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, 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, 173.501, 173.51, 173.521, 173.542, 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,
1163.05, 1163.07, 1163.09, 1163.10, 1163.11, 1163.12, 1163.121, 1163.13, 1163.14, 1163.15, 1163.19, 1163.20, 1163.21, 1163.22, 1163.24, 1163.25, 1163.26, 1163.27, 1165.01, 1165.03, 1165.04, 1165.05, 1165.06, 1165.09, 1165.10, 1165.11, 1165.12, 1165.13, 1165.14, 1165.17, 1165.18, 1165.19, 1165.20, 1165.21, 1165.22, 1165.23, 1165.24, 1165.25, 1165.26, 1165.27, 1165.28, 1165.29, 1165.30, 1165.33, 1181.16, 1181.17, and 1181.18 of the Revised Code; to amend sections 329.04 and 2329.66 of the Revised Code effective December 31, 2017; to repeal the version of section 118.023 of the Revised Code that is scheduled to take effect September 29, 2017; to amend sections 109.572, 3701.83, 4713.10, 4713.56, 4731.07, 4731.224, and 4776.01 of the Revised Code effective January 21, 2018; to repeal section 5166.35 of the Revised Code effective January 1, 2019; to amend for the purpose of codifying and changing the number of Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly to section 3333.95 of the Revised Code; to amend for the purpose of codifying and changing the number of Section 529.10 of S.B. 310 of the 131st General Assembly to section 123.211 of the Revised Code; to amend Sections 205.10 and 205.20 of Sub. H.B. 26 of the 132nd General Assembly, Sections 125.13 and 327.270 of Am. Sub. H.B. 64 of the 131st General Assembly, Sections 207.440, 213.10, 213.20, 217.10, 221.20, 227.10, 229.10, and 229.30 of S.B. 310 of the 131st General Assembly, Sections 203.10, 207.290, 221.10, 223.10, and 239.10 of S.B. 310 of the 131st General Assembly,
as subsequently amended, Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly, as subsequently amended, Section 2 of Am. Sub. S.B. 1 of the 130th General Assembly, as subsequently amended, Section 3 of Sub. S.B. 9 of the 130th General Assembly, and Section 7 of Sub. H.B. 532 of the 129th General Assembly, as subsequently amended; and to repeal Section 7 of Am. Sub. H.B. 52 of the 131st General Assembly and Section 745.20 of Sub. H.B. 26 of the 132nd General Assembly to make operating appropriations for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of state programs.

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, 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.
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 licensed engineers or architects, surveys, general and detailed plans, specifications, bills of materials, and estimates of cost for any projects, improvements, or public buildings to be constructed by state agencies that may be authorized by legislative appropriations or any other funds made available therefor, provided that the construction of the projects, improvements, or public buildings is a statutory duty of the commission. This section does not require the independent employment of an architect or engineer as provided by section 153.01 of the Revised Code in the cases to which section 153.01 of the Revised Code applies. This section does not affect or alter the existing powers of the director of transportation.

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

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

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

(5) Contract with, retain the services of, or designate, and fix the compensation of, such agents, accountants, consultants, advisers, and other independent contractors as may be necessary or
desirable to carry out the programs authorized under this chapter, or authorize the executive director to perform such powers and duties.

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

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

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

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

(B) The commission shall appoint and fix the compensation of an executive director who shall serve at the pleasure of the commission. The executive director shall exercise all powers that the commission possesses, supervise the operations of the commission, and perform such other duties as delegated by the commission. The executive director also shall employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, who shall serve at the pleasure of the executive director. The employees of the commission are exempt from Chapter 4117. of the Revised Code and are not considered public employees as defined in section 4117.01 of the Revised Code. Any agreement entered into prior to July 1, 2012, between the office of collective bargaining and the exclusive representative for employees of the commission is binding and shall continue to have effect.
(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
that fund, shall issue obligations in the amount determined to be
required by the issuing authority.

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

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

Sec. 153.01. (A) Whenever any building or structure for the
use of the state or any institution supported in whole or in part
by the state or in or upon the public works of the state that is
administered by the Ohio facilities construction commission or by
any other state officer or state agency authorized by law to
administer a project, including an educational institution listed
in section 3345.50 of the Revised Code, is to be erected or
constructed, whenever additions, alterations, or structural or
other improvements are to be made, or whenever heating, cooling,
or ventilating plants or other equipment is to be installed or
material supplied therefor, the estimated cost of which amounts to
two hundred thousand dollars or more, or the amount determined
pursuant to section 153.53 of the Revised Code or more, each
officer, board, or other authority upon which devolves the duty of
constructing, erecting, altering, or installing the same, referred
to in sections 153.01 to 153.60 of the Revised Code as the public
authority, shall cause to be made, by an architect or engineer
whose contract of employment shall be prepared and approved by the
attorney general, the following:

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

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

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

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

(5) A life-cycle cost analysis;

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

(B)(1) Division (A) of this section shall not be required
with respect to a construction management contract entered into
with a construction manager at risk as described in section 9.334 of the Revised Code or a design-build contract entered into with a design-build firm as described in section 153.693 of the Revised Code.

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

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

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

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

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

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

(4) Knowingly failed during the course of a contract to maintain insurance required by the contract or otherwise by law,
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 11 of each year, the
Chancellor of Higher Education shall
provide a report to the Office of Budget and
Management, the 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,
reallocated 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 those reforms are demonstrating savings or
cost avoidance to students. The report shall also be made
available to the public on the Department of 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 of the Revised Code, the Executive Director of the Ohio Facilities Construction Commission may authorize any of the Departments of Mental Health and Addiction Services, Developmental Disabilities, Agriculture, Job and Family Services, Rehabilitation and Correction, Youth Services, Public Safety, Transportation, Veterans Services, and the Bureau of Workers' Compensation following agencies to administer any capital facilities project, the estimated cost of which, including design fees, construction, equipment, and contingency amounts, is less than $1,500,000 one million five hundred thousand dollars:

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

(2) The department of developmental disabilities;

(3) The department of agriculture;

(4) The department of job and family services;

(5) The department of rehabilitation and correction;

(6) The department of youth services;

(7) The department of public safety;

(8) The department of transportation;

(9) The department of veterans services;

(10) The bureau of workers' compensation;

(11) The department of administrative services, except as otherwise provided in division (D)(2) of section 123.21 and division (D)(3) of section 153.01 of the Revised Code;

(12) The state school for the deaf;

(13) The state school for the blind. Requests

(B) A state agency that wishes to administer a project under division (A) of this section shall submit a request for
authorization to administer capital facilities projects shall be made through the Ohio administrative knowledge system capital improvements application by the applicable state agency. Upon the release of funds for the projects by the Controlling Board or the Director of Budget and Management, the agency may administer the capital project or projects for which agency administration has been authorized without the supervision, control, or approval of the Executive Director of the Ohio Facilities Construction Commission.

(C) A state agency authorized by the Executive Director of the Ohio Facilities Construction Commission to administer capital facilities projects pursuant to this section shall comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code and shall track all project information in the Ohio administrative knowledge system capital improvements application pursuant to Ohio Facilities Construction Commission guidelines.

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

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

Sec. 213.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

<table>
<thead>
<tr>
<th>Building Improvement Fund (Fund 5KZ0)</th>
<th>$ 10,693,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10035 Building Improvement</td>
<td>$ 10,693,000</td>
</tr>
<tr>
<td>TOTAL Building Improvement Fund</td>
<td>$ 10,693,000</td>
</tr>
</tbody>
</table>

Administrative Building Fund (Fund 7026)