

**As Reported by the Senate State and Local Government and  
Veterans Affairs Committee**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Sub. H. B. No. 266**

**Representative Huffman**

**Cosponsors: Representatives Zehringer, Stebelton, Evans, McGregor, J.,  
Goodwin, Setzer, Seitz, Aslanides, Combs, Domenick, Fessler, Newcomb,  
Otterman, J., Reinhard, Ujvagi, Widowfield, Daniels, Hughes, Koziura, Patton,  
Schlichter, Schneider, Yuko**

**—**

**A B I L L**

To amend sections 345.08 and 3354.26 of the Revised 1  
Code and to amend Section 201.50 of H.B. 496 of 2  
the 127th General Assembly, as subsequently 3  
amended, to enable more flexible composition of 4  
veterans memorial boards of trustees, to establish 5  
corrective action grants for school facilities 6  
projects, to make a capital appropriation, and to 7  
modify the relationship between Rio Grande 8  
Community College and the University of Rio 9  
Grande. 10

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

**Section 1.** That sections 345.08 and 3354.26 of the Revised 11  
Code be amended to read as follows: 12

**Sec. 345.08.** Within five days after the certification to the 13  
taxing authority of the result of an election held under sections 14  
345.02 to 345.05 of the Revised Code, provided a majority of the 15

votes cast on the proposal submitted are in favor of such 16  
proposal, or within five days after adoption by the taxing 17  
authority of an ordinance or resolution to authorize the issuance 18  
of any such bonds without a vote of the electors, the taxing 19  
authority of the township or county, or the mayor of the municipal 20  
corporation shall appoint a board of trustees, consisting of at 21  
least five but not more than eleven members, which shall, at all 22  
times, be so constituted that at least ~~seven~~ a majority of its 23  
members are honorably discharged veterans of the armed forces of 24  
the United States, ~~having served in one or more wars in which the~~ 25  
~~United States was a belligerent. Not more than six members of the~~ 26  
~~board shall be from the same political party. Five~~ A majority of 27  
such trustees shall be appointed for three years and ~~six~~ the 28  
remaining trustees shall be appointed for five years, and 29  
thereafter, on the expiration of the original term, appointments 30  
shall be made for terms of five years. Appointments to fill 31  
vacancies shall be for the unexpired term. 32

**Sec. 3354.26.** (A) Notwithstanding the provisions in section 33  
3354.07 and division (A) of section 3354.09 of the Revised Code, 34  
which allow the board of trustees of a community college district 35  
to contract with a generally accredited public university or 36  
college for operation of such community college, the board of 37  
trustees of the Rio Grande community college district and the 38  
board of trustees of the university of Rio Grande, a private 39  
nonprofit corporation also located in Rio Grande, Ohio, may enter 40  
into a contract for the board of trustees of the university of Rio 41  
Grande to provide for operation of the community college. ~~The~~ 42  
Provided that the terms and conditions are approved by the Ohio 43  
ethics commission and the controlling board, the community college 44  
may enter into a contract to employ a person to serve as president 45  
of the community college, and also may have that person serve as 46  
president of the university ~~as established by the contract entered~~ 47

~~into pursuant to this section. The salary, benefits, and other 48  
compensation for any such employee for all duties shall be 49  
determined and paid solely by the community college. 50~~

(B)(1) The board of trustees of the community college may, 52  
along with the university, enter into a contract with a nonprofit 53  
organization, established for educational purposes related to both 54  
the community college and the university, to hire administrative 55  
officers or employees, not including the president as provided for 56  
in division (A) of this section and the treasurer, to be shared by 57  
the community college and university. 58

(2) Membership on the governing board of a nonprofit 59  
organization, established for educational purposes related to both 60  
the community college and the university, and membership on the 61  
board of trustees of the Rio Grande community college district 62  
does not create a conflict of interest under Chapter 102. of the 63  
Revised Code. A contract between such nonprofit organization board 64  
and community college board does not create an unlawful interest 65  
in a public contract under section 2921.42 of the Revised Code for 66  
a person serving on both boards. 67

**Section 2.** That existing sections 345.08 and 3354.26 of the 68  
Revised Code are hereby repealed. 69

**Section 3.** That Section 201.50 of H.B. 496 of the 127th 70  
General Assembly, as amended by Am. Sub. H.B. 562 of the 127th 71  
General Assembly, be amended to read as follows: 72

**Sec. 201.50.** All items set forth in this section are hereby 73  
appropriated out of any moneys in the state treasury to the credit 74  
of the School Building Program Assistance Fund (Fund 7032) that 75  
are not otherwise appropriated: 76

		Reappropriations	
SFC SCHOOL FACILITIES COMMISSION			77
C23002	School Building Program Assistance	\$ <del>3,572,253,121</del>	78
		<u>3,547,253,121</u>	
C23005	Exceptional Needs	\$ 28,504,951	79
C23010	Vocation Facilities Assistance Program	\$ 11,115,616	80
<u>C23011</u>	<u>Corrective Action Grants</u>	\$ <u>25,000,000</u>	81
Total School Facilities Commission		\$ 3,611,873,688	82
TOTAL School Building Program Assistance Fund		\$ 3,611,873,688	83
CONSTRUCTION OF NEW BLIND AND DEAF SCHOOLS			84
Of the foregoing appropriation item C23002, School Building			85
Program Assistance, \$37,080,000 shall be used for constructing new			86
facilities, or renovating existing facilities, or both, on the			87
current campuses of the Ohio State School for the Blind and the			88
Ohio School for the Deaf. Notwithstanding sections 123.01 and			89
123.15 of the Revised Code and in addition to its powers under			90
Chapter 3318. of the Revised Code, the Ohio School Facilities			91
Commission shall administer the project pursuant to the memorandum			92
of understanding that the Ohio State School for the Blind, the			93
Ohio School for the Deaf, and the Ohio School Facilities			94
Commission signed on October 31, 2007. The project shall comply to			95
the fullest extent possible with the specifications and policies			96
set forth in the Ohio School Facilities Design Manual and shall			97
not be considered a part of any program created under Chapter			98
3318. of the Revised Code. As agreed to by the parties in the			99
memorandum of understanding, \$37,080,000 is sufficient to complete			100
the construction or renovation of the facilities needed for the			101
education of both the deaf and blind student communities and			102
additional appropriations will not be required. Upon issuance by			103
the Commission of a certificate of completion of the project, the			104
Commission's participation in the project shall end.			105
The Executive Director of the Ohio School Facilities			106

Commission shall comply with the procedures and guidelines 107  
established in Chapter 153. of the Revised Code. Upon the release 108  
of funds for the project by the Controlling Board or the Director 109  
of Budget and Management, the Commission may administer the 110  
project without the supervision, control, or approval of the 111  
Director of Administrative Services. Any references to the 112  
Director of Administrative Services in the Revised Code, with 113  
respect to the administration of the project, shall be read as if 114  
they referred to the Director of the Ohio School Facilities 115  
Commission. 116

CORRECTIVE ACTION GRANTS 117

The foregoing appropriation item C23011, Corrective Action 118  
Grants, may be used to provide funding to bring facilities up to 119  
Ohio School Design Manual standards for a project funded pursuant 120  
to sections 3318.01 to 3318.20 or 3318.40 to 3318.45 of the 121  
Revised Code for the correction of work found during or after 122  
project close-out to be defective, or for the remediation of work 123  
found during or after project close-out to be omitted. Funding 124  
shall only be provided for work if the impacted school district 125  
notifies the Executive Director of the Ohio School Facilities 126  
Commission within five years of project close-out. The Commission 127  
may provide funding assistance necessary to take corrective 128  
measures after evaluating defective or omitted work. If the work 129  
to be corrected or remediated is part of a project not yet 130  
completed, the Commission may amend the project agreement to 131  
increase the project budget and use corrective action funding to 132  
provide the local share of the amendment. If the work to be 133  
corrected or remediated was part of a completed project and funds 134  
were retained or transferred pursuant to division (C) of section 135  
3318.12 of the Revised Code, the Commission may enter into a new 136  
agreement to address the necessary corrective action. The 137  
Commission shall assess responsibility for the defective or 138

omitted work and seek cost recovery from responsible parties, if 139  
applicable. Any funds recovered shall be deposited into the School 140  
Building Program Assistance Fund (Fund 7032). 141

**Section 4.** That existing Section 201.50 of H.B. 496 of the 142  
127th General Assembly, as amended by Am. Sub. H.B. 562 of the 143  
127th General Assembly, is hereby repealed. 144