

As Reported by the Senate Judiciary--Criminal Justice Committee

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Sub. S. B. No. 260

Senator Goodman

Cosponsor: Senator Hughes

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A B I L L

To amend section 107.40 and to enact section 5503.031 1
of the Revised Code to ban the use of prison labor 2
at the Governor's residence and to provide that, 3
in general, no executive order and no policy, 4
rule, or practice may require prior approval, 5
control, or management of State Highway Patrol 6
Investigations by the Governor, Director of Public 7
Safety or other official of the Department, or 8
legal counsel. 9

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

Section 1. That section 107.40 be amended and section 10
5503.031 of the Revised Code be enacted to read as follows: 11

Sec. 107.40. (A) There is hereby created the governor's 12
residence advisory commission. The commission shall provide for 13
the preservation, restoration, acquisition, and conservation of 14
all decorations, objects of art, chandeliers, china, silver, 15
statues, paintings, furnishings, accouterments, and other 16
aesthetic materials that have been acquired, donated, loaned, or 17
otherwise obtained by the state for the governor's residence and 18
that have been approved by the commission. In addition, the 19

commission shall provide for the maintenance of plants that have 20
been acquired, donated, loaned, or otherwise obtained by the state 21
for the governor's residence and that have been approved by the 22
commission. 23

(B) The commission shall be responsible for the care, 24
provision, repair, and placement of furnishings and other objects 25
and accessories of the grounds and public areas of the first story 26
of the governor's residence and for the care and placement of 27
plants on the grounds. The commission shall not exercise its 28
responsibility under this division by using prison labor. In 29
exercising ~~this~~ its responsibility under this division, the 30
commission shall preserve and seek to further establish all of the 31
following: 32

(1) The authentic ambiance and decor of the historic era 33
during which the governor's residence was constructed; 34

(2) The grounds as a representation of Ohio's natural 35
ecosystems; 36

(3) The heritage garden for all of the following purposes: 37

(a) To preserve, sustain, and encourage the use of native 38
flora throughout the state; 39

(b) To replicate the state's physiographic regions, plant 40
communities, and natural landscapes; 41

(c) To serve as an educational garden that demonstrates the 42
artistic, industrial, political, horticultural, and geologic 43
history of the state through the use of plants; 44

(d) To serve as a reservoir of rare species of plants from 45
the physiographic regions of the state. 46

These duties shall not affect the obligation of the 47
department of administrative services to provide for and adopt 48
policies and procedures regarding the use, general maintenance, 49

and operating expenses of the governor's residence. The department 50
shall not use prison labor in providing for the general 51
maintenance of the governor's residence. 52

(C) The commission shall consist of eleven members. One 53
member shall be the director of administrative services or the 54
director's designee, who shall serve during the director's term of 55
office and shall serve as chairperson. One member shall be the 56
director of the Ohio historical society or the director's 57
designee, who shall serve during the director's term of office and 58
shall serve as vice-chairperson. One member shall represent the 59
Columbus landmarks foundation. One member shall represent the 60
Bexley historical society. One member shall be the mayor of the 61
city of Bexley, who shall serve during the mayor's term of office. 62
One member shall be the chief executive officer of the Franklin 63
park conservatory joint recreation district, who shall serve 64
during the term of employment as chief executive officer. The 65
remaining five members shall be appointed by the governor with the 66
advice and consent of the senate. The five members appointed by 67
the governor shall be persons with knowledge of Ohio history, 68
architecture, decorative arts, or historic preservation, and one 69
of those members shall have knowledge of landscape architecture, 70
garden design, horticulture, and plants native to this state. 71

(D) Of the initial appointees, the representative of the 72
Columbus landmarks foundation shall serve for a term expiring 73
December 31, 1996, and the representative of the Bexley historical 74
society shall serve for a term expiring December 31, 1997. Of the 75
five members appointed by the governor, three shall serve for 76
terms ending December 31, 1998, and two shall serve for terms 77
ending December 31, 1999. Thereafter, each term shall be for four 78
years, commencing on the first day of January and ending on the 79
last day of December. The member having knowledge of landscape 80
architecture, garden design, horticulture, and plants native to 81

this state initially shall be appointed upon the first vacancy on 82
the commission occurring on or after June 30, 2006. 83

Each member shall hold office from the date of the member's 84
appointment until the end of the term for which the member was 85
appointed. Any member appointed to fill a vacancy occurring prior 86
to the end of the term for which the member's predecessor was 87
appointed shall hold office for the remainder of the term. Any 88
member shall continue in office subsequent to the expiration of 89
the term until the member's successor takes office. 90

(E) Six members of the commission constitute a quorum, and 91
the affirmative vote of six members is required for approval of 92
any action by the commission. 93

(F) After each initial member of the commission has been 94
appointed, the commission shall meet and select one member as 95
secretary and another as treasurer. Organizational meetings of the 96
commission shall be held at the time and place designated by call 97
of the chairperson. Meetings of the commission may be held 98
anywhere in the state and shall be in compliance with Chapters 99
121. and 149. of the Revised Code. The commission may adopt, 100
pursuant to section 111.15 of the Revised Code, rules necessary to 101
carry out the purposes of this section. 102

(G) Members of the commission shall serve without 103
remuneration, but shall be compensated for actual and necessary 104
expenses incurred in the performance of their official duties. 105

(H) All expenses incurred in carrying out this section are 106
payable solely from money accrued under this section or 107
appropriated for these purposes by the general assembly, and the 108
commission shall incur no liability or obligation beyond such 109
money. 110

(I) Except as otherwise provided in this division, the 111
commission may accept any payment for the use of the governor's 112

residence or may accept any donation, gift, bequest, or devise for 113
the governor's residence or as an endowment for the maintenance 114
and care of the garden on the grounds of the governor's residence 115
in furtherance of its duties. The commission shall not accept any 116
donation, gift, bequest, or devise from a person, individual, or 117
member of an individual's immediate family if the person or 118
individual is receiving payments under a contract with the state 119
or a state agency for the purchase of supplies, services, or 120
equipment or for the construction, reconstruction, improvement, 121
enlargement, alteration, repair, painting, or decoration of a 122
public improvement, except for payments received under an 123
employment contract or a collective bargaining agreement. Any 124
revenue received by the commission shall be deposited into the 125
governor's residence fund, which is hereby established in the 126
state treasury, for use by the commission in accordance with the 127
performance of its duties. All investment earnings of the fund 128
shall be credited to the fund. Title to all property acquired by 129
the commission shall be taken in the name of the state and shall 130
be held for the use and benefit of the commission. 131

(J) Nothing in this section limits the ability of a person or 132
other entity to purchase decorations, objects of art, chandeliers, 133
china, silver, statues, paintings, furnishings, accouterments, 134
plants, or other aesthetic materials for placement in the 135
governor's residence or on the grounds of the governor's residence 136
or donation to the commission. No such object or plant, however, 137
shall be placed on the grounds or public areas of the first story 138
of the governor's residence without the consent of the commission. 139

(K) The heritage garden established under this section shall 140
be officially known as "the heritage garden at the Ohio governor's 141
residence." 142

(L) As used in this section, "heritage garden" means the 143
botanical garden of native plants established at the governor's 144

residence. 145

Sec. 5503.031. (A) On and after the effective date of this 146
section, subject to division (B) of this section, no executive 147
order, no policy or practice of the office of the governor, and no 148
policy, rule, or practice of the department of public safety may 149
do any of the following: 150

(1) Require that the state highway patrol, or the 151
superintendent or any trooper of the patrol, obtain approval of 152
the governor, the director or another official of the department 153
of public safety, or legal counsel for any of those officials in 154
order for the patrol or its troopers to commence or continue any 155
criminal or administrative investigation that pertains to the 156
enforcement of any laws in relation to which section 5503.02, 157
5503.07, or 5503.34 of the Revised Code or any other provision of 158
law that grants the patrol, the superintendent, or troopers 159
enforcement, investigative, or other law enforcement duties or 160
authority; 161

(2) Authorize the governor, the director or another official 162
of the department of public safety, or legal counsel for any of 163
those officials to direct, control, or manage an investigation by 164
the state highway patrol, or the superintendent or troopers of the 165
patrol, of a type referred to in division (A)(1) of this section 166
or any aspect of any such investigation; 167

(3) Restrict the state highway patrol, or the superintendent 168
or any trooper of the patrol, from conferring with the attorney 169
general or an appropriate prosecuting authority regarding the 170
enforcement of any laws referred to in division (A)(1) of this 171
section or regarding an investigation of a type referred to in 172
that division; 173

(4) Require that the state highway patrol, or the 174
superintendent or any trooper of the patrol, obtain approval of 175

the governor, the director or another official of the department 176
of public safety, or legal counsel for any of those officials in 177
order to refer any matter to an appropriate prosecuting authority. 178

(B)(1) Divisions (A)(1) and (2) of this section do not apply 179
to an investigation of a type described in that division if any 180
matter that is the subject of the investigation or to which the 181
investigation relates is within the jurisdiction or authority of 182
the division of homeland security and one of the following 183
applies: 184

(a) As to the application of division (A)(1) of this section, 185
the official from whom approval to commence or continue the 186
investigation must be obtained is the director of public safety or 187
the executive director of the division. 188

(b) As to the application of division (A)(2) of this section, 189
the official who is authorized to direct, control, or manage the 190
investigation is the director of public safety or the executive 191
director of the division. 192

(2) Division (A)(3) of this section does not apply to the 193
enforcement of any laws referred to in division (A)(1) of this 194
section or an investigation of a type referred to in that division 195
if any matter that is the basis for the enforcement of the laws or 196
that is the subject of the investigation or to which the 197
investigation relates is within the jurisdiction or authority of 198
the division of homeland security and the restriction requires 199
approval of the director of public safety or the executive 200
director of the division before conferring with the attorney 201
general or any prosecuting authority. 202

(3) Division (A)(4) of this section does not apply to the 203
referral of any matter to a prosecuting authority if the matter is 204
within the jurisdiction or authority of the division of homeland 205
security and the official from whom approval to refer the matter 206

must be obtained is the director of public safety or the executive 207
director of the division. 208

(C)(1) On and after the effective date of this section, no 209
provision of an executive order, policy, rule, or practice that 210
imposes a requirement, authorization, or restriction in violation 211
of division (A) of this section is enforceable. 212

(2) Division (C)(1) of this section applies to all executive 213
orders, policies, rules, and practices of the type described in 214
that division, regardless of whether the executive order, policy, 215
rule, or practice was issued, prescribed, or adopted prior to, on, 216
or after the effective date of this section. 217

(D) As used in this section: 218

(1) "Another official of the department of public safety" 219
does not include the superintendent or any trooper of the state 220
highway patrol. 221

(2) "Division of homeland security" means the division of 222
homeland security of the department of public safety. 223

(3) "Policy, rule, or practice of the department of public 224
safety" includes any policy, rule, or practice of the department 225
issued, prescribed, or adopted pursuant to section 5502.011 of the 226
Revised Code or pursuant to any other provision of law. 227

Section 2. That existing section 107.40 of the Revised Code 228
is hereby repealed. 229