



Sub. S.B. 56*

126th General Assembly
(As Reported by H. Finance & Appropriations)

Sens. Mumper, Wachtmann, Harris, Cates, Jacobson

BILL 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 bill, and 3318.31(B)).

Due to an Ohio Supreme Court decision (see **COMMENT**), employees of the Commission are currently non-exempt public employees subject to the Public Employees' Collective Bargaining Law. That law allows public employees to

* This analysis was prepared before the report of the House Finance and Appropriations Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

bargain with their public employer to determine wages, hours, terms, and other conditions of employment (R.C. 4117.03(A), not in the bill). The bill 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 bill 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 bill also makes changes to an earmark regarding special education enhancements. The bill 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, As Reported by House Finance and Appropriations Committee.

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 bill 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	---	---

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