

S. B. No. 56

Senator Mumper

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A B I L L

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 21
pledges, and receipts therefrom, to be used for the programs 22
authorized under Chapter 3318. of the Revised Code. 23

(4) Make and enter into all contracts, commitments, and 24
agreements, and execute all instruments, necessary or incidental 25
to the performance of its duties and the execution of its rights 26
and powers under Chapter 3318. of the Revised Code, or authorize 27
the executive director to perform such powers and duties. 28

(B) The commission shall appoint and fix the compensation of 29
an executive director who shall serve at the pleasure of the 30
commission. The executive director shall supervise the operations 31
of the commission and perform such other duties as delegated by 32
the commission. The executive director also shall employ and fix 33
the compensation of such employees as will facilitate the 34
activities and purposes of the commission, who shall serve at the 35
pleasure of the executive director. ~~The employees of the 36~~
~~commission shall be exempt from Chapter 4117. of the Revised Code 37~~
~~and shall not be public employees as defined in section 4117.01 of 38~~
The employees of the commission shall be exempt 39
from Chapter 4117. of the Revised Code and shall not be public 40
employees as defined in section 4117.01 of the Revised Code. 41

(C) The attorney general shall serve as the legal 42
representative for the commission and may appoint other counsel as 43
necessary for that purpose in accordance with section 109.07 of 44
the Revised Code. 45

Section 2. That existing section 3318.31 of the Revised Code 46
is hereby repealed. 47

Section 3. The amendment to section 3318.31 of the Revised 48
Code as made in Am. Sub. H.B. 405 of the 124th General Assembly 49

was held to violate the one-subject rule of Ohio Constitution, 50
Article II, Section 15(D), in *State, ex rel. Ohio Civil Service* 51
Employees Assoc., AFSCME, Local 11, AFL-CIO v. SERB (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