

S. B. No. 318  
As Passed by the Senate

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "To" insert "amend section 105.41 of the Revised Code and to" 1 2

In line 3 of the title, after "2021" insert ", and to make changes regarding appointed members of the Capitol Square Review and Advisory Board" 3 4 5

After line 67, insert: 6

"**Section 3.** That section 105.41 of the Revised Code be amended to read as follows: 7 8

**Sec. 105.41.** (A) There is hereby created in the legislative branch of government the capitol square review and advisory board, consisting of twelve members as follows: 9 10 11

(1) Two members of the senate, appointed by the president of the senate, both of whom shall not be members of the same political party; 12 13 14

(2) Two members of the house of representatives, appointed by the speaker of the house of representatives, both of whom shall not be members of the same political party; 15 16 17



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

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

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

(6) The clerk of the senate and the clerk of the house of representatives.

(B) All appointed members of the board serve at the pleasure of the appointing authority and may be discharged from the board, by the appointing authority, without cause. Terms of office of each member appointed member of the board under divisions (A) (3), (4), and (5) of this section shall be for three years, except that members unless discharged by the appointing authority before the end of the term. Members of the general assembly appointed to the board shall may be members of the board only so long as they are members of the general

assembly and the chief of staff of the governor's office ~~shall~~ 48  
may be a member of the board only so long as the appointing 49  
governor remains in office. ~~Each member shall hold office from~~ 50  
~~the date of the member's appointment until the end of the term~~ 51  
~~for which the member was appointed.~~ In case of a vacancy 52  
occurring on the board, the president of the senate, the speaker 53  
of the house of representatives, or the governor, as the case 54  
may be, shall in the same manner prescribed for the regular 55  
appointment to the commission, fill the vacancy by appointing a 56  
member. Any member appointed to fill a vacancy occurring prior 57  
to the expiration of the term for which the member's predecessor 58  
was appointed shall hold office for the remainder of the term. 59  
Any appointed member ~~shall continue in office subsequent to the~~ 60  
~~expiration date of the member's term until the member's~~ 61  
~~successor takes office, or until a period of sixty days has~~ 62  
~~elapsed, whichever occurs first~~may be reappointed, provided the 63  
member continues to meet all other eligibility requirements. 64

(C) The board shall hold meetings in a manner and at times 65  
prescribed by the rules adopted by the board. A majority of the 66  
board constitutes a quorum, and no action shall be taken by the 67  
board unless approved by at least six members or by at least 68  
seven members if a person is appointed under division (A) (4) or 69  
(5) of this section. At its first meeting, the board shall adopt 70  
rules for the conduct of its business and the election of its 71  
officers, and shall organize by selecting officers other than a 72  
chairperson as it considers necessary. In odd-numbered years, 73  
the majority member from the senate shall serve as chairperson; 74  
in even-numbered years, the majority member from the house of 75  
representatives shall serve as chairperson. Board members shall 76  
serve without compensation but shall be reimbursed for actual 77  
and necessary expenses incurred in the performance of their 78

duties. 79

(D) The board may do any of the following: 80

(1) Employ or hire on a consulting basis professional, 81  
technical, and clerical employees as are necessary for the 82  
performance of its duties. All employees of the board are in the 83  
unclassified service and serve at the pleasure of the board. For 84  
purposes of section 4117.01 of the Revised Code, employees of 85  
the board shall be considered employees of the general assembly, 86  
except that employees who are covered by a collective bargaining 87  
agreement on September 29, 2011, shall remain subject to the 88  
agreement until the agreement expires on its terms, and the 89  
agreement shall not be extended or renewed. Upon expiration of 90  
the agreement, the employees are considered employees of the 91  
general assembly for purposes of section 4117.01 of the Revised 92  
Code and are in the unclassified service and serve at the 93  
pleasure of the board. 94

(2) Hold public hearings at times and places as determined 95  
by the board; 96

(3) Adopt, amend, or rescind rules necessary to accomplish 97  
the duties of the board as set forth in this section; 98

(4) Sponsor, conduct, and support such social events as 99  
the board may authorize and consider appropriate for the 100  
employees of the board, employees and members of the general 101  
assembly, employees of persons under contract with the board or 102  
otherwise engaged to perform services on the premises of capitol 103  
square, or other persons as the board may consider appropriate. 104  
Subject to the requirements of Chapter 4303. of the Revised 105  
Code, the board may provide beer, wine, and intoxicating liquor, 106  
with or without charge, for those events and may use funds only 107

from the sale of goods and services fund to purchase the beer, 108  
wine, and intoxicating liquor the board provides; 109

(5) Purchase a warehouse in which to store items of the 110  
capitol collection trust and, whenever necessary, equipment or 111  
other property of the board. 112

(E) The board shall do all of the following: 113

(1) Have sole authority to coordinate and approve any 114  
improvements, additions, and renovations that are made to the 115  
capitol square. The improvements shall include, but not be 116  
limited to, the placement of monuments and sculpture on the 117  
capitol grounds. 118

(2) Operate the capitol square, and have sole authority to 119  
regulate all uses of the capitol square. The uses shall include, 120  
but not be limited to, the casual and recreational use of the 121  
capitol square. 122

(3) Employ, fix the compensation of, and prescribe the 123  
duties of the executive director of the board and other 124  
employees the board considers necessary for the performance of 125  
its powers and duties; 126

(4) Establish and maintain the capitol collection trust. 127  
The capitol collection trust shall consist of furniture, 128  
antiques, and other items of personal property that the board 129  
shall store in suitable facilities until they are ready to be 130  
displayed in the capitol square. 131

(5) Perform repair, construction, contracting, purchasing, 132  
maintenance, supervisory, and operating activities the board 133  
determines are necessary for the operation and maintenance of 134  
the capitol square; 135

(6) Maintain and preserve the capitol square, in	136
accordance with guidelines issued by the United States secretary	137
of the interior for application of the secretary's standards for	138
rehabilitation adopted in 36 C.F.R. part 67;	139
(7) Plan and develop a center at the capitol building for	140
the purpose of educating visitors about the history of Ohio,	141
including its political, economic, and social development and	142
the design and erection of the capitol building and its grounds.	143
(F) (1) The board shall lease capital facilities improved	144
by the department of administrative services or financed by the	145
treasurer of state pursuant to Chapter 154. of the Revised Code	146
for the use of the board, and may enter into any other	147
agreements with the department, the Ohio public facilities	148
commission, or any other authorized governmental agency	149
ancillary to improvement, financing, or leasing of those capital	150
facilities, including, but not limited to, any agreement	151
required by the applicable bond proceedings authorized by	152
Chapter 154. of the Revised Code. Any lease of capital	153
facilities authorized by this section shall be governed by	154
Chapter 154. of the Revised Code.	155
(2) Fees, receipts, and revenues received by the board	156
from the state underground parking garage constitute available	157
receipts as defined in section 154.24 of the Revised Code, and	158
may be pledged to the payment of bond service charges on	159
obligations issued by the treasurer of state pursuant to Chapter	160
154. of the Revised Code to improve, finance, or purchase	161
capital facilities useful to the board. The treasurer of state	162
may, with the consent of the board, provide in the bond	163
proceedings for a pledge of all or a portion of those fees,	164
receipts, and revenues as the treasurer of state determines. The	165

treasurer of state may provide in the bond proceedings or by 166  
separate agreement with the board for the transfer of those 167  
fees, receipts, and revenues to the appropriate bond service 168  
fund or bond service reserve fund as required to pay the bond 169  
service charges when due, and any such provision for the 170  
transfer of those fees, receipts, and revenues shall be 171  
controlling notwithstanding any other provision of law 172  
pertaining to those fees, receipts, and revenues. 173

(3) All moneys received by the treasurer of state on 174  
account of the board and required by the applicable bond 175  
proceedings or by separate agreement with the board to be 176  
deposited, transferred, or credited to the bond service fund or 177  
bond service reserve fund established by the bond proceedings 178  
shall be transferred by the treasurer of state to such fund, 179  
whether or not it is in the custody of the treasurer of state, 180  
without necessity for further appropriation. 181

(G) (1) Except as otherwise provided in division (G) (2) of 182  
this section, all fees, receipts, and revenues received by the 183  
board from the state underground parking garage shall be 184  
deposited into the state treasury to the credit of the 185  
underground parking garage operating fund, which is hereby 186  
created, to be used for the purposes specified in division (F) 187  
of this section and for the operation and maintenance of the 188  
garage. All investment earnings of the fund shall be credited to 189  
the fund. 190

(2) There is hereby created the parking garage automated 191  
equipment fund, which shall be in the custody of the treasurer 192  
of state but shall not be part of the state treasury. Money in 193  
the fund shall be used to purchase the automated teller machine 194  
quality dollar bills needed for operation of the parking garage 195

automated equipment. The fund shall consist of fees, receipts, 196  
or revenues received by the board from the state underground 197  
parking garage; provided, however, that the total amount 198  
deposited into the fund at any one time shall not exceed ten 199  
thousand dollars. All investment earnings of the fund shall be 200  
credited to the fund. 201

(H) All donations received by the board shall be deposited 202  
into the state treasury to the credit of the capitol square 203  
renovation gift fund, which is hereby created. The fund shall be 204  
used by the board as follows: 205

(1) To provide part or all of the funding related to 206  
construction, goods, or services for the renovation of the 207  
capitol square; 208

(2) To purchase art, antiques, and artifacts for display 209  
at the capitol square; 210

(3) To award contracts or make grants to organizations for 211  
educating the public regarding the historical background and 212  
governmental functions of the capitol square. Chapters 125., 213  
127., and 153. and section 3517.13 of the Revised Code do not 214  
apply to purchases made exclusively from the fund, 215  
notwithstanding anything to the contrary in those chapters or 216  
that section. All investment earnings of the fund shall be 217  
credited to the fund. 218

(I) Except as provided in divisions (G), (H), and (J) of 219  
this section, all fees, receipts, and revenues received by the 220  
board shall be deposited into the state treasury to the credit 221  
of the sale of goods and services fund, which is hereby created. 222  
Money credited to the fund shall be used solely to pay costs of 223  
the board other than those specified in divisions (F) and (G) of 224

this section. All investment earnings of the fund shall be 225  
credited to the fund. 226

(J) There is hereby created in the state treasury the 227  
capitol square improvement fund, to be used by the board to pay 228  
construction, renovation, and other costs related to the capitol 229  
square for which money is not otherwise available to the board. 230  
Whenever the board determines that there is a need to incur 231  
those costs and that the unencumbered, unobligated balance to 232  
the credit of the underground parking garage operating fund 233  
exceeds the amount needed for the purposes specified in division 234  
(F) of this section and for the operation and maintenance of the 235  
garage, the board may request the director of budget and 236  
management to transfer from the underground parking garage 237  
operating fund to the capitol square improvement fund the amount 238  
needed to pay such construction, renovation, or other costs. The 239  
director then shall transfer the amount needed from the excess 240  
balance of the underground parking garage operating fund. 241

(K) As the operation and maintenance of the capitol square 242  
constitute essential government functions of a public purpose, 243  
the board shall not be required to pay taxes or assessments upon 244  
the square, upon any property acquired or used by the board 245  
under this section, or upon any income generated by the 246  
operation of the square. 247

(L) As used in this section, "capitol square" means the 248  
capitol building, senate building, capitol atrium, capitol 249  
grounds, the state underground parking garage, and the warehouse 250  
owned by the board. 251

(M) The capitol annex shall be known as the senate 252  
building. 253

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

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

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

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 272

**Capitol Square Review and Advisory Board** 273

**R.C. 105.41, Section 5** 274

Establishes that all appointed members of the Capitol Square Review and Advisory Board serve at the pleasure of the appointing authority and may be discharged from the Board, by

the appointing authority, without cause.	278
Establishes that appointed members of the Board, who are	279
members of the General Assembly, serve a term of an unspecified	280
length at the pleasure of the appointing authority. Under	281
current law, the members serve 3 year terms provided that they	282
maintain membership in the General Assembly.	283