

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 49**

**Representative Smith, R.**

**Cosponsors: Representatives Duffey, Ginter, Hambley, Hill, Lanese,**

**Manning, Patton, Perales, Reineke, Ryan, Scherer, Sprague**

**Speaker Rosenberger**

---

**A BILL**

To amend sections 101.27, 101.34, 102.01, 102.02, 1  
102.022, 102.03, 102.05, 102.06, 102.09, 102.99, 2  
103.41, 103.42, 103.45, 103.47, 105.41, 107.031, 3  
107.35, 109.572, 109.5721, 109.803, 117.04, 4  
120.08, 120.18, 120.28, 120.33, 120.34, 120.35, 5  
120.36, 121.22, 121.48, 122.01, 122.071, 122.08, 6  
122.081, 122.17, 122.171, 122.174, 122.175, 7  
122.33, 122.641, 122.85, 122.86, 123.01, 123.20, 8  
~~123.21~~, 124.38, 124.384, 124.823, 124.93, 125.035, 9  
125.04, 125.061, 125.18, 125.22, 125.28, 126.11, 10  
126.22, 126.35, 131.23, 131.33, 131.35, 131.44, 11  
131.51, 133.022, 133.06, 133.061, 135.143, 12  
135.182, 135.45, 135.63, 135.71, 147.08, 147.541, 13  
149.43, 151.03, 152.08, ~~153.01~~, 153.02, 154.11, 14  
166.08, 166.11, 167.03, 173.01, 173.14, 173.15, 15  
173.17, 173.19, 173.20, 173.21, 173.22, 173.24, 16  
173.27, 173.28, 173.38, 173.381, 173.42, 173.424, 17  
173.48, 173.501, 173.51, 173.521, 173.542, 173.55, 18  
173.99, 174.02, 183.51, 191.04, 191.06, 305.05, 19  
307.283, 307.678, 307.93, 307.984, 317.32, 20  
317.321, 319.11, 319.26, 319.54, 319.63, 321.26, 21

1163.05, 1163.07, 1163.09, 1163.10, 1163.11, 451  
1163.12, 1163.121, 1163.13, 1163.14, 1163.15, 452  
1163.19, 1163.20, 1163.21, 1163.22, 1163.24, 453  
1163.25, 1163.26, 1163.27, 1165.01, 1165.03, 454  
1165.04, 1165.05, 1165.06, 1165.09, 1165.10, 455  
1165.11, 1165.12, 1165.13, 1165.14, 1165.17, 456  
1165.18, 1165.19, 1165.20, 1165.21, 1165.22, 457  
1165.23, 1165.24, 1165.25, 1165.26, 1165.27, 458  
1165.28, 1165.29, 1165.30, 1165.33, 1181.16, 459  
1181.17, and 1181.18 of the Revised Code; to amend 460  
sections 329.04 and 2329.66 of the Revised Code 461  
effective December 31, 2017; to repeal the version 462  
of section 118.023 of the Revised Code that is 463  
scheduled to take effect September 29, 2017; to 464  
amend sections 109.572, 3701.83, 4713.10, 4713.56, 465  
4731.07, 4731.224, and 4776.01 of the Revised Code 466  
effective January 21, 2018; to repeal section 467  
5166.35 of the Revised Code effective January 1, 468  
2019; to amend for the purpose of codifying and 469  
changing the number of Section 369.540 of Am. Sub. 470  
H.B. 64 of the 131st General Assembly to section 471  
3333.95 of the Revised Code; to amend for the 472  
purpose of codifying and changing the number of 473  
Section 529.10 of S.B. 310 of the 131st General 474  
Assembly to section 123.211 of the Revised Code; 475  
to amend Sections 205.10 and 205.20 of Sub. H.B. 476  
26 of the 132nd General Assembly, Sections 125.13 477  
and 327.270 of Am. Sub. H.B. 64 of the 131st 478  
General Assembly, Sections 207.440, 213.10, 479  
213.20, 217.10, 221.20, 227.10, 229.10, and 229.30 480  
of S.B. 310 of the 131st General Assembly, 481  
Sections 203.10, 207.290, 221.10, 223.10, and 482  
239.10 of S.B. 310 of the 131st General Assembly, 483

as subsequently amended, Sections 125.10 and 484  
125.11 of Am. Sub. H.B. 59 of the 130th General 485  
Assembly, as subsequently amended, Section 2 of 486  
Am. Sub. S.B. 1 of the 130th General Assembly, as 487  
subsequently amended, Section 3 of Sub. S.B. 9 of 488  
the 130th General Assembly, and Section 7 of Sub. 489  
H.B. 532 of the 129th General Assembly, as 490  
subsequently amended; and to repeal Section 7 of 491  
Am. Sub. H.B. 52 of the 131st General Assembly and 492  
Section 745.20 of Sub. H.B. 26 of the 132nd 493  
General Assembly to make operating appropriations 494  
for the biennium beginning July 1, 2017, and 495  
ending June 30, 2019, and to provide authorization 496  
and conditions for the operation of state 497  
programs. 498

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

**Section 101.01.** That sections 101.27, 101.34, 102.01, 102.02, 499  
102.022, 102.03, 102.05, 102.06, 102.09, 102.99, 103.41, 103.42, 500  
103.45, 103.47, 105.41, 107.031, 107.35, 109.572, 109.5721, 501  
109.803, 117.04, 120.08, 120.18, 120.28, 120.33, 120.34, 120.35, 502  
120.36, 121.22, 121.48, 122.01, 122.071, 122.08, 122.081, 122.17, 503  
122.171, 122.174, 122.175, 122.33, 122.641, 122.85, 122.86, 504  
123.01, 123.20, ~~123.21~~, 124.38, 124.384, 124.823, 124.93, 125.035, 505  
125.04, 125.061, 125.18, 125.22, 125.28, 126.11, 126.22, 126.35, 506  
131.23, 131.33, 131.35, 131.44, 131.51, 133.022, 133.06, 133.061, 507  
135.143, 135.182, 135.45, 135.63, 135.71, 147.08, 147.541, 149.43, 508  
151.03, 152.08, ~~153.01~~, 153.02, 154.11, 166.08, 166.11, 167.03, 509  
173.01, 173.14, 173.15, 173.17, 173.19, 173.20, 173.21, 173.22, 510  
173.24, 173.27, 173.28, 173.38, 173.381, 173.42, 173.424, 173.48, 511  
173.51, 173.55, 173.99, 174.02, 183.51, 191.04, 191.06, 305.05, 512  
307.283, 307.678, 307.93, 307.984, 317.32, 317.321, 319.11, 513

of the commission may be held anywhere in the state and shall be held in compliance with section 121.22 of the Revised Code.

~~(C) Within sixty days after the effective date of this section, the governor shall appoint a member to the commission. The initial appointment shall be for a term ending three years after the effective date of this section, with subsequent terms ending three years after they begin, on the same day of the same month as the initial term.~~

~~A vacancy for the member appointed by the governor shall be filled in the same manner as provided for the original appointment. The appointed member shall hold office for the remainder of the term for which the vacancy existed. After the expiration of the term, the appointed member shall continue in office for a period of sixty days or until the appointed member's successor takes office, whichever period is shorter.~~

~~(D)~~ The commission shall file an annual report of its activities and finances, including a report of the expenditures and progress of the classroom facilities assistance program under Chapter 3318. of the Revised Code, with the governor, speaker of the house of representatives, president of the senate, and chairpersons of the house and senate finance committees.

~~(E)~~ (D) The commission shall be exempt from the requirements of sections 101.82 to 101.87 of the Revised Code.

**Sec. 123.21. (A)** The ~~Except as otherwise provided in division (D) of this section, the~~ Ohio facilities construction 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 this chapter or any other provision of the Revised Code, including any of the following:

(1) Prepare ~~Except as otherwise provided in section 123.211~~



~~of the Revised Code, prepare,~~ or contract to be prepared, by 7314  
licensed engineers or architects, surveys, general and detailed 7315  
plans, specifications, bills of materials, and estimates of cost 7316  
for any projects, improvements, or public buildings to be 7317  
constructed by state agencies that may be authorized by 7318  
legislative appropriations or any other funds made available 7319  
therefor, provided that the construction of the projects, 7320  
improvements, or public buildings is a statutory duty of the 7321  
commission. This section does not require the independent 7322  
employment of an architect or engineer as provided by section 7323  
153.01 of the Revised Code in the cases to which section 153.01 of 7324  
the Revised Code applies. ~~This section does not affect or alter~~ 7325  
~~the existing powers of the director of transportation.~~ restore 7326

(2) ~~Have Except as otherwise provided in section 123.211 of~~ 7327  
~~the Revised Code, have~~ general supervision over the construction 7328  
of any projects, improvements, or public buildings constructed for 7329  
a state agency and over the inspection of materials prior to their 7330  
incorporation into those projects, improvements, or buildings. 7331

(3) ~~Make Except as otherwise provided in section 123.211 of~~ 7332  
~~the Revised Code, make~~ contracts for and supervise the design and 7333  
construction of any projects and improvements or the construction 7334  
and repair of buildings under the control of a state agency. All 7335  
such contracts may be based in whole or in part on the unit price 7336  
or maximum estimated cost, with payment computed and made upon 7337  
actual quantities or units. 7338

(4) Adopt, amend, and rescind rules pertaining to the 7339  
administration of the construction of the public works of the 7340  
state as required by law, in accordance with Chapter 119. of the 7341  
Revised Code. 7342

(5) Contract with, retain the services of, or designate, and 7343  
fix the compensation of, such agents, accountants, consultants, 7344  
advisers, and other independent contractors as may be necessary or 7345

desirable to carry out the programs authorized under this chapter, 7346  
or authorize the executive director to perform such powers and 7347  
duties. 7348

(6) Receive and accept any gifts, grants, donations, and 7349  
pledges, and receipts therefrom, to be used for the programs 7350  
authorized under this chapter. 7351

(7) Make and enter into all contracts, commitments, and 7352  
agreements, and execute all instruments, necessary or incidental 7353  
to the performance of its duties and the execution of its rights 7354  
and powers under this chapter, or authorize the executive director 7355  
to perform such powers and duties. 7356

(8) Debar a contractor as provided in section 153.02 of the 7357  
Revised Code. 7358

(9) Enter into and administer cooperative agreements for 7359  
cultural projects, as provided in sections 123.28 and 123.281 of 7360  
the Revised Code. 7361

(B) The commission shall appoint and fix the compensation of 7362  
an executive director who shall serve at the pleasure of the 7363  
commission. The executive director shall exercise all powers that 7364  
the commission possesses, supervise the operations of the 7365  
commission, and perform such other duties as delegated by the 7366  
commission. The executive director also shall employ and fix the 7367  
compensation of such employees as will facilitate the activities 7368  
and purposes of the commission, who shall serve at the pleasure of 7369  
the executive director. The employees of the commission are exempt 7370  
from Chapter 4117. of the Revised Code and are not considered 7371  
public employees as defined in section 4117.01 of the Revised 7372  
Code. Any agreement entered into prior to July 1, 2012, between 7373  
the office of collective bargaining and the exclusive 7374  
representative for employees of the commission is binding and 7375  
shall continue to have effect. 7376

(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.

~~(D) (1) This section does not affect or alter the existing powers of the director of transportation.~~

~~(2) Nothing in this chapter authorizes the commission to let or administer any contract let by the department of administrative services. A contract awarded by the department of administrative services takes precedence over the commission's authority under this chapter.~~

**Sec. 124.38.** (A) Each of the following shall be entitled for each completed eighty hours of service to sick leave of four and six-tenths hours with pay:

~~(A) (1)~~ Employees in the various offices of the county, municipal, and civil service township service, other than superintendents and management employees, as defined in section 5126.20 of the Revised Code, of county boards of developmental disabilities;

~~(B) Employees of any state college or university;~~

~~(C) (2)~~ Any employee of any board of education for whom sick leave is not provided by section 3319.141 of the Revised Code, provided that the employee is not a substitute, adult education instructor who is scheduled to work the full-time equivalent of less than one hundred twenty days per school year, or a person who is employed on an as-needed, seasonal, or intermittent basis.

(B) (1) Employees of any state college or university shall be entitled for each completed eighty hours of service, excluding overtime hours worked, to sick leave of three and one-tenth hours with pay.

created by section 3318.25 of the Revised Code for purposes of 10863  
that fund, shall issue obligations in the amount determined to be 10864  
required by the issuing authority. 10865

(C) Net proceeds of obligations shall be deposited into the 10866  
school building program assistance fund created by section 3318.25 10867  
of the Revised Code. 10868

(D) There is hereby created in the state treasury the "common 10869  
schools capital facilities bond service fund." All moneys received 10870  
by the state and required by the bond proceedings, consistent with 10871  
sections 151.01 and 151.03 of the Revised Code, to be deposited, 10872  
transferred, or credited to the bond service fund, and all other 10873  
moneys transferred or allocated to or received for the purposes of 10874  
that fund, shall be deposited and credited to the bond service 10875  
fund, subject to any applicable provisions of the bond proceedings 10876  
but without necessity for any act of appropriation. During the 10877  
period beginning with the date of the first issuance of 10878  
obligations and continuing during the time that any obligations 10879  
are outstanding in accordance with their terms, so long as moneys 10880  
in the bond service fund are insufficient to pay debt service when 10881  
due on those obligations payable from that fund (except the 10882  
principal amounts of bond anticipation notes payable from the 10883  
proceeds of renewal notes or bonds anticipated) and due in the 10884  
particular fiscal year, a sufficient amount of revenues of the 10885  
state, including net state lottery proceeds, is committed and, 10886  
without necessity for further act of appropriation, shall be paid 10887  
to the bond service fund for the purpose of paying that debt 10888  
service when due. 10889

**Sec. 153.01.** (A) Whenever any building or structure for the 10890  
use of the state or any institution supported in whole or in part 10891  
by the state or in or upon the public works of the state that is 10892  
administered by the Ohio facilities construction commission or by 10893



any other state officer or state agency authorized by law to 10894  
administer a project, including an educational institution listed 10895  
in section 3345.50 of the Revised Code, is to be erected or 10896  
constructed, whenever additions, alterations, or structural or 10897  
other improvements are to be made, or whenever heating, cooling, 10898  
or ventilating plants or other equipment is to be installed or 10899  
material supplied therefor, the estimated cost of which amounts to 10900  
two hundred thousand dollars or more, or the amount determined 10901  
pursuant to section 153.53 of the Revised Code or more, each 10902  
officer, board, or other authority upon which devolves the duty of 10903  
constructing, erecting, altering, or installing the same, referred 10904  
to in sections 153.01 to 153.60 of the Revised Code as the public 10905  
authority, shall cause to be made, by an architect or engineer 10906  
whose contract of employment shall be prepared and approved by the 10907  
attorney general, the following: 10908

(1) Full and accurate plans, suitable for the use of 10909  
mechanics and other builders in the construction, improvement, 10910  
addition, alteration, or installation; 10911

(2) Details to scale and full-sized, so drawn and represented 10912  
as to be easily understood; 10913

(3) Definite and complete specifications of the work to be 10914  
performed, together with directions that will enable a competent 10915  
mechanic or other builder to carry them out and afford bidders all 10916  
needful information; 10917

(4) A full and accurate estimate of each item of expense and 10918  
the aggregate cost of those items of expense; 10919

(5) A life-cycle cost analysis; 10920

(6) Further data as may be required by the Ohio facilities 10921  
construction commission. 10922

(B) (1) Division (A) of this section shall not be required 10923  
with respect to a construction management contract entered into 10924

with a construction manager at risk as described in section 9.334 10925  
of the Revised Code or a design-build contract entered into with a 10926  
design-build firm as described in section 153.693 of the Revised 10927  
Code. 10928

(2) Nothing in this chapter shall interfere with the power of 10929  
the director of transportation to prepare plans for, acquire 10930  
rights-of-way for, construct, or maintain roads, highways, or 10931  
bridges, or to let contracts for those purposes. 10932

~~(3) Nothing in this chapter shall interfere with the power of 10933  
the director of administrative services to prepare plans for, 10934  
maintain, equip, furnish, improve, renovate, repair, remodel, or 10935  
rehabilitate existing facilities or to let contracts for those 10936  
purposes. 10937~~

**Sec. 153.02.** (A) The executive director of the Ohio 10938  
facilities construction commission, may debar a contractor from 10939  
contract awards for public improvements as referred to in section 10940  
153.01 of the Revised Code or for projects as defined in section 10941  
3318.01 of the Revised Code, upon proof that the contractor has 10942  
done any of the following: 10943

(1) Defaulted on a contract requiring the execution of a 10944  
takeover agreement as set forth in division (B) of section 153.17 10945  
of the Revised Code; 10946

(2) Knowingly failed during the course of a contract to 10947  
maintain the coverage required by the bureau of workers' 10948  
compensation; 10949

(3) Knowingly failed during the course of a contract to 10950  
maintain the contractor's drug-free workplace program as required 10951  
by the contract; 10952

(4) Knowingly failed during the course of a contract to 10953  
maintain insurance required by the contract or otherwise by law, 10954

Career services to students may include, but are not limited to, job shadowing, internships, co-ops, apprenticeships, career exploration activities, and problem-based curriculum developed in alignment with in-demand jobs.

(B) The governor's office of workforce transformation shall oversee the creation of regional workforce collaboration partnerships based on the model created under division (A) of this section. The partnerships shall be located in each of the six different regions of the state, as determined by JobsOhio.

(C) As used in this section, "JobsOhio" has the same meaning as in section 187.01 of the Revised Code.

**Section 101.02.** That existing sections 101.27, 101.34, 102.01, 102.02, 102.022, 102.03, 102.05, 102.06, 102.09, 102.99, 103.41, 103.42, 103.45, 103.47, 105.41, 107.031, 107.35, 109.572, 109.5721, 109.803, 117.04, 120.08, 120.18, 120.28, 120.33, 120.34, 120.35, 120.36, 121.22, 121.48, 122.01, 122.071, 122.08, 122.081, 122.17, 122.171, 122.174, 122.175, 122.33, 122.641, 122.85, 122.86, 123.01, 123.20, ~~123.21~~, 124.38, 124.384, 124.823, 124.93, 125.035, 125.04, 125.061, 125.18, 125.22, 125.28, 126.11, 126.22, 126.35, 131.23, 131.33, 131.35, 131.44, 131.51, 133.022, 133.06, 133.061, 135.143, 135.182, 135.45, 135.63, 135.71, 147.08, 147.541, 149.43, 151.03, 152.08, ~~153.01~~, 153.02, 154.11, 166.08, 166.11, 167.03, 173.01, 173.14, 173.15, 173.17, 173.19, 173.20, 173.21, 173.22, 173.24, 173.27, 173.28, 173.38, 173.381, 173.42, 173.424, 173.48, 173.51, 173.55, 173.99, 174.02, 183.51, 191.04, 191.06, 305.05, 307.283, 307.678, 307.93, 307.984, 317.32, 317.321, 319.11, 319.26, 319.54, 319.63, 321.26, 321.27, 321.37, 321.46, 323.01, 323.32, 329.03, 329.04, 329.051, 329.06, 340.03, 340.033, 341.12, 341.121, 341.25, 349.03, 503.56, 505.94, 507.12, 507.13, 703.20, 703.21, 705.22, 715.014, 718.02, 718.051, 718.27, 733.78, 733.81, 763.01, 763.07, 901.04, 901.43, 909.10, 911.11,

higher education shall designate an employee to serve as its efficiency officer responsible for the evaluation and improvement of operational efficiencies on campus. Each efficiency officer shall serve on the efficiency advisory committee.

By ~~the thirty-first day of~~ December ~~31~~ of each year, the ~~Chancellor~~ chancellor of ~~Higher Education~~ higher education shall provide a report to the ~~Office~~ office of ~~Budget~~ budget and ~~Management~~ management, the ~~Governor~~ governor, and the ~~General Assembly~~ president of the senate, and the speaker of the house of representatives compiling efficiency reports from all public institutions of higher education and benchmarking efficiency gains realized over the preceding year. The reports from each institution shall identify efficiencies at each public institution of higher education, and quantify revenue enhancements, reallocation of resources, expense reductions, and cost avoidance where possible in the areas of general operational functions, academic program delivery, energy usage, and information technology and procurement reforms. The reports shall particularly emphasize areas where these reforms are demonstrating savings or cost avoidance to students. The report shall also be made available to the public on the ~~Department~~ department of ~~Higher Education's~~ higher education's web site.

**Section 610.11.** That existing Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly is hereby repealed.

**Section 610.20.** That Section 529.10 of S.B. 310 of the 131st General Assembly be amended and that Section 529.10 of S.B. 310 of the 131st General Assembly be amended to codify it as section 123.211 of the Revised Code to read as follows:

**Sec. ~~529.10~~ 123.211.** ~~AGENCY ADMINISTRATION OF CAPITAL FACILITIES PROJECTS~~



(A) Notwithstanding any contrary provision of section 123.21 139993  
of the Revised Code, the ~~Executive Director~~ executive director of 139994  
the Ohio ~~Facilities Construction Commission~~ facilities 139995  
construction commission may authorize any of the Departments of 139996  
~~Mental Health and Addiction Services, Developmental Disabilities,~~ 139997  
~~Agriculture, Job and Family Services, Rehabilitation and~~ 139998  
~~Correction, Youth Services, Public Safety, Transportation,~~ 139999  
~~Veterans Services, and the Bureau of Workers' Compensation~~ 140000  
following agencies to administer any capital facilities ~~projects~~ 140001  
project, the estimated cost of which, including design fees, 140002  
construction, equipment, and contingency amounts, is less than 140003  
~~\$1,500,000~~ one million five hundred thousand dollars: 140004

(1) The department of mental health and addiction services; 140005

(2) The department of developmental disabilities; 140006

(3) The department of agriculture; 140007

(4) The department of job and family services; 140008

(5) The department of rehabilitation and correction; 140009

(6) The department of youth services; 140010

(7) The department of public safety; 140011

(8) The department of transportation; 140012

(9) The department of veterans services; 140013

(10) The bureau of workers' compensation; 140014

(11) The department of administrative services, **except as** 140015

~~otherwise provided in division (D)(2) of section 123.21 and~~ 140016

~~division (D)(3) of section 153.01 of the Revised Code;~~ 140017

(12) The state school for the deaf; 140018

(13) The state school for the blind. Requests 140019

(B) A state agency that wishes to administer a project under 140020  
division (A) of this section shall submit a request for 140021

authorization ~~to administer capital facilities projects shall be~~ 140022  
~~made~~ through the ~~OAKS-CI~~ Ohio administrative knowledge system 140023  
capital improvements application ~~by the applicable state agency.~~ 140024  
Upon the release of funds for the projects by the ~~Controlling~~ 140025  
~~Board~~ controlling board or the ~~Director~~ director of ~~Budget~~ budget 140026  
and ~~Management~~ management, the agency may administer the capital 140027  
project or projects for which agency administration has been 140028  
authorized without the supervision, control, or approval of the 140029  
~~Executive Director~~ executive director of the Ohio ~~Facilities~~ 140030  
~~Construction Commission~~ facilities construction commission. 140031

(C) A state agency authorized by the ~~Executive Director~~ 140032  
executive director of the Ohio ~~Facilities Construction Commission~~ 140033  
facilities construction commission to administer capital 140034  
facilities projects pursuant to this section shall comply with the 140035  
applicable procedures and guidelines established in Chapter 153. 140036  
of the Revised Code and shall track all project information in 140037  
~~OAKS-CI~~ the Ohio administrative knowledge system capital 140038  
improvements application pursuant to Ohio ~~Facilities Construction~~ 140039  
~~Commission~~ facilities construction commission guidelines. 140040

**Section 610.21.** That existing Section 529.10 of S.B. 310 of 140041  
the 131st General Assembly is hereby repealed. 140042

**Section 610.23.** That Sections 213.10, 213.20, and 217.10 of 140043  
S.B. 310 of the 131st General Assembly be amended to read as 140044  
follows: 140045

**Sec. 213.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 140046  
Building Improvement Fund (Fund 5KZ0) 140047  
C10035 Building Improvement \$ 10,693,000 140048  
TOTAL Building Improvement Fund \$ 10,693,000 140049  
Administrative Building Fund (Fund 7026) 140050