

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 140

Representative Hagan, R.

**Cosponsors: Representatives Murray, Yuko, Fedor, Foley, Goyal,
Weddington, Pillich, Sykes, Ramos, Williams, Lundy, Antonio**

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A B I L L

To amend section 105.41 and to enact section 101.61 1
of the Revised Code to require the President and 2
Minority Leader of the Senate and the Speaker and 3
Minority Leader of the House of Representatives to 4
determine the hours of operation for the Ohio 5
Statehouse and to establish policies for the 6
management of, and access to, the building. 7

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

Section 1. That section 105.41 be amended and section 101.61 8
of the Revised Code be enacted to read as follows: 9

Sec. 101.61. The president and minority leader of the senate 10
and the speaker and minority leader of the house of 11
representatives shall jointly establish hours of operation for the 12
statehouse and policies for the management of, and access to, the 13
building. Those legislative leaders shall notify the capitol 14
square review and advisory board of the hours of operation and 15
management and access policies so adopted. 16

Sec. 105.41. (A) There is hereby created the capitol square 17

review and advisory board, consisting of thirteen members as 18
follows: 19

(1) Two members of the senate, appointed by the president of 20
the senate, both of whom shall not be members of the same 21
political party; 22

(2) Two members of the house of representatives, appointed by 23
the speaker of the house of representatives, both of whom shall 24
not be members of the same political party; 25

(3) Five members appointed by the governor, with the advice 26
and consent of the senate, not more than three of whom shall be 27
members of the same political party, one of whom shall be the 28
chief of staff of the governor's office, one of whom shall 29
represent the Ohio arts council, one of whom shall represent the 30
Ohio historical society, one of whom shall represent the Ohio 31
building authority, and one of whom shall represent the public at 32
large; 33

(4) One member, who shall be a former president of the 34
senate, appointed by the current president of the senate. If the 35
current president of the senate, in the current president's 36
discretion, decides for any reason not to make the appointment or 37
if no person is eligible or available to serve, the seat shall 38
remain vacant. 39

(5) One member, who shall be a former speaker of the house of 40
representatives, appointed by the current speaker of the house of 41
representatives. If the current speaker of the house of 42
representatives, in the current speaker's discretion, decides for 43
any reason not to make the appointment or if no person is eligible 44
or available to serve, the seat shall remain vacant. 45

(6) The clerk of the senate and the clerk of the house of 46
representatives. 47

(B) Terms of office of each appointed member of the board 48

shall be for three years, except that members of the general 49
assembly appointed to the board shall be members of the board only 50
so long as they are members of the general assembly and the chief 51
of staff of the governor's office shall be a member of the board 52
only so long as the appointing governor remains in office. Each 53
member shall hold office from the date of the member's appointment 54
until the end of the term for which the member was appointed. In 55
case of a vacancy occurring on the board, the president of the 56
senate, the speaker of the house of representatives, or the 57
governor, as the case may be, shall in the same manner prescribed 58
for the regular appointment to the commission, fill the vacancy by 59
appointing a member. Any member appointed to fill a vacancy 60
occurring prior to the expiration of the term for which the 61
member's predecessor was appointed shall hold office for the 62
remainder of the term. Any appointed member shall continue in 63
office subsequent to the expiration date of the member's term 64
until the member's successor takes office, or until a period of 65
sixty days has elapsed, whichever occurs first. 66

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

(D) The board may do any of the following: 78

(1) Employ or hire on a consulting basis professional, 79
technical, and clerical employees as are necessary for the 80

performance of its duties;	81
(2) Hold public hearings at times and places as determined by the board;	82 83
(3) Adopt, amend, or rescind rules necessary to accomplish the duties of the board as set forth in this section;	84 85
(4) Sponsor, conduct, and support such social events as the board may authorize and consider appropriate for the employees of the board, employees and members of the general assembly, employees of persons under contract with the board or otherwise engaged to perform services on the premises of capitol square, or other persons as the board may consider appropriate. Subject to the requirements of Chapter 4303. of the Revised Code, the board may provide beer, wine, and intoxicating liquor, with or without charge, for those events and may use funds only from the sale of goods and services fund to purchase the beer, wine, and intoxicating liquor the board provides;	86 87 88 89 90 91 92 93 94 95 96
(5) Purchase a warehouse in which to store items of the capitol collection trust and, whenever necessary, equipment or other property of the board.	97 98 99
(E) The board shall do all of the following:	100
(1) Have sole authority to coordinate and approve any improvements, additions, and renovations that are made to the capitol square. The improvements shall include, but not be limited to, the placement of monuments and sculpture on the capitol grounds.	101 102 103 104 105
(2) Subject to section <u>sections 101.61 and 3353.07</u> of the Revised Code, operate the capitol square, and have sole authority to regulate all uses of the capitol square. The uses shall include, but not be limited to, the casual and recreational use of the capitol square.	106 107 108 109 110

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

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

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

(6) Maintain and preserve the capitol square, in accordance with guidelines issued by the United States secretary of the interior for application of the secretary's standards for rehabilitation adopted in 36 C.F.R. part 67;

(7) Plan and develop a center at the capitol building for the purpose of educating visitors about the history of Ohio, including its political, economic, and social development and the design and erection of the capitol building and its grounds.

(F)(1) The board shall lease capital facilities improved or financed by the Ohio building authority pursuant to Chapter 152. of the Revised Code for the use of the board, and may enter into any other agreements with the authority ancillary to improvement, financing, or leasing of those capital facilities, including, but not limited to, any agreement required by the applicable bond proceedings authorized by Chapter 152. of the Revised Code. Any lease of capital facilities authorized by this section shall be governed by division (D) of section 152.24 of the Revised Code.

(2) Fees, receipts, and revenues received by the board from

the state underground parking garage constitute available receipts 142
as defined in section 152.09 of the Revised Code, and may be 143
pledged to the payment of bond service charges on obligations 144
issued by the Ohio building authority pursuant to Chapter 152. of 145
the Revised Code to improve, finance, or purchase capital 146
facilities useful to the board. The authority may, with the 147
consent of the board, provide in the bond proceedings for a pledge 148
of all or a portion of those fees, receipts, and revenues as the 149
authority determines. The authority may provide in the bond 150
proceedings or by separate agreement with the board for the 151
transfer of those fees, receipts, and revenues to the appropriate 152
bond service fund or bond service reserve fund as required to pay 153
the bond service charges when due, and any such provision for the 154
transfer of those fees, receipts, and revenues shall be 155
controlling notwithstanding any other provision of law pertaining 156
to those fees, receipts, and revenues. 157

(3) All moneys received by the treasurer of state on account 158
of the board and required by the applicable bond proceedings or by 159
separate agreement with the board to be deposited, transferred, or 160
credited to the bond service fund or bond service reserve fund 161
established by the bond proceedings shall be transferred by the 162
treasurer of state to such fund, whether or not it is in the 163
custody of the treasurer of state, without necessity for further 164
appropriation, upon receipt of notice from the Ohio building 165
authority as prescribed in the bond proceedings. 166

(G) All fees, receipts, and revenues received by the board 167
from the state underground parking garage shall be deposited into 168
the state treasury to the credit of the underground parking garage 169
operating fund, which is hereby created, to be used for the 170
purposes specified in division (F) of this section and for the 171
operation and maintenance of the garage. All investment earnings 172
of the fund shall be credited to the fund. 173

(H) All donations received by the board shall be deposited 174
into the state treasury to the credit of the capitol square 175
renovation gift fund, which is hereby created. The fund shall be 176
used by the board as follows: 177

(1) To provide part or all of the funding related to 178
construction, goods, or services for the renovation of the capitol 179
square; 180

(2) To purchase art, antiques, and artifacts for display at 181
the capitol square; 182

(3) To award contracts or make grants to organizations for 183
educating the public regarding the historical background and 184
governmental functions of the capitol square. Chapters 125., 127., 185
and 153. and section 3517.13 of the Revised Code do not apply to 186
purchases made exclusively from the fund, notwithstanding anything 187
to the contrary in those chapters or that section. All investment 188
earnings of the fund shall be credited to the fund. 189

(I) Except as provided in divisions (G), (H), and (J) of this 190
section, all fees, receipts, and revenues received by the board 191
shall be deposited into the state treasury to the credit of the 192
sale of goods and services fund, which is hereby created. Money 193
credited to the fund shall be used solely to pay costs of the 194
board other than those specified in divisions (F) and (G) of this 195
section. All investment earnings of the fund shall be credited to 196
the fund. 197

(J) There is hereby created in the state treasury the capitol 198
square improvement fund, to be used by the board to pay 199
construction, renovation, and other costs related to the capitol 200
square for which money is not otherwise available to the board. 201
Whenever the board determines that there is a need to incur those 202
costs and that the unencumbered, unobligated balance to the credit 203
of the underground parking garage operating fund exceeds the 204

amount needed for the purposes specified in division (F) of this 205
section and for the operation and maintenance of the garage, the 206
board may request the director of budget and management to 207
transfer from the underground parking garage operating fund to the 208
capitol square improvement fund the amount needed to pay such 209
construction, renovation, or other costs. The director then shall 210
transfer the amount needed from the excess balance of the 211
underground parking garage operating fund. 212

(K) As the operation and maintenance of the capitol square 213
constitute essential government functions of a public purpose, the 214
board shall not be required to pay taxes or assessments upon the 215
square, upon any property acquired or used by the board under this 216
section, or upon any income generated by the operation of the 217
square. 218

(L) As used in this section, "capitol square" means the 219
capitol building, senate building, capitol atrium, capitol 220
grounds, the state underground parking garage, and the warehouse 221
owned by the board. 222

(M) The capitol annex shall be known as the senate building. 223

Section 2. That existing section 105.41 of the Revised Code 224
is hereby repealed. 225