

**FY 2005 – FY 2006 Capital Bill (HB 16)**  
**Extract regarding Joint Use Agreements**

**SECTION 23.50.** No capital improvement appropriations made in Sections 23.02 to 23.45 of this act shall be released for planning or for improvement, renovation, construction, or acquisition of capital facilities if the institution of higher education or the state does not own the real property on which the capital facilities are or will be located. This restriction does not apply in any of the following circumstances:

(1) The institution has a long-term (at least fifteen years) lease of, or other interest (such as an easement) in, the real property.

(2) The Ohio Board of Regents certifies to the Controlling Board that undue delay will occur if planning does not proceed while the property or property interest acquisition process continues. In this case, funds may be released upon approval of the Controlling Board to pay for planning through the development of schematic drawings only.

**(3) In the case of an appropriation for capital facilities that, because of their unique nature or location, will be owned or will be part of facilities owned by a separate nonprofit organization or public body and will be made available to the institution of higher education for its use, the nonprofit organization or public body either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement with the institution of higher education that meets the requirements of division (C) of this section.**

(B) Any foregoing appropriations which require cooperation between a technical college and a branch campus of a university may be released by the Controlling Board upon recommendation by the Ohio Board of Regents that the facilities proposed by the institutions are:

(1) The result of a joint planning effort by the university and the technical college, satisfactory to the Ohio Board of Regents;

(2) Facilities that will meet the needs of the region in terms of technical and general education, taking into consideration the totality of facilities which will be available after the completion of these projects;

(3) Planned to permit maximum joint use by the university and technical college of the totality of facilities which will be available upon their completion; and

(4) To be located on or adjacent to the branch campus of the university.

**(C) The Ohio Board of Regents shall adopt rules regarding the release of moneys from all the foregoing appropriations for capital facilities for all state-supported or state-assisted institutions of higher education. In the case of capital facilities**

referred to in division (A)(3) of this section, the joint or cooperative use agreements shall include, as a minimum, provisions that:

**(1) Specify the extent and nature of that joint or cooperative use, extending for not fewer than fifteen years, with the value of such use or right to use to be, as to be determined by the parties and approved by the Board of Regents, reasonably related to the amount of the appropriations;**

**(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use be terminated;**

**(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state laws and rules, including provisions of this act; and**

**(4) Provide for payment or reimbursement to the institution of its administrative costs incurred as a result of the facilities project, not to exceed 1.5 per cent of the appropriated amount.**

**(D) Upon the recommendation of the Ohio Board of Regents, the Controlling Board may approve the transfer of appropriations for projects requiring cooperation between institutions from one institution to another institution with the approval of both institutions.**

**(E) Notwithstanding section 127.14 of the Revised Code, the Controlling Board, upon the recommendation of the Ohio Board of Regents, may transfer amounts appropriated to the Ohio Board of Regents to accounts of state-supported or state-assisted institutions created for that same purpose.**