

As Passed by the House

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H. B. No. 393

**Representatives Harwood, Perry, Williams, Hartnett, Carano, Schmidt, Seitz,
Seaver, Sferra, Book, Kearns, Otterman, DeGeeter, Ujvagi, Barrett, Core,
Hughes, Miller, Webster, Wilson, Allen, Aslanides, Beatty, Blasdel, Brown,
Cirelli, Clancy, DeBose, Distel, Domenick, C. Evans, Faber, Flowers,
Grendell, Key, Mason, S. Patton, Peterson, Price, Redfern, Schneider,
D. Stewart, Strahorn, Sykes, Walcher**

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 20
features of archaeological, architectural, environmental, or 21
historical interest or significance in a state historical facility 22
or a local historical facility. 23

(B) "Arts organization" means either of the following: 24

(1) A governmental agency or Ohio nonprofit corporation that 25
provides programs or activities in areas directly concerned with 26
the arts; 27

(2) A regional arts and cultural district as defined in 28
section 3381.01 of the Revised Code. 29

(C) "Arts project" means all or any portion of an Ohio arts 30
facility for which the general assembly has specifically 31
authorized the spending of money, or made an appropriation, 32
pursuant to division (D)(3) or (E) of section 3383.07 of the 33
Revised Code. 34

(D) "Cooperative contract" means a contract between the Ohio 35
arts and sports facilities commission and an arts organization 36
providing the terms and conditions of the cooperative use of an 37
Ohio arts facility. 38

(E) "Costs of operation" means amounts required to manage an 39
Ohio arts facility that are incurred following the completion of 40
construction of its arts project, provided that both of the 41
following apply: 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 45
from which is dedicated to that purpose. 46

(2) The commission and the arts organization have executed an 47
agreement with respect to either of those funds. 48

(F) "General building services" means general building 49
services for an Ohio arts facility or an Ohio sports facility, 50
including, but not limited to, general custodial care, security, 51
maintenance, repair, painting, decoration, cleaning, utilities, 52
fire safety, grounds and site maintenance and upkeep, and 53
plumbing. 54

(G) "Governmental agency" means a state agency, a 55
state-supported or state-assisted institution of higher education, 56
a municipal corporation, county, township, or school district, a 57
port authority created under Chapter 4582. of the Revised Code, 58
any other political subdivision or special district in this state 59
established by or pursuant to law, or any combination of these 60
entities; except where otherwise indicated, the United States or 61
any department, division, or agency of the United States, or any 62
agency, commission, or authority established pursuant to an 63
interstate compact or agreement. 64

(H) "Local contributions" means the value of an asset 65
provided by or on behalf of an arts organization from sources 66
other than the state, the value and nature of which shall be 67
approved by the Ohio arts and sports facilities commission, in its 68
sole discretion. "Local contributions" may include the value of 69
the site where an arts project is to be constructed. All "local 70
contributions," except a contribution attributable to such a site, 71
shall be for the costs of construction of an arts project or the 72
costs of operation of an arts facility. 73

(I) "Local historical facility" means a site or facility, 74
other than a state historical facility, of archaeological, 75

architectural, environmental, or historical interest or 76
significance, or a facility, including a storage facility, 77
appurtenant to the operations of such a site or facility, that is 78
owned by an arts organization, provided the facility meets the 79
requirements of division (K)(2)(b) of this section, is managed by 80
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 stadium, arena, motorsports complex, or other capital facility in this state, a primary purpose of which is to provide a site or venue for the presentation to the public of either motorsports events or events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state, which facility is owned by or is located on real property owned by the state or a governmental agency, and including all parking facilities, walkways, and other auxiliary facilities, equipment, furnishings, and real and personal property and interests and rights therein, that may be appropriate for or used for or in connection with the facility or its operation, for capital costs of which state funds are spent pursuant to this chapter. A facility constructed as an Ohio sports facility may be both an Ohio arts facility and an Ohio sports facility.

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