

As Introduced

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H. B. No. 393

**Representatives Harwood, Perry, Williams, Hartnett, Carano, Schmidt, Seitz,
Seaver, Sferra, Book, Kearns, Otterman, DeGeeter, Ujvagi, Barrett**

A B I L L

To amend section 3383.01 of the Revised Code to 1
provide that the Ohio Arts and Sports Facilities 2
Commission may participate in the financing of 3
motorsports complexes. 4

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

Section 1. That section 3383.01 of the Revised Code be 5
amended to read as follows: 6

Sec. 3383.01. As used in this chapter: 7

(A) "Arts" means any of the following: 8

(1) Visual, musical, dramatic, graphic, design, and other 9
arts, including, but not limited to, architecture, dance, 10
literature, motion pictures, music, painting, photography, 11
sculpture, and theater, and the provision of training or education 12
in these arts; 13

(2) The presentation or making available, in museums or other 14
indoor or outdoor facilities, of principles of science and their 15
development, use, or application in business, industry, or 16
commerce or of the history, heritage, development, presentation, 17
and uses of the arts described in division (A)(1) of this section 18

and of transportation;	19
(3) The preservation, presentation, or making available of features of archaeological, architectural, environmental, or historical interest or significance in a state historical facility or a local historical facility.	20 21 22 23
(B) "Arts organization" means either of the following:	24
(1) A governmental agency or Ohio nonprofit corporation that provides programs or activities in areas directly concerned with the arts;	25 26 27
(2) A regional arts and cultural district as defined in section 3381.01 of the Revised Code.	28 29
(C) "Arts project" means all or any portion of an Ohio arts facility for which the general assembly has specifically authorized the spending of money, or made an appropriation, pursuant to division (D)(3) or (E) of section 3383.07 of the Revised Code.	30 31 32 33 34
(D) "Cooperative contract" means a contract between the Ohio arts and sports facilities commission and an arts organization providing the terms and conditions of the cooperative use of an Ohio arts facility.	35 36 37 38
(E) "Costs of operation" means amounts required to manage an Ohio arts facility that are incurred following the completion of construction of its arts project, provided that both of the following apply:	39 40 41 42
(1) Those amounts either:	43
(a) Have been committed to a fund dedicated to that purpose;	44
(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose.	45 46
(2) The commission and the arts organization have executed an agreement with respect to either of those funds.	47 48

(F) "General building services" means general building services for an Ohio arts facility or an Ohio sports facility, including, but not limited to, general custodial care, security, maintenance, repair, painting, decoration, cleaning, utilities, fire safety, grounds and site maintenance and upkeep, and plumbing.

(G) "Governmental agency" means a state agency, a state-supported or state-assisted institution of higher education, a municipal corporation, county, township, or school district, a port authority created under Chapter 4582. of the Revised Code, any other political subdivision or special district in this state established by or pursuant to law, or any combination of these entities; except where otherwise indicated, the United States or any department, division, or agency of the United States, or any agency, commission, or authority established pursuant to an interstate compact or agreement.

(H) "Local contributions" means the value of an asset provided by or on behalf of an arts organization from sources other than the state, the value and nature of which shall be approved by the Ohio arts and sports facilities commission, in its sole discretion. "Local contributions" may include the value of the site where an arts project is to be constructed. All "local contributions," except a contribution attributable to such a site, shall be for the costs of construction of an arts project or the costs of operation of an arts facility.

(I) "Local historical facility" means a site or facility, other than a state historical facility, of archaeological, architectural, environmental, or historical interest or significance, or a facility, including a storage facility, appurtenant to the operations of such a site or facility, that is owned by an arts organization, provided the facility meets the requirements of division (K)(2)(b) of this section, is managed by

or pursuant to a contract with the Ohio arts and sports facilities 81
commission, and is used for or in connection with the activities 82
of the commission, including the presentation or making available 83
of arts to the public. 84

(J) "Manage," "operate," or "management" means the provision 85
of, or the exercise of control over the provision of, activities: 86

(1) Relating to the arts for an Ohio arts facility, including 87
as applicable, but not limited to, providing for displays, 88
exhibitions, specimens, and models; booking of artists, 89
performances, or presentations; scheduling; and hiring or 90
contracting for directors, curators, technical and scientific 91
staff, ushers, stage managers, and others directly related to the 92
arts activities in the facility; but not including general 93
building services; 94

(2) Relating to sports and athletic events for an Ohio sports 95
facility, including as applicable, but not limited to, providing 96
for booking of athletes, teams, and events; scheduling; and hiring 97
or contracting for staff, ushers, managers, and others directly 98
related to the sports and athletic events in the facility; but not 99
including general building services. 100

(K) "Ohio arts facility" means any of the following: 101

(1) The three theaters located in the state office tower at 102
77 South High street in Columbus; 103

(2) Any capital facility in this state to which both of the 104
following apply: 105

(a) The construction of an arts project related to the 106
facility was authorized or funded by the general assembly pursuant 107
to division (D)(3) of section 3383.07 of the Revised Code and 108
proceeds of state bonds are used for costs of the arts project. 109

(b) The facility is managed directly by, or is subject to a 110

cooperative or management contract with, the Ohio arts and sports 111
facilities commission, and is used for or in connection with the 112
activities of the commission, including the presentation or making 113
available of arts to the public and the provision of training or 114
education in the arts. 115

(3) A state historical facility or a local historical 116
facility. 117

(L) "State agency" means the state or any of its branches, 118
officers, boards, commissions, authorities, departments, 119
divisions, or other units or agencies. 120

(M) "Construction" includes acquisition, including 121
acquisition by lease-purchase, demolition, reconstruction, 122
alteration, renovation, remodeling, enlargement, improvement, site 123
improvements, and related equipping and furnishing. 124

(N) "State historical facility" means a site or facility of 125
archaeological, architectural, environmental, or historical 126
interest or significance, or a facility, including a storage 127
facility, appurtenant to the operations of such a site or 128
facility, that is owned by or is located on real property owned by 129
the state or by an arts organization, so long as the real property 130
of the arts organization is contiguous to state-owned real 131
property that is in the care, custody, and control of an arts 132
organization, and that is managed directly by or is subject to a 133
cooperative or management contract with the Ohio arts and sports 134
facilities commission and is used for or in connection with the 135
activities of the commission, including the presentation or making 136
available of arts to the public. 137

(O) "Ohio sports facility" means all or a portion of a 138
stadium, arena, motorsports complex, or other capital facility in 139
this state, a primary purpose of which is to provide a site or 140
venue for the presentation to the public of either motorsports 141

events or events of one or more major or minor league professional 142
athletic or sports teams that are associated with the state or 143
with a city or region of the state, which facility is owned by or 144
is located on real property owned by the state or a governmental 145
agency, and including all parking facilities, walkways, and other 146
auxiliary facilities, equipment, furnishings, and real and 147
personal property and interests and rights therein, that may be 148
appropriate for or used for or in connection with the facility or 149
its operation, for capital costs of which state funds are spent 150
pursuant to this chapter. A facility constructed as an Ohio sports 151
facility may be both an Ohio arts facility and an Ohio sports 152
facility. 153

Section 2. That existing section 3383.01 of the Revised Code 154
is hereby repealed. 155