

As Introduced

**129th General Assembly
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H. B. No. 381

Representative Slaby

Cosponsors: Representatives Combs, Hackett, Letson, Roegner, Terhar

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A B I L L

To amend section 3313.41 of the Revised Code with 1
respect to offering school district property to 2
state universities. 3

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

Section 1. That section 3313.41 of the Revised Code be 4
amended to read as follows: 5

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 6
(F), and (G) of this section, when a board of education decides to 7
dispose of real or personal property that it owns in its corporate 8
capacity and that exceeds in value ten thousand dollars, it shall 9
sell the property at public auction, after giving at least thirty 10
days' notice of the auction by publication in a newspaper of 11
general circulation in the school district, by publication as 12
provided in section 7.16 of the Revised Code, or by posting 13
notices in five of the most public places in the school district 14
in which the property, if it is real property, is situated, or, if 15
it is personal property, in the school district of the board of 16
education that owns the property. The board may offer real 17
property for sale as an entire tract or in parcels. 18

(B) When the board of education has offered real or personal 19

property for sale at public auction at least once pursuant to 20
division (A) of this section, and the property has not been sold, 21
the board may sell it at a private sale. Regardless of how it was 22
offered at public auction, at a private sale, the board shall, as 23
it considers best, sell real property as an entire tract or in 24
parcels, and personal property in a single lot or in several lots. 25

(C) If a board of education decides to dispose of real or 26
personal property that it owns in its corporate capacity and that 27
exceeds in value ten thousand dollars, it may sell the property to 28
the adjutant general; to any subdivision or taxing authority as 29
respectively defined in divisions (A) and (C) of section 5705.01 30
of the Revised Code, township park district, board of park 31
commissioners established under Chapter 755. of the Revised Code, 32
or park district established under Chapter 1545. of the Revised 33
Code; to a wholly or partially tax-supported university, 34
university branch, or college; or to the board of trustees of a 35
school district library, upon such terms as are agreed upon. The 36
sale of real or personal property to the board of trustees of a 37
school district library is limited, in the case of real property, 38
to a school district library within whose boundaries the real 39
property is situated, or, in the case of personal property, to a 40
school district library whose boundaries lie in whole or in part 41
within the school district of the selling board of education. 42

(D) When a board of education decides to trade as a part or 43
an entire consideration, an item of personal property on the 44
purchase price of an item of similar personal property, it may 45
trade the same upon such terms as are agreed upon by the parties 46
to the trade. 47

(E) The president and the treasurer of the board of education 48
shall execute and deliver deeds or other necessary instruments of 49
conveyance to complete any sale or trade under this section. 50

(F) When a board of education has identified a parcel of real 51

property that it determines is needed for school purposes, the 52
board may, upon a majority vote of the members of the board, 53
acquire that property by exchanging real property that the board 54
owns in its corporate capacity for the identified real property or 55
by using real property that the board owns in its corporate 56
capacity as part or an entire consideration for the purchase price 57
of the identified real property. Any exchange or acquisition made 58
pursuant to this division shall be made by a conveyance executed 59
by the president and the treasurer of the board. 60

(G) When a school district board of education decides to 61
dispose of real property, prior to disposing of that property 62
under divisions (A) to (F) of this section, it shall ~~first~~ take 63
the following actions in the following order: 64

(1) First, the district board shall offer that property, in 65
either or both of the following manners, to the board of trustees 66
of the state university, as defined in section 3345.011 of the 67
Revised Code, or the northeast Ohio medical university, having its 68
main campus or a branch campus located within the territory of the 69
school district: 70

(a) In an "as is" condition in return for an agreement 71
between the board of trustees and the school district board, under 72
which the university will provide the school district with in-kind 73
services, educational programs, or other assistance valued in the 74
aggregate in an amount reasonably related to the appraised fair 75
market value of the property; 76

(b) For sale for money at a price that is not higher than the 77
appraised fair market value of that property. 78

If the board of trustees does not accept either offer, or if 79
an agreement is not entered into between the school district board 80
and the board of trustees, within sixty days after the offer is 81
made by the district board, the district board then shall offer 82

the property for sale as provided in division (G)(2) of this 83
section. 84

(2) Second, the district board next shall offer that property 85
for sale to the governing authorities of the start-up community 86
schools established under Chapter 3314. of the Revised Code 87
located within the territory of the school district, at a price 88
that is not higher than the appraised fair market value of that 89
property. If more than one community school governing authority 90
accepts the offer made by the school district board, the board 91
shall sell the property to the governing authority that accepted 92
the offer first in time. If no community school governing 93
authority accepts the offer within sixty days after the offer is 94
made by the school district board, the board may dispose of the 95
property in the applicable manner prescribed under divisions (A) 96
to (F) of this section. 97

(H) When a school district board of education has property 98
that the board, by resolution, finds is not needed for school 99
district use, is obsolete, or is unfit for the use for which it 100
was acquired, the board may donate that property in accordance 101
with this division if the fair market value of the property is, in 102
the opinion of the board, two thousand five hundred dollars or 103
less. 104

The property may be donated to an eligible nonprofit 105
organization that is located in this state and is exempt from 106
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 107
Before donating any property under this division, the board shall 108
adopt a resolution expressing its intent to make unneeded, 109
obsolete, or unfit-for-use school district property available to 110
these organizations. The resolution shall include guidelines and 111
procedures the board considers to be necessary to implement the 112
donation program and shall indicate whether the school district 113
will conduct the donation program or the board will contract with 114

a representative to conduct it. If a representative is known when 115
the resolution is adopted, the resolution shall provide contact 116
information such as the representative's name, address, and 117
telephone number. 118

The resolution shall include within its procedures a 119
requirement that any nonprofit organization desiring to obtain 120
donated property under this division shall submit a written notice 121
to the board or its representative. The written notice shall 122
include evidence that the organization is a nonprofit organization 123
that is located in this state and is exempt from federal income 124
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 125
the organization's primary purpose; a description of the type or 126
types of property the organization needs; and the name, address, 127
and telephone number of a person designated by the organization's 128
governing board to receive donated property and to serve as its 129
agent. 130

After adoption of the resolution, the board shall publish, in 131
a newspaper of general circulation in the school district or as 132
provided in section 7.16 of the Revised Code, notice of its intent 133
to donate unneeded, obsolete, or unfit-for-use school district 134
property to eligible nonprofit organizations. The notice shall 135
include a summary of the information provided in the resolution 136
and shall be published twice. The second notice shall be published 137
not less than ten nor more than twenty days after the previous 138
notice. A similar notice also shall be posted continually in the 139
board's office. If the school district maintains a web site on the 140
internet, the notice shall be posted continually at that web site. 141

The board or its representatives shall maintain a list of all 142
nonprofit organizations that notify the board or its 143
representative of their desire to obtain donated property under 144
this division and that the board or its representative determines 145
to be eligible, in accordance with the requirements set forth in 146

this section and in the donation program's guidelines and 147
procedures, to receive donated property. 148

The board or its representative also shall maintain a list of 149
all school district property the board finds to be unneeded, 150
obsolete, or unfit for use and to be available for donation under 151
this division. The list shall be posted continually in a 152
conspicuous location in the board's office, and, if the school 153
district maintains a web site on the internet, the list shall be 154
posted continually at that web site. An item of property on the 155
list shall be donated to the eligible nonprofit organization that 156
first declares to the board or its representative its desire to 157
obtain the item unless the board previously has established, by 158
resolution, a list of eligible nonprofit organizations that shall 159
be given priority with respect to the item's donation. Priority 160
may be given on the basis that the purposes of a nonprofit 161
organization have a direct relationship to specific school 162
district purposes of programs provided or administered by the 163
board. A resolution giving priority to certain nonprofit 164
organizations with respect to the donation of an item of property 165
shall specify the reasons why the organizations are given that 166
priority. 167

Members of the board shall consult with the Ohio ethics 168
commission, and comply with Chapters 102. and 2921. of the Revised 169
Code, with respect to any donation under this division to a 170
nonprofit organization of which a board member, any member of a 171
board member's family, or any business associate of a board member 172
is a trustee, officer, board member, or employee. 173

Section 2. That existing section 3313.41 of the Revised Code 174
is hereby repealed. 175