



S.B. 19

124th General Assembly
(As Introduced)

Sens. Shoemaker, Brady, DiDonato, McLin, Ryan, Hagan, Furney

BILL SUMMARY

- Prohibits the Ohio School Facilities Commission from prohibiting the use of project labor agreements contained in bid specifications, contract agreements, or other controlling documents pertaining to a project the Commission must evaluate under the Classroom Facilities Assistance Program.
- Prohibits the Ohio School Facilities Commission from considering whether a project labor agreement is contained in the bid specifications, contract agreements, or other controlling documents pertaining to a proposed project when making its determination regarding approval of a project under the Classroom Facilities Assistance Program.

CONTENT AND OPERATION

Background

Under existing law, the state, through the Classroom Facilities Assistance Program provides financing for part of the costs of constructing classroom facilities for school districts. Costs for an approved classroom facilities project is divided between the state and the school district. A participating school district is required to finance its share of the basic project cost from a district bond issue approved by the voters of the district or other allowed sources.¹ Districts are given priority for funding based on the school district's relative measure of property and

¹ *In addition to the bond issue, a school district may use moneys donated by a non-state source; cash the district has on hand, which may include year-end operating fund balances; or a letter of credit issued on behalf of the district. Also, a district may earmark proceeds from a new or existing on-going permanent improvement property tax levy or a school district income tax to leverage bonds to pay all or part of the district share of the project cost.*

income wealth as compared to other districts. "Low-wealth" districts are given priority for funding and provided a higher state share for their projects as compared to "high-wealth" districts.

Current law requires the Ohio School Facilities Commission to administer the Classroom Facilities Assistance Program. The Commission consists of seven members, three of whom are voting members. The voting members of the Commission are the Director of Budget and Management, the Director of Administrative Services, and the Superintendent of Public Instruction, or their designees. Two nonvoting members are members of the Senate of different political parties appointed by the President of the Senate, and two nonvoting members are members of the House of Representatives of different political parties appointed by the Speaker of the House of Representatives. The Commission may perform any act and ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under, the Classroom Facilities Assistance Program. (Secs. 3318.30 and 3318.31.)

Under the Classroom Facilities Assistance Program, payment of the "basic project cost" of an approved classroom facilities project is divided between the school district and the state. The basic project cost must be determined in accordance with rules adopted by the Commission. The basic project cost calculation must take into consideration the square footage and cost per square foot necessary for the grade levels to be housed in the classroom facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of insuring the project until it is completed, and the professional planning, administration, and design fees that a district may have to pay to undertake a classroom facilities project. The basic project cost may not exceed the cost that would be incurred if the classroom facilities meet, but do not exceed the specifications for plans and materials for classroom facilities adopted by the Commission. (Secs. 3318.01(L) and 3318.04.)

The School Facilities Law (R.C. Chapter 3318.) requires the Commission to conduct on-site evaluations of classroom facilities and make a determination of statutorily specified factors, including all of the following: (1) the district's facilities needs, (2) the basic project cost of constructing or reconstructing those facilities, (3) the amount of specified types of funds the district can supply toward that cost, (4) the remaining amount the state would supply, and (5) other fiscal data. (Sec. 3318.03.)

The Commission must make a determination in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility only upon evidence that the proposed project conforms to sound education practice, that it is in keeping with the orderly process of school district reorganization and

consolidation, and that the actual or projected enrollment in each classroom facility proposed to be included in the project is at least 350 pupils. Exceptions can be authorized only in those districts where topography, sparsity of population, and other factors make larger schools impracticable. (Sec. 3318.03.)

The bill

The bill prohibits the Commission from prohibiting the use of project labor agreements contained in bid specifications, contract agreements, or other controlling documents pertaining to a project the Commission must evaluate under the Classroom Facilities Assistance Program. Additionally, the bill prohibits the Commission from considering whether a project labor agreement is contained in the bid specifications, contract agreements, or other controlling documents pertaining to a proposed project when making its determination regarding the constructing, acquiring, reconstructing, or making of additions to a classroom facility under the Classroom Facilities Assistance Program. (Secs. 3318.03(C)(2) and 3318.04(A).)

The bill defines "project labor agreement" as an agreement that does all of the following:

- (1) Facilitates timely and efficient completion of projects by providing a readily available supply of highly trained and skilled workers;
- (2) Allows school district boards and contractors to accurately determine labor costs at the outset of a project;
- (3) Establishes work rules, eliminates labor disruptions, and maintains stability throughout the duration of the project;
- (4) Provides workers with fair compensation for their labor along with a benefit package that provides health care coverage and retirement benefits. (Sec. 3318.01(T).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
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