

**As Passed by the Senate**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. H. B. No. 532**

**Representatives Kozlowski, Gonzales**

**Cosponsors: Representatives Henne, Gardner, Derickson, Adams, J., Bulp,  
Pillich, Garland, Grossman, Sears, Szollosi, Hottinger, Buchy, Fende,  
Wachtmann, Lundy, Ruhl, Yuko, Reece, Dovilla, Boose, Conditt, Stebelton,  
Maag, Young, Goodwin, Johnson, Landis, Butler, Fedor, Hagan, C., Martin,  
Milkovich, Rosenberger, Amstutz, Adams, R., Anielski, Antonio, Ashford,  
Baker, Beck, Blair, Blessing, Boyce, Brenner, Budish, DeVitis, Duffey,  
Gerberry, Hackett, Hall, Hayes, Hill, Huffman, Letson, Lynch, McClain,  
Murray, Newbold, O'Brien, Okey, Patmon, Phillips, Roegner, Slesnick, Smith,  
Sprague, Stautberg, Terhar, Thompson, Uecker Speaker Batchelder  
Senators Sawyer, Balderson, Beagle, Faber, Hite, Hughes, LaRose, Manning,  
Obhof, Oelslager, Peterson, Wagoner**

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**A B I L L**

To amend sections 3313.41, 3313.411, 3354.121, and 1  
5913.11, to enact section 3313.412 of the Revised 2  
Code, and to amend Section 707.10 of Am. Sub. H.B. 3  
487 of the 129th General Assembly to revise the 4  
Ohio Military Medal of Distinction law; to allow 5  
certain community colleges to acquire, construct, 6  
and maintain housing and dining facilities; to 7  
expand the areas for which a municipal corporation 8  
in Stark County may use up to 5% of its water and 9  
sewer funds for sewage or water system extensions 10  
to include areas within a joint economic 11  
development district and areas within the 12

municipal corporation's boundaries; to temporarily 13  
permit a school district to offer highest priority 14  
to purchase an athletic field to the current 15  
leaseholder; to permit a school district to sell 16  
or lease real property directly to a STEM school 17  
in certain circumstances; and to make an 18  
appropriation. 19

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

**Section 1.** That sections 3313.41, 3313.411, 3354.121, and 20  
5913.11 be amended and section 3313.412 of the Revised Code be 21  
enacted to read as follows: 22

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 23  
(F), and (G) of this section and in section 3313.412 of the 24  
Revised Code, when a board of education decides to dispose of real 25  
or personal property that it owns in its corporate capacity and 26  
that exceeds in value ten thousand dollars, it shall sell the 27  
property at public auction, after giving at least thirty days' 28  
notice of the auction by publication in a newspaper of general 29  
circulation in the school district, by publication as provided in 30  
section 7.16 of the Revised Code, or by posting notices in five of 31  
the most public places in the school district in which the 32  
property, if it is real property, is situated, or, if it is 33  
personal property, in the school district of the board of 34  
education that owns the property. The board may offer real 35  
property for sale as an entire tract or in parcels. 36

(B) When the board of education has offered real or personal 37  
property for sale at public auction at least once pursuant to 38  
division (A) of this section, and the property has not been sold, 39  
the board may sell it at a private sale. Regardless of how it was 40  
offered at public auction, at a private sale, the board shall, as 41

it considers best, sell real property as an entire tract or in 42  
parcels, and personal property in a single lot or in several lots. 43

(C) If a board of education decides to dispose of real or 44  
personal property that it owns in its corporate capacity and that 45  
exceeds in value ten thousand dollars, it may sell the property to 46  
the adjutant general; to any subdivision or taxing authority as 47  
respectively defined in section 5705.01 of the Revised Code, 48  
township park district, board of park commissioners established 49  
under Chapter 755. of the Revised Code, or park district 50  
established under Chapter 1545. of the Revised Code; to a wholly 51  
or partially tax-supported university, university branch, or 52  
college; to a nonprofit institution of higher education that has a 53  
certificate of authorization under Chapter 1713. of the Revised 54  
Code; to the governing authority of a chartered nonpublic school; 55  
or to the board of trustees of a school district library, upon 56  
such terms as are agreed upon. The sale of real or personal 57  
property to the board of trustees of a school district library is 58  
limited, in the case of real property, to a school district 59  
library within whose boundaries the real property is situated, or, 60  
in the case of personal property, to a school district library 61  
whose boundaries lie in whole or in part within the school 62  
district of the selling board of education. 63

(D) When a board of education decides to trade as a part or 64  
an entire consideration, an item of personal property on the 65  
purchase price of an item of similar personal property, it may 66  
trade the same upon such terms as are agreed upon by the parties 67  
to the trade. 68

(E) The president and the treasurer of the board of education 69  
shall execute and deliver deeds or other necessary instruments of 70  
conveyance to complete any sale or trade under this section. 71

(F) When a board of education has identified a parcel of real 72  
property that it determines is needed for school purposes, the 73

board may, upon a majority vote of the members of the board, 74  
acquire that property by exchanging real property that the board 75  
owns in its corporate capacity for the identified real property or 76  
by using real property that the board owns in its corporate 77  
capacity as part or an entire consideration for the purchase price 78  
of the identified real property. Any exchange or acquisition made 79  
pursuant to this division shall be made by a conveyance executed 80  
by the president and the treasurer of the board. 81

(G) ~~When~~ Except as provided in section 3313.412 of the 82  
Revised Code, when a school district board of education decides to 83  
dispose of real property, prior to disposing of that property 84  
under divisions (A) to (F) of this section, it shall first offer 85  
that property for sale to the governing authorities of the 86  
start-up community schools established under Chapter 3314. of the 87  
Revised Code, and the board of trustees of any college-preparatory 88  
boarding school established under Chapter 3328. of the Revised 89  
Code, that are located within the territory of the school 90  
district. The district board shall offer the property at a price 91  
that is not higher than the appraised fair market value of that 92  
property as determined in an appraisal of the property that is not 93  
more than one year old. If more than one community school 94  
governing authority or college-preparatory boarding school board 95  
of trustees accepts the offer made by the school district board, 96  
the board shall sell the property to the governing authority or 97  
board that accepted the offer first in time. If no community 98  
school governing authority or college-preparatory boarding school 99  
board of trustees accepts the offer within sixty days after the 100  
offer is made by the school district board, the board may dispose 101  
of the property in the applicable manner prescribed under 102  
divisions (A) to (F) of this section. 103

(H) When a school district board of education has property 104  
that the board, by resolution, finds is not needed for school 105

district use, is obsolete, or is unfit for the use for which it 106  
was acquired, the board may donate that property in accordance 107  
with this division if the fair market value of the property is, in 108  
the opinion of the board, two thousand five hundred dollars or 109  
less. 110

The property may be donated to an eligible nonprofit 111  
organization that is located in this state and is exempt from 112  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 113  
Before donating any property under this division, the board shall 114  
adopt a resolution expressing its intent to make unneeded, 115  
obsolete, or unfit-for-use school district property available to 116  
these organizations. The resolution shall include guidelines and 117  
procedures the board considers to be necessary to implement the 118  
donation program and shall indicate whether the school district 119  
will conduct the donation program or the board will contract with 120  
a representative to conduct it. If a representative is known when 121  
the resolution is adopted, the resolution shall provide contact 122  
information such as the representative's name, address, and 123  
telephone number. 124

The resolution shall include within its procedures a 125  
requirement that any nonprofit organization desiring to obtain 126  
donated property under this division shall submit a written notice 127  
to the board or its representative. The written notice shall 128  
include evidence that the organization is a nonprofit organization 129  
that is located in this state and is exempt from federal income 130  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 131  
the organization's primary purpose; a description of the type or 132  
types of property the organization needs; and the name, address, 133  
and telephone number of a person designated by the organization's 134  
governing board to receive donated property and to serve as its 135  
agent. 136

After adoption of the resolution, the board shall publish, in 137

a newspaper of general circulation in the school district or as 138  
provided in section 7.16 of the Revised Code, notice of its intent 139  
to donate unneeded, obsolete, or unfit-for-use school district 140  
property to eligible nonprofit organizations. The notice shall 141  
include a summary of the information provided in the resolution 142  
and shall be published twice. The second notice shall be published 143  
not less than ten nor more than twenty days after the previous 144  
notice. A similar notice also shall be posted continually in the 145  
board's office. If the school district maintains a web site on the 146  
internet, the notice shall be posted continually at that web site. 147

The board or its representatives shall maintain a list of all 148  
nonprofit organizations that notify the board or its 149  
representative of their desire to obtain donated property under 150  
this division and that the board or its representative determines 151  
to be eligible, in accordance with the requirements set forth in 152  
this section and in the donation program's guidelines and 153  
procedures, to receive donated property. 154

The board or its representative also shall maintain a list of 155  
all school district property the board finds to be unneeded, 156  
obsolete, or unfit for use and to be available for donation under 157  
this division. The list shall be posted continually in a 158  
conspicuous location in the board's office, and, if the school 159  
district maintains a web site on the internet, the list shall be 160  
posted continually at that web site. An item of property on the 161  
list shall be donated to the eligible nonprofit organization that 162  
first declares to the board or its representative its desire to 163  
obtain the item unless the board previously has established, by 164  
resolution, a list of eligible nonprofit organizations that shall 165  
be given priority with respect to the item's donation. Priority 166  
may be given on the basis that the purposes of a nonprofit 167  
organization have a direct relationship to specific school 168  
district purposes of programs provided or administered by the 169

board. A resolution giving priority to certain nonprofit 170  
organizations with respect to the donation of an item of property 171  
shall specify the reasons why the organizations are given that 172  
priority. 173

Members of the board shall consult with the Ohio ethics 174  
commission, and comply with Chapters 102. and 2921. of the Revised 175  
Code, with respect to any donation under this division to a 176  
nonprofit organization of which a board member, any member of a 177  
board member's family, or any business associate of a board member 178  
is a trustee, officer, board member, or employee. 179

**Sec. 3313.411.** (A) As used in this section: 180

(1) "College-preparatory boarding school" means a 181  
college-preparatory boarding school established under Chapter 182  
3328. of the Revised Code. 183

(2) "Community school" means a community school established 184  
under Chapter 3314. of the Revised Code. 185

(3) "Unused school facilities" means any real property that 186  
has been used by a school district for school operations, 187  
including, but not limited to, academic instruction or 188  
administration, since July 1, 1998, but has not been used in that 189  
capacity for two years. 190

(B)(1) ~~On~~ Except as provided in section 3313.412 of the 191  
Revised Code, on and after June 30, 2011, any school district 192  
board of education shall offer any unused school facilities it 193  
owns in its corporate capacity for lease or sale to the governing 194  
authorities of community schools, and the board of trustees of any 195  
college-preparatory boarding school, that are located within the 196  
territory of the district. 197

(2) At the same time that a district board makes the offer 198  
required under division (B)(1) of this section, the board also 199

may, but shall not be required to, offer that property for sale or 200  
lease to the governing authorities of community schools with 201  
plans, stipulated in their contracts entered into under section 202  
3314.03 of the Revised Code, either to relocate their operations 203  
to the territory of the district or to add facilities, as 204  
authorized by division (B)(3) or (4) of section 3314.05 of the 205  
Revised Code, to be located within the territory of the district. 206

(C)(1) If, not later than sixty days after the district board 207  
makes the offer, only one qualified party offered the property 208  
under division (B) of this section notifies the district treasurer 209  
in writing of the intention to purchase the property, the district 210  
board shall sell the property to that party for the appraised fair 211  
market value of the property as determined in an appraisal of the 212  
property that is not more than one year old. 213

(2) If, not later than sixty days after the district board 214  
makes the offer, more than one qualified party offered the 215  
property under division (B) of this section notifies the district 216  
treasurer in writing of the intention to purchase the property, 217  
the board shall conduct a public auction in the manner required 218  
for auctions of district property under division (A) of section 219  
3313.41 of the Revised Code. Only the parties offered the property 220  
under division (B) of this section that notify the district 221  
treasurer of the intention to purchase the property are eligible 222  
to bid at the auction. The district board is not obligated to 223  
accept any bid for the property that is lower than the appraised 224  
fair market value of the property as determined in an appraisal 225  
that is not more than one year old. 226

(3) If more than one qualified party offered the property 227  
under division (B) of this section notifies the district treasurer 228  
in writing of the intention to lease the property, the district 229  
board shall conduct a lottery to select from among those parties 230  
the one qualified party to which the district board shall lease 231

the property. 232

(4) The lease price offered by a district board to a 233  
community school or college-preparatory boarding school under this 234  
section shall not be higher than the fair market value for such a 235  
leasehold as determined in an appraisal that is not more than one 236  
year old. 237

(5) If no qualified party offered the property under division 238  
(B) of this section accepts the offer to lease or buy the property 239  
within sixty days after the offer is made, the district board may 240  
offer the property to any other entity in accordance with 241  
divisions (A) to (F) of section 3313.41 of the Revised Code. 242

(D) Notwithstanding division (B) of this section, a school 243  
district board may renew any agreement it originally entered into 244  
prior to June 30, 2011, to lease real property to an entity other 245  
than a community school or college-preparatory boarding school. 246  
Nothing in this section shall affect the leasehold arrangements 247  
between the district board and that other entity. 248

Sec. 3313.412. A school district board of education may offer 249  
for sale or lease any parcel of real property directly to the 250  
governing body of a STEM school established under Chapter 3326. of 251  
the Revised Code without offering that property under divisions 252  
(A) and (G) of section 3313.41 or under section 3313.411 of the 253  
Revised Code, if all of the following apply: 254

(A) The district board offered that real property for sale 255  
under division (G) of section 3313.41 of the Revised Code prior to 256  
June 30, 2011. 257

(B) No entity accepted the offer described in division (A) of 258  
this section. 259

(C) The district board still owns that real property and has 260  
decided again to dispose of it by sale or lease. 261

(D) The STEM school, to which the real property is sold or leased under this section, was approved for operation under section 3326.03 of the Revised Code between October 1 and December 31, 2012.

**Sec. 3354.121.** (A)(1) Each community college district may acquire, by purchase, lease, lease-purchase, lease with option to purchase, or otherwise, construct, equip, furnish, reconstruct, alter, enlarge, remodel, renovate, rehabilitate, improve, maintain, repair, and operate, and lease to or from others, auxiliary facilities or education facilities, except housing and dining facilities, and may pay for the facilities out of available receipts of such district. To pay all or part of the costs of auxiliary facilities or education facilities, except housing and dining facilities, and any combination of them, and to refund obligations previously issued for such purpose, each community college district may issue obligations in the manner provided by and subject to the applicable provisions of section 3345.12 of the Revised Code.

(2) A community college district that is located within one mile of a four-year private, nonprofit institution of higher education in the state may acquire, by purchase, lease, lease-purchase, lease with option to purchase, or otherwise, construct, equip, furnish, reconstruct, alter, enlarge, remodel, renovate, rehabilitate, improve, maintain, repair, and operate, and lease to or from others, housing and dining facilities, and may pay for the facilities out of the available receipts of such district. To pay all or part of the costs of the housing and dining facilities, and to refund obligations previously issued for such purpose, the community college district may issue obligations in the manner provided by and subject to the applicable provisions of section 3345.12 of the Revised Code.

(B) Except as otherwise provided in this section, the 293  
definitions set forth in section 3345.12 of the Revised Code apply 294  
to this section. 295

(C) Fee variations provided for in division (G) of section 296  
3354.09 of the Revised Code need not be applied to fees pledged to 297  
secure obligations. 298

(D) The obligations authorized by this section are not bonded 299  
indebtedness of the community college district, shall not 300  
constitute general obligations or the pledge of the full faith and 301  
credit of such district, and the holders or owners thereof shall 302  
have no right to require the board to levy or collect any taxes 303  
for the payment of bond service charges, but they shall have the 304  
right to payment thereof solely from the available receipts and 305  
funds pledged for such payment as authorized by section 3345.12 of 306  
the Revised Code and this section. 307

The bond proceedings may provide the method whereby the 308  
general administrative overhead expense of the district shall be 309  
allocated among the several operations and facilities of the 310  
district for purposes of determining any operating and maintenance 311  
expenses payable from the pledged available receipts prior to the 312  
provision for payment of bond service charges, and for other 313  
purposes of the bond proceedings. 314

(E) The powers granted in this section are in addition to any 315  
other powers at any time granted by the Constitution and laws of 316  
the state, and not in derogation thereof or restrictions thereon. 317

**Sec. 5913.11.** (A) There is hereby created the Ohio military 318  
medal of distinction. The adjutant general shall design the medal 319  
and coordinate an eligibility establishment program. An individual 320  
is eligible for the medal if the individual was killed ~~in the line~~ 321  
~~of duty~~ on or after September 10, 2001, while doing one of the 322  
following: 323

(1) Engaging in an action against an enemy of the United States;	324 325
(2) Engaging in military operations involving conflict with an opposing foreign force;	326 327
(3) Serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; or	328 329 330
(4) Serving in a combat zone designated by presidential order.	331 332
(B) To receive the Ohio military medal of distinction, an individual shall be at least one of the following at the time the member was killed <del>in the line of duty</del> :	333 334 335
(1) <del>An Ohio</del> <u>A</u> national guard member who is a resident of this state;	336 337
(2) <u>An Ohio national guard member;</u>	338
(3) <u>A United States military reserves member who is a resident of this state;</u>	339 340
<del>(3)</del> (4) <u>A United States armed forces member who is either a resident of this state or stationed in this state by a United States department of defense order.</u>	341 342 343
(C)(1) <del>At least once per year, both houses of the general assembly the adjutant general shall obtain</del> <u>provide a list of eligible medal recipients from to the adjutant general and meet in joint convention to department of veterans services and the governor. The adjutant general shall prepare a medal for each eligible medal recipient. The medal shall be presented to the recipient's primary next of kin, as designated by the recipient. If the recipient has not designated a primary next of kin or if the designated primary next of kin is deceased, the primary next of kin shall be determined under the rules of the United States</u>	344 345 346 347 348 349 350 351 352 353

department of defense. 354

(2) The governor and the general assembly annually shall hold 355  
a joint ceremony to recognize the medal recipients for the prior 356  
year and to present each medal to the recipient's primary next of 357  
kin, as determined under division (C)(1) of this section. 358

(D)(1) If a parent of the medal recipient is the primary next 359  
of kin, as determined under division (C)(1) of this section, and 360  
the medal recipient's parents are not married to each other or are 361  
legally separated from each other, the medal recipient's other 362  
living parent may request a duplicate medal at no cost. 363

If neither of the medal recipient's parents is the primary 364  
next of kin, as determined under division (C)(1) of this section, 365  
the living parents of the medal recipient jointly may request a 366  
duplicate medal at no cost, except that if the parents of the 367  
medal recipient are not married to each other or are legally 368  
separated from each other, each living parent may request a 369  
duplicate medal at no cost. 370

If the medal recipient's spouse is not the primary next of 371  
kin, the spouse may request a duplicate medal at no cost. 372

The adjutant general shall prescribe a form by which a parent 373  
or spouse may request a duplicate medal under division (D)(1) of 374  
this section. 375

(2) A surviving spouse, a natural or adopted child who is at 376  
least eighteen years of age, a parent, a brother or sister, 377  
whether of the whole or the half blood, who is at least eighteen 378  
years of age, an aunt or uncle who is at least eighteen years of 379  
age, or a grandparent of a medal recipient may apply to the 380  
adjutant general, on a form prescribed by the adjutant general, to 381  
receive a duplicate medal. The applicant shall include with the 382  
application a fee in an amount to be determined by the adjutant 383  
general. The adjutant general shall set the fee at an amount no 384

greater than the cost of producing the duplicate medal. 385

(E) There is hereby created in the state treasury the 386  
military medal of distinction fund. The fund shall consist of all 387  
fees collected from applicants for duplicate medals as well as 388  
appropriations made by the general assembly for purposes of the 389  
Ohio military medal of distinction program. The fund shall be used 390  
to pay for the production of medals. Investment earnings of the 391  
fund shall be credited to the fund. 392

**Section 2.** That existing sections 3313.41, 3313.411, 393  
3354.121, and 5913.11 of the Revised Code are hereby repealed. 394

**Section 3.** All items in this section are hereby appropriated 395  
as designated out of any moneys in the state treasury to the 396  
credit of the State Special Revenue Fund Group. For all 397  
appropriations made in this act, those in the first column are for 398  
fiscal year 2012 and those in the second column are for fiscal 399  
year 2013. The appropriations made in this act are in addition to 400  
any other appropriations made for the FY 2012-FY 2013 biennium. 401

Appropriations

ADJ ADJUTANT GENERAL 402

State Special Revenue Fund Group 403

5LY0 745626 Military Medal of \$ 0 \$ 2,500 404  
Distinction

TOTAL SSR State Special Revenue \$ 0 \$ 2,500 405  
Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 2,500 406

MILITARY MEDAL OF DISTINCTION 407

On the effective date of this act, or as soon as possible 408  
thereafter, the Director of Budget and Management shall transfer 409  
\$2,500 cash from the General Revenue Fund to the Military Medal of 410  
Distinction Fund (Fund 5LY0). The amount transferred shall be used 411

by the Adjutant General for the purposes described in section 412  
5913.11 of the Revised Code. 413

**Section 4.** Within the limits set forth in this act, the 414  
Director of Budget and Management shall establish accounts 415  
indicating the source and amount of funds for each appropriation 416  
made in this act, and shall determine the form and manner in which 417  
appropriation accounts shall be maintained. Expenditures from 418  
appropriations contained in this act shall be accounted for as 419  
though made in Am. Sub. H.B. 153 of the 129th General Assembly. 420

The appropriations made in this act are subject to all 421  
provisions of Am. Sub. H.B. 153 of the 129th General Assembly that 422  
are generally applicable to such appropriations. 423

**Section 5.** That Section 707.10 of Am. Sub. H.B. 487 of the 424  
129th General Assembly be amended to read as follows: 425

**Sec. 707.10.** For fiscal years 2013 and 2014, the legislative 426  
authority of a municipal corporation in a county, with a 427  
population between three hundred seventy-five thousand and four 428  
hundred thousand according to the most recent federal decennial 429  
census, may conduct a pilot program whereby the legislative 430  
authority may use up to five per cent of the aggregate amount of 431  
money deposited in the municipal corporation's sewer fund and up 432  
to five per cent of the aggregate amount of money deposited in a 433  
fund created by the municipal corporation for water-works for the 434  
purpose of extending the municipal corporation's water or sewerage 435  
system, as applicable, if both of the following apply: 436

(A) The water or sewerage system is being extended to areas 437  
for economic development purposes. 438

(B) The areas into which the water or sewerage system is 439  
being extended are ~~the~~ one of the following: 440

(1) The subject of a cooperative economic development 441  
agreement entered into by the municipal corporation under section 442  
701.07 of the Revised Code; 443

(2) Within a joint economic development district created 444  
under sections 715.72 to 715.81 of the Revised Code for which the 445  
municipal corporation is a contracting party; 446

(3) Within the boundaries of the municipal corporation. 447

With regard to either fund, the legislative authority shall 448  
not exceed the five per cent limit established in this section. 449

**Section 6.** That existing Section 707.10 of Am. Sub. H.B. 487 450  
of the 129th General Assembly is hereby repealed. 451

**Section 7.** (A) This section applies only to a city school 452  
district that currently leases an athletic field to the governing 453  
authority of a chartered nonpublic school. 454

(B) Notwithstanding section 3313.41 of the Revised Code, the 455  
board of education of a school district to which this section 456  
applies may offer for sale an athletic field that it owns in its 457  
corporate capacity to the chartered nonpublic school that is the 458  
current leaseholder of that property prior to offering that 459  
property for sale under the provisions of section 3313.41 of the 460  
Revised Code. 461

(C) This section shall expire on December 31, 2015. 462