



Sub. S.B. 56

126th General Assembly
(As Passed by the General Assembly)

Sens. Mumper, Wachtmann, Harris, Cates, Jacobson

Reps. Coley, C. Evans, D. Evans, Gibbs, Hood, Setzer, Widowfield

Effective date: *

ACT SUMMARY

- Exempts the employees of the Ohio School Facilities Commission from collective bargaining.
- Makes an appropriation and authorizes other adjustments to cover a budgetary shortfall for the Department of Education.

CONTENT AND OPERATION

Exemption of School Facilities Commission employees from collective bargaining

(R.C. 3318.31)

The Ohio School Facilities Commission oversees the several programs established in the School Facilities Law codified in Chapter 3318. of the Revised Code. Generally, the programs involve providing financial assistance to school districts for the acquisition or construction of classroom facilities. The Commission consists of three voting members (the Directors of Budget and Management and Administrative Services and the Superintendent of Public Instruction), four legislators who are non-voting members, and a staff (R.C. 3318.30(B), not in the act, and 3318.31(B)).

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

Due to an Ohio Supreme Court decision (see **COMMENT**), employees of the Commission were formerly non-exempt public employees subject to the Public Employees' Collective Bargaining Law. That law allows public employees to bargain with their public employer to determine wages, hours, terms, and other conditions of employment (R.C. 4117.03(A), not in the act). The act exempts all employees of the Commission from collective bargaining, and specifies that they are not to be considered public employees for the purposes of the Public Employees' Collective Bargaining Law.

Appropriation to cover Department of Education budgetary shortfall

(Sections 4 through 12)

For Fiscal Year 2005, the Department of Education has experienced a budgetary shortfall regarding base cost funding for school districts. To address the problem, the act makes a General Revenue Fund appropriation of \$150 million and a Lottery Profits Education Fund appropriation of up to \$30 million; provides the Superintendent of Public Instruction authority to transfer various other appropriations; and delays state aid increases and adjustments payable to school districts that result from various taxable value adjustments for real and tangible personal property in the respective districts. The act also makes changes to an earmark regarding special education enhancements. The act exempts these provisions from the referendum, thereby making them effective immediately on the Governor's signature.

For a complete explanation of these provisions, consult LSC's Fiscal Note and Local Impact Statement for Sub. S.B. 56.

COMMENT

The same amendment to the School Facilities Law was made in Am. Sub. H.B. 405 of the 124th General Assembly. However, the amendment was declared to violate the one-subject rule of Ohio Constitution, Article II, Section 15(D), in *State, ex rel. Ohio Civil Service Employees Assoc., AFSCME, Local 11, AFL-CIO v. SERB* (2004), 104 Ohio St.3d 122, 818 N.E.2d 688. Therefore, the purpose of the amendment of R.C. 3318.31 by the act is to re-enact the amendment in accordance with the one-subject rule of the Ohio Constitution. (Section 3.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-15-05	p. 167
Reported, S. Finance & Financial Institutions	03-02-05	p. 256
Passed Senate (21-11)	03-02-05	pp. 258-259
Reported, H. Finance & Appropriations	03-15-05	pp. 323-324
Passed House (70-27)	03-15-05	pp. 325-327
Senate concurred in House amendments (24-7)	03-16-05	p. 316

05-sb56-126.doc/kl

