



**Sub. H.B. 266\***

127th General Assembly

(As Reported by S. State and Local Government and Veterans Affairs)

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

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**BILL SUMMARY**

- Modifies the number of members of a veterans memorial board of trustees.
- Modifies the number of members of a veterans memorial board of trustees who must be honorably discharged veterans of the United States armed forces.
- Removes membership requirements based on wartime military service and limitations regarding political affiliation.
- Establishes corrective action grants for school facilities projects and appropriates \$25 million from the School Building Program Assistance Fund for this purpose.
- Modifies the current authorization for Rio Grande Community College and the University of Rio Grande to contract to share a president by (1) requiring approval of the contract by the Ohio Ethics Commission and the Controlling Board and (2) eliminating the requirement that the president's compensation and benefits be determined and paid solely by the community college.

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\* This analysis was prepared before the report of the Senate State and Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Permits Rio Grande Community College and the University of Rio Grande to contract with another nonprofit organization to hire other joint officers or employees of two institutions.

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## **CONTENT AND OPERATION**

Current law provides that, within five days after certification to the taxing authority of the result of an election, or within five days after the adoption of an ordinance or resolution, authorizing financing for the purpose of establishing a memorial to commemorate the services of members and veterans of the United States armed forces, the mayor of the municipal corporation or the taxing authority of the township or county is to appoint an 11-member board of trustees. At least seven members of the board must be honorably discharged veterans of the United States armed forces who have served in one or more wars in which the United States was a belligerent. Not more than six members can be from the same political party. Five initially appointed members serve three-year terms, and six initially appointed members serve five-year terms. Upon the expiration of original terms, appointments are for five-year terms. Vacancies are filled for the remainder of the unexpired term. (R.C. 345.01 to 345.05, and 345.08.)

The bill changes the number of members to be appointed to the board of trustees to not less than five nor more than eleven, and requires that a majority of the members be honorably discharged veterans of the United States armed forces. The bill removes the requirement that members also must have served in a war, as well as the requirement limiting the number of board members from the same political party. Finally, the bill changes the number of trustees initially appointed to three-year terms from five to a majority of the members, with the remaining members initially appointed for five-year terms. (R.C. 345.08.)

### **School facilities corrective action grants**

(Section 201.50 of H.B. 496 as amended by Am. Sub. H.B. 562 of the 127th General Assembly)

The bill appropriates \$25 million in the FY 2009-FY 2010 biennium from the School Building Program Assistance Fund (Fund 7032) to be used by the Ohio School Facilities Commission for corrective action grants. This appropriation is offset by a \$25 million decrease in the appropriation for school building program assistance. The bill specifies that the funding for corrective action grants be used to correct or remediate work found to be defective in or omitted from a facility constructed with state assistance. In order to receive the corrective action funds, a school district must notify the Executive Director of the Commission within five years of the close-out of the district's facilities project. The bill requires that the

Commission assess responsibility for the defective or omitted work and seek cost recovery, if applicable, from the responsible parties. If any funds are recovered, the bill requires that they be deposited into Fund 7032.

(The Commission administers a number of programs to provide partial state funding to school districts in the construction, renovation, and repair of classroom facilities. Under these programs, a district's share of the cost of a facilities project and its priority for funding generally is based on its relative tax valuation per pupil. Most of the funds for the Commission's assistance programs come from the sale of state bonds, the proceeds from which are deposited in Fund 7032.)

**Rio Grande Community College and the University of Rio Grande**

(R.C. 3354.26)

Rio Grande Community College is a public two-year institution of higher education, and the University of Rio Grande is a private nonprofit institution of higher education. The two institutions share facilities. Current law permits the boards of trustees of the community college and the university to enter into a contract providing for the university to operate the community college. In addition, the community college may have its president also serve as president of the university in accordance with the terms of the contract between the two institutions, but the salary, benefits, and other compensation paid to the joint president must be the sole responsibility of the community college.

Under the bill, the contract's terms and conditions regarding the joint employment of a president must be approved by both the Ohio Ethics Commission and the Controlling Board. The bill also eliminates the statutory requirement that the president's salary, benefits, and compensation be the sole responsibility of the community college.

In addition, the bill permits the two institutions to enter into a contract with another nonprofit organization, "established for educational purposes related to both the community college and the university," to hire joint officers or employees, other than the joint president and a treasurer. The bill also states that joint membership on both the governing board of this nonprofit organization and the board of trustees of the university "does not create a conflict of interest" under the Ohio Ethics Law and "does not create an unlawful interest in a public contract [under R.C. 2921.42]."

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## HISTORY

ACTION	DATE
Introduced	06-14-07
Reported, H. Infrastructure, Homeland Security & Veterans Affairs	05-08-08
Passed House (94-0)	05-20-08
Reported, S. State & Local Gov't & Veterans Affairs	---

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