

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 85**

**Representative Webster**

—

**A BILL**

To amend sections 3333.01, 3333.03, 3333.04, 3333.05, 1  
3333.07, 3333.10, and 3333.99 and to enact 2  
sections 3333.45, 3333.46, and 3345.02 of the 3  
Revised Code to expand the authority of the Ohio 4  
Board of Regents to regulate the programs and 5  
tuition of state institutions of higher education, 6  
to require the Governor's approval of the Board of 7  
Regent's selection for Chancellor, to restructure 8  
the terms of members of the Board of Regents, and 9  
to establish the Ohio Higher Education Purchasing 10  
Commission. 11

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

**Section 1.** That sections 3333.01, 3333.03, 3333.04, 3333.05, 12  
3333.07, 3333.10, and 3333.99 be amended and sections 3333.45, 13  
3333.46, and 3345.02 of the Revised Code be enacted to read as 14  
follows: 15

**Sec. 3333.01.** (A) There is hereby created the Ohio board of 16  
regents consisting of nine members to be appointed by the governor 17  
with the advice and consent of the senate. The members shall be 18  
residents of this state who possess an interest in and knowledge 19  
of higher education. No member shall be a trustee, officer, or 20

employee of any Ohio public or private college or university while 21  
serving as a member of the board. In addition to the members 22  
appointed by the governor, the ~~chairman~~ chairperson of the 23  
education committee of the senate and the ~~chairman~~ chairperson of 24  
the education committee of the house of representatives shall, 25  
after January 1, 1967, be ex officio members of the board without 26  
a vote. 27

~~Terms~~ (B) Prior to September 20, 2007, terms of office shall 28  
be for nine years, commencing on the twenty-first day of September 29  
and ending on the twentieth day of September. ~~Each~~ 30

(C) Beginning on September 20, 2007, the terms of office for 31  
the members of the board of regents shall be as follows: 32

(1) Notwithstanding division (B) of this section, the terms 33  
of office of the three members whose terms under division (B) of 34  
this section otherwise are scheduled to expire on September 20, 35  
2008, shall expire, and their successors shall be appointed, as 36  
follows: 37

(a) The term of one of those members shall expire on 38  
September 20, 2007. The governor in office on that date shall 39  
determine which member's term shall expire on that date. The 40  
governor, with the advice and consent of the senate, shall appoint 41  
a successor for a term beginning on September 21, 2007, and ending 42  
on February 29, 2016. 43

(b) The term of another of those members shall expire on 44  
February 29, 2008. The governor in office on that date shall 45  
determine which member's term shall expire on that date. The 46  
governor, with the advice and consent of the senate, shall appoint 47  
a successor for a term beginning on March 1, 2008, and ending on 48  
February 28, 2017. 49

(c) The term of the third of those members shall expire on 50  
February 28, 2009. The governor, with the advice and consent of 51

the senate, shall appoint a successor for a term beginning on 52  
March 1, 2009, and ending on February 28, 2018. 53

(2) Notwithstanding division (B) of this section, the terms 54  
of office of the three members whose terms under division (B) of 55  
this section otherwise are scheduled to expire on September 20, 56  
2011, shall expire, and their successors shall be appointed, as 57  
follows: 58

(a) The term of one of those members shall expire on February 59  
28, 2010. The governor in office on that date shall determine 60  
which member's term shall expire on that date. The governor, with 61  
the advice and consent of the senate, shall appoint a successor 62  
for a term beginning on March 1, 2010, and ending on February 28, 63  
2019. 64

(b) The term of another of those members shall expire on 65  
February 28, 2011. The governor in office on that date shall 66  
determine which member's term shall expire on that date. The 67  
governor, with the advice and consent of the senate, shall appoint 68  
a successor for a term beginning on March 1, 2011, and ending on 69  
February 29, 2020. 70

(c) The term of the third of those members shall expire on 71  
February 29, 2012. The governor, with the advice and consent of 72  
the senate, shall appoint a successor for a term beginning on 73  
March 1, 2012, and ending on February 28, 2021. 74

(3) Notwithstanding division (B) of this section, the terms 75  
of office of the three members whose terms under division (B) of 76  
this section otherwise are scheduled to expire on September 20, 77  
2014, shall expire, and their successors shall be appointed, as 78  
follows: 79

(a) The term of one of those members shall expire on February 80  
28, 2013. The governor in office on that date shall determine 81  
which member's term shall expire on that date. The governor, with 82

the advice and consent of the senate, shall appoint a successor 83  
for a term beginning on March 1, 2013, and ending on February 28, 84  
2022. 85

(b) The term of another of those members shall expire on 86  
February 28, 2014. The governor in office on that date shall 87  
determine which member's term shall expire on that date. The 88  
governor, with the advice and consent of the senate, shall appoint 89  
a successor for a term beginning on March 1, 2014, and ending on 90  
February 28, 2023. 91

(c) The term of the third of those members shall expire on 92  
February 28, 2015. The governor, with the advice and consent of 93  
the senate, shall appoint a successor for a term beginning on 94  
March 1, 2015, and ending on February 29, 2024. 95

Thereafter, the terms of office of all subsequent members of 96  
the board of regents shall be for nine years beginning on the 97  
first day of March and ending on the last day of February. 98

(D) Except as provided in division (C) of this section, each 99  
member shall hold office from the date of ~~his~~ appointment until 100  
the end of the term for which ~~he~~ the member was appointed. Any 101  
member appointed to fill a vacancy occurring prior to the 102  
expiration of the term for which ~~his~~ the member's predecessor was 103  
appointed shall hold office for the remainder of ~~such~~ that term. 104  
Any member shall continue in office subsequent to the expiration 105  
date of ~~his~~ the member's term until ~~his~~ a successor takes office, 106  
or until a period of sixty days has elapsed, whichever occurs 107  
first. 108

No person who has served a full nine-year term shall be 109  
eligible for reappointment. 110

(E) Board members shall serve without compensation, but shall 111  
be reimbursed for necessary expenses incurred in the conduct of 112  
board business. 113

**Sec. 3333.03.** (A) The Ohio board of regents shall appoint a 114  
chancellor, subject to approval of the governor, to serve at ~~its~~ 115  
the pleasure and of the board. The board of regents shall 116  
prescribe the chancellor's duties. ~~The board and~~ shall fix the 117  
compensation for the chancellor. 118

(B) The chancellor shall be a member of the governor's 119  
cabinet. 120

(C) The chancellor is the administrative officer of the 121  
board, and is responsible for appointing and fixing the 122  
compensation of all professional, administrative, and clerical 123  
employees and staff members necessary to assist the board and the 124  
chancellor in the performance of their duties. All employees and 125  
staff shall serve at the chancellor's pleasure. The chancellor 126  
shall be a person qualified by training and experience to 127  
understand the problems and needs of the state in the field of 128  
higher education and to devise programs, plans, and methods of 129  
solving the problems and meeting the needs. 130

~~(C)~~(D) Neither the chancellor nor any staff member or 131  
employee of the board shall be a trustee, officer, or employee of 132  
any public or private college or university while serving on the 133  
board. 134

**Sec. 3333.04.** The Ohio board of regents shall: 135

(A) Make studies of and assess state policy in the field of 136  
higher education and formulate a master plan ~~for~~ to improve higher 137  
education for the state, considering the needs of the people, the 138  
needs of the state, and the role of individual public and private 139  
institutions within the state in fulfilling these needs. The 140  
master plan, which the board of regents shall review and update at 141  
least every two years, shall include goals for higher education in 142  
the state in at least the following areas: 143

(1) Seamless access to affordable, high-quality higher education for all Ohioans, including rigorous academic preparation in high school and ease of credit transfer regardless of where or when a student initially enrolls in an institution of higher education; 144  
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(2) Student success and degree attainment relative to the needs of the state; 149  
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(3) Identification and evaluation of emerging and existing academic programs of distinction and excellence; 151  
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(4) Elimination of unnecessary duplication in programs, services, and facilities both statewide and regionally; 153  
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(5) Achievement of Ohioans' scientific and technical competence to meet the workforce needs of the twenty-first century economy; 155  
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(6) Research and workforce development programs to create economic opportunities. 158  
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(B)(1) Report annually to the governor and the general assembly on the findings from its studies and, implementation of the master plan for higher education for the state and progress toward the goals included in the plan, and the impact of the master plan on state funding for higher education; 160  
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(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education and the impact of those numbers on state funding for each institution. 165  
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(C) Approve or disapprove the establishment, dissolution, or consolidation of ~~new~~ branches or academic centers of state colleges and universities; 169  
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(D) Approve or disapprove the establishment of community colleges, state community colleges, technical colleges, or any 172  
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other state institution of higher education; 174

(E) ~~Recommend~~ Determine the nature of the programs, 175  
undergraduate, graduate, professional, workforce training, 176  
state-financed research, and public services ~~which should be~~ 177  
offered by the state colleges, universities, and other 178  
state-assisted institutions of higher education ~~in order.~~ The 179  
board shall review the programs and services offered annually. In 180  
making its determinations, the board shall consider the following: 181

(1) How to utilize to the best advantage ~~their~~ the combined 182  
facilities, subject-matter expertise, and personnel of the 183  
institutions; 184

(2) Appropriate opportunities for campuses to collaborate in 185  
the provision of programs or services and to share faculty, 186  
facilities, and administrative support; 187

(3) Ways to provide a cost-effective system of higher 188  
education for the state. 189

(F) ~~Recommend to~~ After consultation with the state colleges, 190  
universities, and other state-assisted institutions of higher 191  
education ~~graduate or professional programs, including, but not~~ 192  
~~limited to, doctor of philosophy, doctor of education, and juris~~ 193  
~~doctor programs, that could be eliminated because they constitute~~ 194  
~~unnecessary duplication, as shall be determined using the process~~ 195  
~~developed pursuant to this section, or for other good and~~ 196  
~~sufficient cause. For purposes of determining the amounts of any~~ 197  
~~state instructional subsidies paid to these colleges,~~ 198  
~~universities, and institutions, the board may exclude students~~ 199  
~~enrolled in any program that the board has recommended for~~ 200  
~~elimination pursuant to this division except that the board shall~~ 201  
~~not exclude any such student who enrolled in the program prior to~~ 202  
~~the date on which the board initially commences to exclude~~ 203  
~~students under this division. The board of regents and these~~ 204

~~colleges, universities, and institutions shall jointly develop a~~ 205  
~~process for determining which existing graduate or professional~~ 206  
~~programs and their boards of trustees, eliminate degrees and~~ 207  
~~programs that constitute unnecessary duplication or do not meet~~ 208  
~~the state's current needs. After the board's initial decision to~~ 209  
~~eliminate a degree or program offered by an institution, any~~ 210  
~~payment of state operational support to the institution for that~~ 211  
~~degree or program shall include only those students who were~~ 212  
~~enrolled in the degree or program on the date of the board's~~ 213  
~~decision and shall continue only until a date specified by the~~ 214  
~~board for withdrawal of all state operational support for the~~ 215  
~~degree or program. In specifying a date for withdrawal of all~~ 216  
~~state operational support for the degree or program, the board~~ 217  
~~shall provide a reasonable amount of time, as determined by the~~ 218  
~~board, for students enrolled in the degree or program at the time~~ 219  
~~of the board's initial elimination decision to complete the degree~~ 220  
~~or program.~~ 221

(G) ~~Recommend to~~ Determine, in consultation with the state 222  
colleges, universities, and other state-assisted institutions of 223  
higher education and their boards of trustees, programs which 224  
~~should be added to add to their~~ the institutions' present 225  
programs~~†~~. The board's determinations shall focus on increasing 226  
enrollments, degrees, and programs in the fields of science, 227  
technology, engineering, and mathematics. 228

(H) Conduct studies for the state colleges, universities, and 229  
other state-assisted institutions of higher education and their 230  
boards of trustees to assist them in making the best and most 231  
efficient use of their existing facilities and personnel; 232

(I) Make recommendations to the governor and general assembly 233  
concerning the development of state-financed capital plans for 234  
higher education, including the allocation of state capital 235  
support for individual institutions and for needed maintenance; 236



the establishment of new state colleges, universities, and other 237  
state-assisted institutions of higher education; and the 238  
establishment of new programs at the existing state colleges, 239  
universities, and other institutions of higher education; 240

(J) Review the appropriation requests of the public community 241  
colleges and the state colleges and universities and submit to the 242  
office of budget and management and to the chairpersons of the 243  
finance committees of the house of representatives and of the 244  
senate its recommendations in regard to the biennial higher 245  
education appropriation for the state, including appropriations 246  
for the individual state colleges and universities and public 247  
community colleges. For the purpose of determining the amounts of 248  
instructional subsidies to be paid to state-assisted colleges and 249  
universities, the board shall define "full-time equivalent 250  
student" by program per academic year. The definition may take 251  
into account the establishment of minimum enrollment levels in 252  
technical education programs below which support allowances will 253  
not be paid. Except as otherwise provided in this section, the 254  
board shall make no change in the definition of "full-time 255  
equivalent student" in effect on November 15, 1981, which would 256  
increase or decrease the number of subsidy-eligible full-time 257  
equivalent students, without first submitting a fiscal impact 258  
statement to the president of the senate, the speaker of the house 259  
of representatives, the legislative service commission, and the 260  
director of budget and management. The board shall work in close 261  
cooperation with the director of budget and management in this 262  
respect and in all other matters concerning the expenditures of 263  
appropriated funds by state colleges, universities, and other 264  
institutions of higher education. 265

(K) Seek the cooperation and advice of the officers and 266  
trustees of both public and private colleges, universities, and 267  
other institutions of higher education in the state in performing 268

~~its duties and making its establishing statewide plans, and goals 269  
and conducting studies, ~~and recommendations;~~ 270~~

(L) Appoint advisory committees consisting of persons 271  
associated with public or private secondary schools, members of 272  
the state board of education, or personnel of the state department 273  
of education; 274

(M) Appoint advisory committees consisting of college and 275  
university personnel, or other persons knowledgeable in the field 276  
of higher education, or both, in order to obtain their advice and 277  
assistance in defining and suggesting solutions for the problems 278  
and needs of higher education in this state; 279

(N) Approve or disapprove all new degrees and new degree 280  
programs at all state colleges, universities, and other 281  
state-assisted institutions of higher education; 282

(O) Adopt such rules as are necessary to carry out its duties 283  
and responsibilities; 284

(P) ~~Establish and submit to the governor and the general 285  
assembly a clear and measurable set of goals and timetables for 286  
their achievement for each program under the supervision of the 287  
board that is designed to accomplish any of the following:~~ 288

~~(1) Increased access to higher education; 289~~

~~(2) Job training; 290~~

~~(3) Adult literacy; 291~~

~~(4) Research; 292~~

~~(5) Excellence in higher education; 293~~

~~(6) Reduction in the number of graduate programs within the 294  
same subject area. 295~~

~~In July of each odd numbered year, the board of regents shall 296  
submit to the governor and the general assembly a report on 297~~

~~progress made toward these goals~~ Create a standardized statewide 298  
community college system to provide Ohioans with low-cost access 299  
to the first two years of college. The system shall enable all 300  
Ohioans, regardless of the area of the state in which they reside, 301  
to have access to similar postsecondary coursework at comparable 302  
instructional rates, as determined by the board. In creating the 303  
system, the board shall make use of the facilities of existing 304  
technical colleges and university branches and of the services, 305  
including distance learning, provided by existing state-assisted 306  
institutions of higher education. 307

(Q) Make recommendations to the governor and the general 308  
assembly regarding the design and funding of the student financial 309  
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 310  
3333.27, and 5910.02 of the Revised Code; 311

(R) Participate in education-related state or federal 312  
programs on behalf of the state and assume responsibility for the 313  
administration of such programs in accordance with applicable 314  
state or federal law; 315

(S) Adopt rules for student financial aid programs as 316  
required by sections 3333.12, 3333.122, 3333.21 to 3333.27, 317  
3333.28, 3333.29, and 5910.02 of the Revised Code, and perform any 318  
other administrative functions assigned to the board by those 319  
sections; 320

(T) Administer contracts under sections 3702.74 and 3702.75 321  
of the Revised Code in accordance with rules adopted by the 322  
director of health under section 3702.79 of the Revised Code; 323

(U) Conduct enrollment audits of state-supported institutions 324  
of higher education; 325

(V) Appoint consortiums of college and university personnel 326  
to participate in the development and operation of statewide 327  
collaborative efforts, including the Ohio supercomputer center, 328

the Ohio academic resources network, OhioLink, and the Ohio 329  
learning network. For each consortium, the board shall designate a 330  
college or university to serve as that consortium's fiscal agent, 331  
financial officer, and employer. Any funds appropriated to the 332  
board for consortiums shall be distributed to the fiscal agents 333  
for the operation of the consortiums. A consortium shall follow 334  
the rules of the college or university that serves as its fiscal 335  
agent. 336

(W) Expand programs dedicated to increasing access to 337  
postsecondary education with the goal of increasing college access 338  
for all counties in the state and improving the availability of 339  
affordable postsecondary opportunities for traditional and 340  
non-traditional students. The board shall work with the student 341  
access and success coordinating council of Ohio to convene 342  
representatives of all access programs to increase communication 343  
and collaboration. 344

(X) Administer contracts to execute the duties of the board 345  
and the chancellor of the board as prescribed by this chapter; 346

(Y) Consult with representatives of institutions of higher 347  
education, business, and government and with community leaders as 348  
necessary to develop plans for carrying out the duties of the 349  
board. 350

**Sec. 3333.05.** The Ohio board of regents shall approve or 351  
disapprove proposed official plans of community college districts, 352  
prepared and submitted pursuant to sections 3354.01 to 3354.18, 353  
inclusive, of the Revised Code, and issue or decline to issue 354  
charters for operation of community colleges, pursuant to section 355  
3354.07 of the Revised Code. 356

The board shall approve an official plan, and issue a 357  
charter, only upon the following findings: 358

(A) That the official plan and all past and proposed actions 359  
of the community college district are in conformity to law; 360

(B) That the proposed community college will not unreasonably 361  
and wastefully duplicate existing educational services available 362  
to students and prospective students residing in the community 363  
college district; 364

(C) That there is reasonable prospect of adequate current 365  
operating revenue for the proposed community college from its 366  
proposed opening date of operation; 367

(D) That the proposed lands and facilities of the community 368  
colleges will be adequate and efficient for the purposes of the 369  
proposed community college; 370

(E) That the proposed curricular programs defined in section 371  
3354.01 of the Revised Code as "arts and sciences" and 372  
"technical," or either, are the programs for which there is 373  
substantial need in the territory of the district. 374

The employment and separation of individual personnel in a 375  
community college, ~~and the establishing or abolishing of~~ 376  
~~individual courses of instruction,~~ shall not be subject to the 377  
specific and individual approval or disapproval of the Ohio board 378  
of regents, but shall occur in the discretion of the local 379  
management of such college within the limitations of law, the 380  
official plan, and the charter of such college. 381

**Sec. 3333.07.** (A) Colleges, universities, and other 382  
institutions of higher education which receive state assistance, 383  
but are not supported primarily by the state, shall submit to the 384  
Ohio board of regents such accounting of the expenditure of state 385  
funds at such time and in such form as the board prescribes. 386

(B) No state institution of higher education shall establish 387  
a new branch or academic center without the approval of the board. 388

(C) No state institution of higher education shall offer a new degree or establish a new degree program without the approval of the board. No degree approval shall be given for a technical education program unless such program is offered by a state assisted university, a university branch, a technical college, or a community college.

~~(D) Any state college, university, or other state assisted institution of higher education not complying with a recommendation of the board pursuant to division (F) or (G) of section 3333.04 of the Revised Code shall so notify the board in writing within one hundred twenty days after receipt of the recommendation, stating the reasons why it cannot or should not comply.~~

~~(E)~~ The officers, trustees, and employees of all institutions of higher education which are state supported or state assisted shall cooperate with the board in supplying information regarding their institutions, and advising and assisting the board on matters of higher education in this state in every way possible when so requested by the board.

~~(F)~~(E) Persons associated with the public school systems in this state, personnel of the state department of education, and members of the state board of education shall provide such data about high school students as are requested by the board of regents to aid in the development of state higher education plans.

**Sec. 3333.10.** (A) As used in this section:

(1) "Qualified institution of higher education" or "institution" means a nonprofit educational institution, holding an effective certificate of authorization issued by the Ohio board of regents under section 1713.02 of the Revised Code, operating in the state an eligible program, and admitting students without discrimination by reason of race, creed, color, or national

origin. 420

(2) "School of dentistry" means an accredited dental college 421  
as defined under section 4715.10 of the Revised Code. 422

(3) "Eligible program" means a medical school accredited by 423  
the liaison committee on medical education or an osteopathic 424  
medical school accredited by the American osteopathic association, 425  
or such a school together with a school of dentistry. 426

(B) In order to provide better for the public health and the 427  
necessary enhancement of instruction in medicine and dentistry in 428  
the state, and to encourage the means of such instruction with the 429  
least economic cost to the people of the state, the Ohio board of 430  
regents may enter into agreements with qualified institutions of 431  
higher education providing for the continued operation by the 432  
institution of eligible programs, conditioned upon continued 433  
payments by the state to such institution for the purposes of such 434  
eligible programs of amounts determined in the manner provided for 435  
the state subsidy from time to time afforded to state universities 436  
on the basis of comparable programs. Before entering into such 437  
agreement, the Ohio board of regents shall determine that the 438  
institution is a qualified institution of higher education as 439  
defined in division (A) of this section, and that the operation of 440  
such eligible programs as provided for in such agreement and such 441  
payments will contribute to the objectives stated in this section 442  
and to the objectives of the master plan of higher education 443  
formulated under section 3333.04 of the Revised Code. 444

(C) Agreements under this section shall contain provisions to 445  
the effect that: 446

(1) The institution shall submit to the Ohio board of regents 447  
accountings for the expenditure of state payments in the manner 448  
and at the times as are requested for state-assisted institutions 449  
of higher education pursuant to division (A) of section 3333.07 of 450

the Revised Code. 451

~~(2) The institution shall notify the Ohio board of regents in 452  
the manner provided for state assisted institutions under division 453  
(D) of section 3333.07 of the Revised Code with regard to program 454  
recommendations by the Ohio board of regents in the nature of 455  
those provided for in divisions (F) and (G) of section 3333.04 of 456  
the Revised Code. 457~~

~~(3) The agreement shall terminate if the institution ceases 458  
to be a qualified institution of higher education as determined by 459  
the Ohio board of regents in accordance with Chapter 119. of the 460  
Revised Code. 461~~

(D) Agreements under this section may make further provision 462  
for any one or more of the following as the parties determine: 463

(1) The duration of any such agreement, or additional 464  
provision for terminating the agreement; 465

(2) Additional conditions for the effectiveness or continued 466  
effectiveness of such agreement; 467

(3) Procedures for the amendment or supplementation of the 468  
agreement, including designation of the parties to approve or 469  
execute such amendments or supplements; 470

(4) Such other provisions as may be deemed necessary or 471  
appropriate. 472

(E) In case any provision or part of this section or any 473  
provision, agreement, covenant, stipulation, obligation, act or 474  
action, or part thereof, made, assumed, or taken under or pursuant 475  
to this section, or any application thereof, is for any reason 476  
held to be illegal or invalid, such illegality or invalidity shall 477  
not affect the remainder thereof or any other provision of this 478  
section or any other provision, agreement, covenant, stipulation, 479  
obligation, action, or part thereof, made, assumed, or taken under 480



or pursuant to this section, which shall be construed and enforced 481  
as if such illegal or invalid portion were not contained therein, 482  
nor shall such illegality or invalidity of any application thereof 483  
affect any legal and valid application thereof, and each such 484  
provision, agreement, covenant, stipulation, obligation, act, or 485  
action, or part thereof, shall be deemed to be effective, 486  
operative, made, done, or entered into in the manner and to the 487  
full extent permitted by law to accomplish most nearly the 488  
intention thereof. 489

(F) No agreement shall be entered into under this section 490  
with any institution which is not in compliance with section 491  
3333.11 of the Revised Code. 492

Sec. 3333.45. (A) Not later than the fifteenth day of July 493  
each year, the Ohio board of regents shall do both of the 494  
following: 495

(1) Establish a minimum and maximum amount of combined 496  
in-state undergraduate instructional and general fees to be 497  
charged by community colleges, state community colleges, technical 498  
colleges, and university branches in the subsequent academic year. 499  
The board of regents shall establish separate amounts for each 500  
type of institution. 501

(2) Establish a minimum and maximum amount of combined 502  
in-state undergraduate instructional and general fees to be 503  
charged by each of the state universities listed in section 504  
3345.011 of the Revised Code and the northeastern Ohio 505  
universities college of medicine in the subsequent academic year. 506  
The board of regents shall establish separate amounts for each 507  
individual institution. 508

(B) The board of trustees or managing authority of each state 509  
institution of higher education shall determine an amount within 510  
the range established for the institution under this section that 511

the institution will charge for combined in-state undergraduate instructional and general fees in the applicable academic year. With the approval of the board of regents, the board of trustees or managing authority may set different amounts of combined in-state undergraduate instructional and general fees for different programs, provided that each amount is within the range established for the institution. No state institution of higher education shall charge combined in-state undergraduate instructional and general fees that are outside of the range established for the institution under this section.

(C) In establishing a range for combined in-state undergraduate instructional and general fees charged by a state institution of higher education under this section, the board of regents shall consider the total amount of state operational support per full-time-equivalent student the institution is estimated to receive in the academic year for which the range is being established and any other financial factors affecting the institution.

(D) The board of regents shall define "academic year" for purposes of this section.

**Sec. 3333.46.** As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(A) The Ohio higher education purchasing commission is hereby established. The commission shall include the following members:

(1) Representatives of state institutions of higher education, appointed by the Ohio board of regents;

(2) Employees of the board of regents, appointed by the board;

(3) Representatives of the department of administrative

services, appointed by the director of administrative services. 542

(B) The commission shall identify areas in which joint 543  
purchasing on a statewide or regional basis may result in cost 544  
savings for state institutions of higher education. The commission 545  
shall consider the feasibility of joint purchasing of supplies, 546  
health insurance, and any services other than instructional 547  
services. 548

(C) If the commission determines that supplies or services 549  
should be jointly purchased, the commission shall direct the 550  
department of administrative services or a state institution of 551  
higher education to enter into a joint purchasing contract for the 552  
supplies or services. The commission shall advise the department 553  
or institution in the negotiation of the contract and shall 554  
designate state institutions of higher education to be covered by 555  
the contract. Except as provided in division (D) of this section, 556  
each state institution of higher education designated by the 557  
commission shall comply with all terms of the contract. 558

(D) Prior to the negotiation of any joint purchasing contract 559  
under this section, the commission shall notify each state 560  
institution of higher education that it designates to be covered 561  
by the contract. The board of trustees or managing authority of 562  
any state institution of higher education designated by the 563  
commission may seek a waiver from the contract by appealing the 564  
designation to the commission. The commission shall grant a waiver 565  
to the institution only if the commission determines that the 566  
board of trustees or managing authority has provided sufficient 567  
evidence that the institution is able to procure similar supplies 568  
or services on its own at a lower cost. 569

(E) The commission shall provide model contracts for state 570  
institutions of higher education to use when negotiating joint 571  
purchasing contracts under this section. The commission may use 572  
contracts negotiated by the department of administrative services, 573

the inter-university council purchasing group of Ohio, or the 574  
midwestern higher education commission for this purpose. 575

**Sec. 3333.99.** Except as expressly provided in ~~Chapter 3333-~~ 576  
this chapter and section 3345.02 of the Revised Code, nothing in 577  
~~such Chapter~~ this chapter shall be construed to deprive the 578  
governing boards of the state colleges and universities of the 579  
duties and powers conferred upon them by law in the government of 580  
the institutions under their control. 581

The Ohio board of regents shall not have the authority to 582  
eliminate a program that a governing board is specifically 583  
required to establish and maintain under any other section of the 584  
Revised Code. 585

**Sec. 3345.02.** (A) As used in this section, "state institution 586  
of higher education" has the same meaning as in section 3345.011 587  
of the Revised Code. 588

(B) The board of trustees or managing authority of each state 589  
institution of higher education shall comply with all of the 590  
following: 591

(1) A decision of the Ohio board of regents, under division 592  
(F) of section 3333.04 of the Revised Code, to eliminate a 593  
particular degree or program offered by the institution. After the 594  
date of the board of regents' initial decision to eliminate the 595  
degree or program, the institution shall cease enrolling new 596  
students in the degree or program. Beginning on the date specified 597  
by the board of regents for withdrawal of all state operational 598  
support for the degree or program, the institution shall cease to 599  
offer the degree or program. In no case shall the institution use 600  
other funds to support continuation of the eliminated degree or 601  
program. 602

(2) A determination of the board of regents, under division 603

(G) of section 3333.04 of the Revised Code, that the institution 604  
add a particular program to its present offerings; 605

(3) Any directive of the board of regents relative to the 606  
creation of a standardized statewide community college system 607  
under division (P) of section 3333.04 of the Revised Code, 608  
provided compliance with the directive does not violate any other 609  
provision of the Revised Code; 610

(4) Any directive of the Ohio higher education purchasing 611  
commission issued under section 3333.46 of the Revised Code, 612  
unless the commission grants the institution a waiver pursuant to 613  
that section. 614

(C) The board of regents may withhold state operational 615  
support from any state institution of higher education that fails 616  
to comply with this section. 617

**Section 2.** That existing sections 3333.01, 3333.03, 3333.04, 618  
3333.05, 3333.07, 3333.10, and 3333.99 of the Revised Code are 619  
hereby repealed. 620