

As Reported by the House Rules and Reference Committee

133rd General Assembly

Regular Session

2019-2020

Sub. S. B. No. 318

Senators Kunze, Williams

Cosponsors: Senators Eklund, Schuring, Schaffer, Blessing, Antonio, Burke, Coley, Craig, Dolan, Fedor, Gavarone, Hackett, Hoagland, Hottinger, Huffman, M., Huffman, S., Johnson, Lehner, Maharath, Manning, McColley, Obhof, O'Brien, Peterson, Roegner, Sykes, Thomas, Wilson, Yuko Representatives Antani, Callender, Plummer, Scherer

A BILL

To amend section 105.41 of the Revised Code and to
amend Section 1 of S.B. 30 of the 133rd General
Assembly to extend the Women's Suffrage
Centennial Commission until December 31, 2021,
to make changes regarding appointed members of
the Capitol Square Review and Advisory Board, to
vacate a seat on the Joint Legislative Ethics
Committee, and to declare an emergency.

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

Section 1. That Section 1 of S.B. 30 of the 133rd General
Assembly be amended to read as follows:

Sec. 1. (A) There is the Women's Suffrage Centennial
Commission, which shall consist of the following members:

(1) The Secretary of State or the Secretary's designee,
who shall serve as the chairperson of the Commission;

(2) Two members of the Senate appointed by the President

of the Senate, who shall not be members of the same political party; 16
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(3) Two members of the House of Representatives appointed by the Speaker of the House, who shall not be members of the same political party; 18
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(4) One member of the Ohio Republican Party appointed by the chairperson of the Ohio Republican Party; 21
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(5) One member of the Ohio Democratic Party appointed by the chairperson of the Ohio Democratic Party; 23
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(6) Any additional members appointed by the Secretary of State in order to assist the Commission in fulfilling its duties. 25
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(B) (1) Terms of office of each member of the Commission shall end on December 31, ~~2020~~2021, except that a member of the General Assembly appointed to the Commission shall be a member of the Commission only so long as the member remains in office. Vacancies on the Commission shall be filled in the manner prescribed for making the original appointment to the Commission. 28
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(2) Members of the Commission shall serve without compensation or reimbursement for expenses. 35
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(3) The Secretary of State shall provide any necessary equipment and facilities and assign any necessary professional, technical, or clerical employees of the Secretary to assist the Commission in fulfilling its duties. 37
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(C) In recognition of the hundredth anniversaries of Congress's proposal of the Nineteenth Amendment to the Constitution of the United States, which guarantees women the 41
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right to vote, on June 4, 1919; the Ohio General Assembly's 44
ratification of the Amendment on June 16, 1919; and the thirty- 45
sixth state ratification of the Amendment by the Tennessee 46
General Assembly on August 18, 1920, the Women's Suffrage 47
Centennial Commission shall plan and carry out events and 48
activities throughout Ohio during the years 2019 ~~and, 2020, and~~ 49
2021. The events and activities shall honor the women's suffrage 50
movement and shall raise awareness of, and educate the public 51
about, the importance and historical significance of the 52
Nineteenth Amendment. The Commission may enter into contracts 53
and execute all instruments necessary or incidental to the 54
performance of the Commission's duties under this section. 55

(D) There is in the state treasury the Women's Suffrage 56
Centennial Commission Fund, which shall consist of any moneys 57
appropriated or donated to the Fund and any interest earned on 58
the moneys in the Fund. The Commission may solicit and accept 59
grants, gifts, or donations from any lawful source and shall 60
deposit all such grants, gifts, or donations in the state 61
treasury to the credit of the Fund. The Commission shall use the 62
moneys in the Fund for the purpose of carrying out the 63
Commission's duties under this section. 64

(E) The Women's Suffrage Centennial Commission shall cease 65
to exist on December 31, ~~2020~~2021. On that date, any 66
unencumbered, unobligated balance remaining in the Women's 67
Suffrage Centennial Commission Fund shall be deposited in the 68
General Revenue Fund. When no moneys remain in the Women's 69
Suffrage Centennial Commission Fund, it shall cease to exist. 70

Section 2. That existing Section 1 of S.B. 30 of the 133rd 71
General Assembly is hereby repealed. 72

Section 3. That section 105.41 of the Revised Code be 73

amended to read as follows: 74

Sec. 105.41. (A) There is hereby created in the 75
legislative branch of government the capitol square review and 76
advisory board, consisting of twelve members as follows: 77

(1) Two members of the senate, appointed by the president 78
of the senate, both of whom shall not be members of the same 79
political party; 80

(2) Two members of the house of representatives, appointed 81
by the speaker of the house of representatives, both of whom 82
shall not be members of the same political party; 83

(3) Four members appointed by the governor, with the 84
advice and consent of the senate, not more than three of whom 85
shall be members of the same political party, one of whom shall 86
be the chief of staff of the governor's office, one of whom 87
shall represent the Ohio arts council, one of whom shall 88
represent the Ohio history connection, and one of whom shall 89
represent the public at large; 90

(4) One member, who shall be a former president of the 91
senate, appointed by the current president of the senate. If the 92
current president of the senate, in the current president's 93
discretion, decides for any reason not to make the appointment 94
or if no person is eligible or available to serve, the seat 95
shall remain vacant. 96

(5) One member, who shall be a former speaker of the house 97
of representatives, appointed by the current speaker of the 98
house of representatives. If the current speaker of the house of 99
representatives, in the current speaker's discretion, decides 100
for any reason not to make the appointment or if no person is 101
eligible or available to serve, the seat shall remain vacant. 102

(6) The clerk of the senate and the clerk of the house of
representatives. 103
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(B) All appointed members of the board serve at the 105
pleasure of the appointing authority and may be discharged from 106
the board, by the appointing authority, without cause. Terms of 107
office of each member appointed ~~member of the board under~~ 108
divisions (A) (3), (4), and (5) of this section shall be for 109
three years, ~~except that members unless discharged by the~~ 110
appointing authority before the end of the term. Members of the 111
general assembly appointed to the board ~~shall~~ may be members of 112
the board only so long as they are members of the general 113
assembly and the chief of staff of the governor's office ~~shall~~ 114
may be a member of the board only so long as the appointing 115
governor remains in office. ~~Each member shall hold office from~~ 116
~~the date of the member's appointment until the end of the term~~ 117
~~for which the member was appointed.~~ In case of a vacancy 118
occurring on the board, the president of the senate, the speaker 119
of the house of representatives, or the governor, as the case 120
may be, shall in the same manner prescribed for the regular 121
appointment to the commission, fill the vacancy by appointing a 122
member. Any member appointed to fill a vacancy occurring prior 123
to the expiration of the term for which the member's predecessor 124
was appointed shall hold office for the remainder of the term. 125
Any appointed member ~~shall continue in office subsequent to the~~ 126
~~expiration date of the member's term until the member's~~ 127
~~successor takes office, or until a period of sixty days has~~ 128
~~elapsed, whichever occurs first~~ may be reappointed, provided the 129
member continues to meet all other eligibility requirements. 130

(C) The board shall hold meetings in a manner and at times 131
prescribed by the rules adopted by the board. A majority of the 132
board constitutes a quorum, and no action shall be taken by the 133

board unless approved by at least six members or by at least 134
seven members if a person is appointed under division (A) (4) or 135
(5) of this section. At its first meeting, the board shall adopt 136
rules for the conduct of its business and the election of its 137
officers, and shall organize by selecting officers other than a 138
chairperson as it considers necessary. In odd-numbered years, 139
the majority member from the senate shall serve as chairperson; 140
in even-numbered years, the majority member from the house of 141
representatives shall serve as chairperson. Board members shall 142
serve without compensation but shall be reimbursed for actual 143
and necessary expenses incurred in the performance of their 144
duties. 145

(D) The board may do any of the following: 146

(1) Employ or hire on a consulting basis professional, 147
technical, and clerical employees as are necessary for the 148
performance of its duties. All employees of the board are in the 149
unclassified service and serve at the pleasure of the board. For 150
purposes of section 4117.01 of the Revised Code, employees of 151
the board shall be considered employees of the general assembly, 152
except that employees who are covered by a collective bargaining 153
agreement on September 29, 2011, shall remain subject to the 154
agreement until the agreement expires on its terms, and the 155
agreement shall not be extended or renewed. Upon expiration of 156
the agreement, the employees are considered employees of the 157
general assembly for purposes of section 4117.01 of the Revised 158
Code and are in the unclassified service and serve at the 159
pleasure of the board. 160

(2) Hold public hearings at times and places as determined 161
by the board; 162

(3) Adopt, amend, or rescind rules necessary to accomplish 163

the duties of the board as set forth in this section;	164
(4) Sponsor, conduct, and support such social events as	165
the board may authorize and consider appropriate for the	166
employees of the board, employees and members of the general	167
assembly, employees of persons under contract with the board or	168
otherwise engaged to perform services on the premises of capitol	169
square, or other persons as the board may consider appropriate.	170
Subject to the requirements of Chapter 4303. of the Revised	171
Code, the board may provide beer, wine, and intoxicating liquor,	172
with or without charge, for those events and may use funds only	173
from the sale of goods and services fund to purchase the beer,	174
wine, and intoxicating liquor the board provides;	175
(5) Purchase a warehouse in which to store items of the	176
capitol collection trust and, whenever necessary, equipment or	177
other property of the board.	178
(E) The board shall do all of the following:	179
(1) Have sole authority to coordinate and approve any	180
improvements, additions, and renovations that are made to the	181
capitol square. The improvements shall include, but not be	182
limited to, the placement of monuments and sculpture on the	183
capitol grounds.	184
(2) Operate the capitol square, and have sole authority to	185
regulate all uses of the capitol square. The uses shall include,	186
but not be limited to, the casual and recreational use of the	187
capitol square.	188
(3) Employ, fix the compensation of, and prescribe the	189
duties of the executive director of the board and other	190
employees the board considers necessary for the performance of	191
its powers and duties;	192

(4) Establish and maintain the capitol collection trust.	193
The capitol collection trust shall consist of furniture,	194
antiques, and other items of personal property that the board	195
shall store in suitable facilities until they are ready to be	196
displayed in the capitol square.	197
(5) Perform repair, construction, contracting, purchasing,	198
maintenance, supervisory, and operating activities the board	199
determines are necessary for the operation and maintenance of	200
the capitol square;	201
(6) Maintain and preserve the capitol square, in	202
accordance with guidelines issued by the United States secretary	203
of the interior for application of the secretary's standards for	204
rehabilitation adopted in 36 C.F.R. part 67;	205
(7) Plan and develop a center at the capitol building for	206
the purpose of educating visitors about the history of Ohio,	207
including its political, economic, and social development and	208
the design and erection of the capitol building and its grounds.	209
(F) (1) The board shall lease capital facilities improved	210
by the department of administrative services or financed by the	211
treasurer of state pursuant to Chapter 154. of the Revised Code	212
for the use of the board, and may enter into any other	213
agreements with the department, the Ohio public facilities	214
commission, or any other authorized governmental agency	215
ancillary to improvement, financing, or leasing of those capital	216
facilities, including, but not limited to, any agreement	217
required by the applicable bond proceedings authorized by	218
Chapter 154. of the Revised Code. Any lease of capital	219
facilities authorized by this section shall be governed by	220
Chapter 154. of the Revised Code.	221

(2) Fees, receipts, and revenues received by the board 222
from the state underground parking garage constitute available 223
receipts as defined in section 154.24 of the Revised Code, and 224
may be pledged to the payment of bond service charges on 225
obligations issued by the treasurer of state pursuant to Chapter 226
154. of the Revised Code to improve, finance, or purchase 227
capital facilities useful to the board. The treasurer of state 228
may, with the consent of the board, provide in the bond 229
proceedings for a pledge of all or a portion of those fees, 230
receipts, and revenues as the treasurer of state determines. The 231
treasurer of state may provide in the bond proceedings or by 232
separate agreement with the board for the transfer of those 233
fees, receipts, and revenues to the appropriate bond service 234
fund or bond service reserve fund as required to pay the bond 235
service charges when due, and any such provision for the 236
transfer of those fees, receipts, and revenues shall be 237
controlling notwithstanding any other provision of law 238
pertaining to those fees, receipts, and revenues. 239

(3) All moneys received by the treasurer of state on 240
account of the board and required by the applicable bond 241
proceedings or by separate agreement with the board to be 242
deposited, transferred, or credited to the bond service fund or 243
bond service reserve fund established by the bond proceedings 244
shall be transferred by the treasurer of state to such fund, 245
whether or not it is in the custody of the treasurer of state, 246
without necessity for further appropriation. 247

(G) (1) Except as otherwise provided in division (G) (2) of 248
this section, all fees, receipts, and revenues received by the 249
board from the state underground parking garage shall be 250
deposited into the state treasury to the credit of the 251
underground parking garage operating fund, which is hereby 252

created, to be used for the purposes specified in division (F) 253
of this section and for the operation and maintenance of the 254
garage. All investment earnings of the fund shall be credited to 255
the fund. 256

(2) There is hereby created the parking garage automated 257
equipment fund, which shall be in the custody of the treasurer 258
of state but shall not be part of the state treasury. Money in 259
the fund shall be used to purchase the automated teller machine 260
quality dollar bills needed for operation of the parking garage 261
automated equipment. The fund shall consist of fees, receipts, 262
or revenues received by the board from the state underground 263
parking garage; provided, however, that the total amount 264
deposited into the fund at any one time shall not exceed ten 265
thousand dollars. All investment earnings of the fund shall be 266
credited to the fund. 267

(H) All donations received by the board shall be deposited 268
into the state treasury to the credit of the capitol square 269
renovation gift fund, which is hereby created. The fund shall be 270
used by the board as follows: 271

(1) To provide part or all of the funding related to 272
construction, goods, or services for the renovation of the 273
capitol square; 274

(2) To purchase art, antiques, and artifacts for display 275
at the capitol square; 276

(3) To award contracts or make grants to organizations for 277
educating the public regarding the historical background and 278
governmental functions of the capitol square. Chapters 125., 279
127., and 153. and section 3517.13 of the Revised Code do not 280
apply to purchases made exclusively from the fund, 281

notwithstanding anything to the contrary in those chapters or 282
that section. All investment earnings of the fund shall be 283
credited to the fund. 284

(I) Except as provided in divisions (G), (H), and (J) of 285
this section, all fees, receipts, and revenues received by the 286
board shall be deposited into the state treasury to the credit 287
of the sale of goods and services fund, which is hereby created. 288
Money credited to the fund shall be used solely to pay costs of 289
the board other than those specified in divisions (F) and (G) of 290
this section. All investment earnings of the fund shall be 291
credited to the fund. 292

(J) There is hereby created in the state treasury the 293
capitol square improvement fund, to be used by the board to pay 294
construction, renovation, and other costs related to the capitol 295
square for which money is not otherwise available to the board. 296
Whenever the board determines that there is a need to incur 297
those costs and that the unencumbered, unobligated balance to 298
the credit of the underground parking garage operating fund 299
exceeds the amount needed for the purposes specified in division 300
(F) of this section and for the operation and maintenance of the 301
garage, the board may request the director of budget and 302
management to transfer from the underground parking garage 303
operating fund to the capitol square improvement fund the amount 304
needed to pay such construction, renovation, or other costs. The 305
director then shall transfer the amount needed from the excess 306
balance of the underground parking garage operating fund. 307

(K) As the operation and maintenance of the capitol square 308
constitute essential government functions of a public purpose, 309
the board shall not be required to pay taxes or assessments upon 310
the square, upon any property acquired or used by the board 311

under this section, or upon any income generated by the 312
operation of the square. 313

(L) As used in this section, "capitol square" means the 314
capitol building, senate building, capitol atrium, capitol 315
grounds, the state underground parking garage, and the warehouse 316
owned by the board. 317

(M) The capitol annex shall be known as the senate 318
building. 319

(N) Any person may possess a firearm in a motor vehicle in 320
the state underground parking garage at the state capitol 321
building, if the person's possession of the firearm in the motor 322
vehicle is not in violation of section 2923.16 of the Revised 323
Code or any other provision of the Revised Code. Any person may 324
store or leave a firearm in a locked motor vehicle that is 325
parked in the state underground parking garage at the state 326
capitol building, if the person's transportation and possession 327
of the firearm in the motor vehicle while traveling to the 328
garage was not in violation of section 2923.16 of the Revised 329
Code or any other provision of the Revised Code. 330

Section 4. That existing section 105.41 of the Revised 331
Code is hereby repealed. 332

Section 5. An individual who is an appointed member of the 333
Capitol Square Review and Advisory Board under section 105.41 of 334
the Revised Code, before the effective date of this act, may be 335
discharged without cause by the member's appointing authority on 336
or after the effective date of this act. 337

Section 6. Notwithstanding any contrary provision of 338
section 101.34 of the Revised Code, during the 133rd General 339
Assembly, if a member of the Joint Legislative Ethics Committee 340

is or has been charged with or indicted for a violation of 18 341
U.S.C. 1962, that member's seat on the Committee shall be deemed 342
vacant. The Speaker of the House of Representatives or the 343
President of the Senate, as applicable, shall appoint a member 344
to fill the vacancy not later than fifteen days after the seat 345
becomes vacant. 346

Section 7. This act is hereby declared to be an emergency 347
measure necessary for the immediate preservation of the public 348
peace, health, and safety. The reason for such necessity is to 349
maintain the integrity of the Joint Legislative Ethics 350
Committee. Therefore, this act shall go into immediate effect. 351