

**As Reported by the House Rules and Reference Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. S. B. No. 318**

**Senators Kunze, Williams**

**Cosponsors: Senators Eklund, Schuring, Schaffer, Blessing, Antonio, Burke, Coley, Craig, Dolan, Fedor, Gavarone, Hackett, Hoagland, Hottinger, Huffman, M., Huffman, S., Johnson, Lehner, Maharath, Manning, McColley, Obhof, O'Brien, Peterson, Roegner, Sykes, Thomas, Wilson, Yuko Representatives Antani, Callender, Plummer, Scherer**

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**A BILL**

To amend section 105.41 of the Revised Code and to	1
amend Section 1 of S.B. 30 of the 133rd General	2
Assembly to extend the Women's Suffrage	3
Centennial Commission until December 31, 2021,	4
to make changes regarding appointed members of	5
the Capitol Square Review and Advisory Board, to	6
vacate a seat on the Joint Legislative Ethics	7
Committee, and to declare an emergency.	8

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

<b>Section 1.</b> That Section 1 of S.B. 30 of the 133rd General	9
Assembly be amended to read as follows:	10

<b>Sec. 1.</b> (A) There is the Women's Suffrage Centennial	11
Commission, which shall consist of the following members:	12

(1) The Secretary of State or the Secretary's designee,	13
who shall serve as the chairperson of the Commission;	14

(2) Two members of the Senate appointed by the President	15
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of the Senate, who shall not be members of the same political 16  
party; 17

(3) Two members of the House of Representatives appointed 18  
by the Speaker of the House, who shall not be members of the 19  
same political party; 20

(4) One member of the Ohio Republican Party appointed by 21  
the chairperson of the Ohio Republican Party; 22

(5) One member of the Ohio Democratic Party appointed by 23  
the chairperson of the Ohio Democratic Party; 24

(6) Any additional members appointed by the Secretary of 25  
State in order to assist the Commission in fulfilling its 26  
duties. 27

(B) (1) Terms of office of each member of the Commission 28  
shall end on December 31, ~~2020~~2021, except that a member of the 29  
General Assembly appointed to the Commission shall be a member 30  
of the Commission only so long as the member remains in office. 31  
Vacancies on the Commission shall be filled in the manner 32  
prescribed for making the original appointment to the 33  
Commission. 34

(2) Members of the Commission shall serve without 35  
compensation or reimbursement for expenses. 36

(3) The Secretary of State shall provide any necessary 37  
equipment and facilities and assign any necessary professional, 38  
technical, or clerical employees of the Secretary to assist the 39  
Commission in fulfilling its duties. 40

(C) In recognition of the hundredth anniversaries of 41  
Congress's proposal of the Nineteenth Amendment to the 42  
Constitution of the United States, which guarantees women the 43

right to vote, on June 4, 1919; the Ohio General Assembly's 44  
ratification of the Amendment on June 16, 1919; and the thirty- 45  
sixth state ratification of the Amendment by the Tennessee 46  
General Assembly on August 18, 1920, the Women's Suffrage 47  
Centennial Commission shall plan and carry out events and 48  
activities throughout Ohio during the years 2019~~and, 2020, and~~ 49  
2021. The events and activities shall honor the women's suffrage 50  
movement and shall raise awareness of, and educate the public 51  
about, the importance and historical significance of the 52  
Nineteenth Amendment. The Commission may enter into contracts 53  
and execute all instruments necessary or incidental to the 54  
performance of the Commission's duties under this section. 55

(D) There is in the state treasury the Women's Suffrage 56  
Centennial Commission Fund, which shall consist of any moneys 57  
appropriated or donated to the Fund and any interest earned on 58  
the moneys in the Fund. The Commission may solicit and accept 59  
grants, gifts, or donations from any lawful source and shall 60  
deposit all such grants, gifts, or donations in the state 61  
treasury to the credit of the Fund. The Commission shall use the 62  
moneys in the Fund for the purpose of carrying out the 63  
Commission's duties under this section. 64

(E) The Women's Suffrage Centennial Commission shall cease 65  
to exist on December 31, ~~2020~~2021. On that date, any 66  
unencumbered, unobligated balance remaining in the Women's 67  
Suffrage Centennial Commission Fund shall be deposited in the 68  
General Revenue Fund. When no moneys remain in the Women's 69  
Suffrage Centennial Commission Fund, it shall cease to exist. 70

**Section 2.** That existing Section 1 of S.B. 30 of the 133rd 71  
General Assembly is hereby repealed. 72

**Section 3.** That section 105.41 of the Revised Code be 73

amended to read as follows: 74

**Sec. 105.41.** (A) There is hereby created in the 75  
legislative branch of government the capitol square review and 76  
advisory board, consisting of twelve members as follows: 77

(1) Two members of the senate, appointed by the president 78  
of the senate, both of whom shall not be members of the same 79  
political party; 80

(2) Two members of the house of representatives, appointed 81  
by the speaker of the house of representatives, both of whom 82  
shall not be members of the same political party; 83

(3) Four members appointed by the governor, with the 84  
advice and consent of the senate, not more than three of whom 85  
shall be members of the same political party, one of whom shall 86  
be the chief of staff of the governor's office, one of whom 87  
shall represent the Ohio arts council, one of whom shall 88  
represent the Ohio history connection, and one of whom shall 89  
represent the public at large; 90

(4) One member, who shall be a former president of the 91  
senate, appointed by the current president of the senate. If the 92  
current president of the senate, in the current president's 93  
discretion, decides for any reason not to make the appointment 94  
or if no person is eligible or available to serve, the seat 95  
shall remain vacant. 96

(5) One member, who shall be a former speaker of the house 97  
of representatives, appointed by the current speaker of the 98  
house of representatives. If the current speaker of the house of 99  
representatives, in the current speaker's discretion, decides 100  
for any reason not to make the appointment or if no person is 101  
eligible or available to serve, the seat shall remain vacant. 102

(6) The clerk of the senate and the clerk of the house of  
representatives. 103  
104

(B) All appointed members of the board serve at the 105  
pleasure of the appointing authority and may be discharged from 106  
the board, by the appointing authority, without cause. Terms of 107  
office of each member appointed ~~member of the board under~~ 108  
divisions (A) (3), (4), and (5) of this section shall be for 109  
three years, ~~except that members unless discharged by the~~ 110  
appointing authority before the end of the term. Members of the 111  
general assembly appointed to the board ~~shall~~ may be members of 112  
the board only so long as they are members of the general 113  
assembly and the chief of staff of the governor's office ~~shall~~ 114  
may be a member of the board only so long as the appointing 115  
governor remains in office. ~~Each member shall hold office from~~ 116  
~~the date of the member's appointment until the end of the term~~ 117  
~~for which the member was appointed.~~ In case of a vacancy 118  
occurring on the board, the president of the senate, the speaker 119  
of the house of representatives, or the governor, as the case 120  
may be, shall in the same manner prescribed for the regular 121  
appointment to the commission, fill the vacancy by appointing a 122  
member. Any member appointed to fill a vacancy occurring prior 123  
to the expiration of the term for which the member's predecessor 124  
was appointed shall hold office for the remainder of the term. 125  
Any appointed member ~~shall continue in office subsequent to the~~ 126  
~~expiration date of the member's term until the member's~~ 127  
~~successor takes office, or until a period of sixty days has~~ 128  
~~elapsed, whichever occurs first~~ may be reappointed, provided the 129  
member continues to meet all other eligibility requirements. 130

(C) The board shall hold meetings in a manner and at times 131  
prescribed by the rules adopted by the board. A majority of the 132  
board constitutes a quorum, and no action shall be taken by the 133

board unless approved by at least six members or by at least 134  
seven members if a person is appointed under division (A) (4) or 135  
(5) of this section. At its first meeting, the board shall adopt 136  
rules for the conduct of its business and the election of its 137  
officers, and shall organize by selecting officers other than a 138  
chairperson as it considers necessary. In odd-numbered years, 139  
the majority member from the senate shall serve as chairperson; 140  
in even-numbered years, the majority member from the house of 141  
representatives shall serve as chairperson. Board members shall 142  
serve without compensation but shall be reimbursed for actual 143  
and necessary expenses incurred in the performance of their 144  
duties. 145

(D) The board may do any of the following: 146

(1) Employ or hire on a consulting basis professional, 147  
technical, and clerical employees as are necessary for the 148  
performance of its duties. All employees of the board are in the 149  
unclassified service and serve at the pleasure of the board. For 150  
purposes of section 4117.01 of the Revised Code, employees of 151  
the board shall be considered employees of the general assembly, 152  
except that employees who are covered by a collective bargaining 153  
agreement on September 29, 2011, shall remain subject to the 154  
agreement until the agreement expires on its terms, and the 155  
agreement shall not be extended or renewed. Upon expiration of 156  
the agreement, the employees are considered employees of the 157  
general assembly for purposes of section 4117.01 of the Revised 158  
Code and are in the unclassified service and serve at the 159  
pleasure of the board. 160

(2) Hold public hearings at times and places as determined 161  
by the board; 162

(3) Adopt, amend, or rescind rules necessary to accomplish 163

the duties of the board as set forth in this section; 164

(4) Sponsor, conduct, and support such social events as 165  
the board may authorize and consider appropriate for the 166  
employees of the board, employees and members of the general 167  
assembly, employees of persons under contract with the board or 168  
otherwise engaged to perform services on the premises of capitol 169  
square, or other persons as the board may consider appropriate. 170  
Subject to the requirements of Chapter 4303. of the Revised 171  
Code, the board may provide beer, wine, and intoxicating liquor, 172  
with or without charge, for those events and may use funds only 173  
from the sale of goods and services fund to purchase the beer, 174  
wine, and intoxicating liquor the board provides; 175

(5) Purchase a warehouse in which to store items of the 176  
capitol collection trust and, whenever necessary, equipment or 177  
other property of the board. 178

(E) The board shall do all of the following: 179

(1) Have sole authority to coordinate and approve any 180  
improvements, additions, and renovations that are made to the 181  
capitol square. The improvements shall include, but not be 182  
limited to, the placement of monuments and sculpture on the 183  
capitol grounds. 184

(2) Operate the capitol square, and have sole authority to 185  
regulate all uses of the capitol square. The uses shall include, 186  
but not be limited to, the casual and recreational use of the 187  
capitol square. 188

(3) Employ, fix the compensation of, and prescribe the 189  
duties of the executive director of the board and other 190  
employees the board considers necessary for the performance of 191  
its powers and duties; 192

(4) Establish and maintain the capitol collection trust. 193  
The capitol collection trust shall consist of furniture, 194  
antiques, and other items of personal property that the board 195  
shall store in suitable facilities until they are ready to be 196  
displayed in the capitol square. 197

(5) Perform repair, construction, contracting, purchasing, 198  
maintenance, supervisory, and operating activities the board 199  
determines are necessary for the operation and maintenance of 200  
the capitol square; 201

(6) Maintain and preserve the capitol square, in 202  
accordance with guidelines issued by the United States secretary 203  
of the interior for application of the secretary's standards for 204  
rehabilitation adopted in 36 C.F.R. part 67; 205

(7) Plan and develop a center at the capitol building for 206  
the purpose of educating visitors about the history of Ohio, 207  
including its political, economic, and social development and 208  
the design and erection of the capitol building and its grounds. 209

(F) (1) The board shall lease capital facilities improved 210  
by the department of administrative services or financed by the 211  
treasurer of state pursuant to Chapter 154. of the Revised Code 212  
for the use of the board, and may enter into any other 213  
agreements with the department, the Ohio public facilities 214  
commission, or any other authorized governmental agency 215  
ancillary to improvement, financing, or leasing of those capital 216  
facilities, including, but not limited to, any agreement 217  
required by the applicable bond proceedings authorized by 218  
Chapter 154. of the Revised Code. Any lease of capital 219  
facilities authorized by this section shall be governed by 220  
Chapter 154. of the Revised Code. 221

(2) Fees, receipts, and revenues received by the board 222  
from the state underground parking garage constitute available 223  
receipts as defined in section 154.24 of the Revised Code, and 224  
may be pledged to the payment of bond service charges on 225  
obligations issued by the treasurer of state pursuant to Chapter 226  
154. of the Revised Code to improve, finance, or purchase 227  
capital facilities useful to the board. The treasurer of state 228  
may, with the consent of the board, provide in the bond 229  
proceedings for a pledge of all or a portion of those fees, 230  
receipts, and revenues as the treasurer of state determines. The 231  
treasurer of state may provide in the bond proceedings or by 232  
separate agreement with the board for the transfer of those 233  
fees, receipts, and revenues to the appropriate bond service 234  
fund or bond service reserve fund as required to pay the bond 235  
service charges when due, and any such provision for the 236  
transfer of those fees, receipts, and revenues shall be 237  
controlling notwithstanding any other provision of law 238  
pertaining to those fees, receipts, and revenues. 239

(3) All moneys received by the treasurer of state on 240  
account of the board and required by the applicable bond 241  
proceedings or by separate agreement with the board to be 242  
deposited, transferred, or credited to the bond service fund or 243  
bond service reserve fund established by the bond proceedings 244  
shall be transferred by the treasurer of state to such fund, 245  
whether or not it is in the custody of the treasurer of state, 246  
without necessity for further appropriation. 247

(G) (1) Except as otherwise provided in division (G) (2) of 248  
this section, all fees, receipts, and revenues received by the 249  
board from the state underground parking garage shall be 250  
deposited into the state treasury to the credit of the 251  
underground parking garage operating fund, which is hereby 252

created, to be used for the purposes specified in division (F) 253  
of this section and for the operation and maintenance of the 254  
garage. All investment earnings of the fund shall be credited to 255  
the fund. 256

(2) There is hereby created the parking garage automated 257  
equipment fund, which shall be in the custody of the treasurer 258  
of state but shall not be part of the state treasury. Money in 259  
the fund shall be used to purchase the automated teller machine 260  
quality dollar bills needed for operation of the parking garage 261  
automated equipment. The fund shall consist of fees, receipts, 262  
or revenues received by the board from the state underground 263  
parking garage; provided, however, that the total amount 264  
deposited into the fund at any one time shall not exceed ten 265  
thousand dollars. All investment earnings of the fund shall be 266  
credited to the fund. 267

(H) All donations received by the board shall be deposited 268  
into the state treasury to the credit of the capitol square 269  
renovation gift fund, which is hereby created. The fund shall be 270  
used by the board as follows: 271

(1) To provide part or all of the funding related to 272  
construction, goods, or services for the renovation of the 273  
capitol square; 274

(2) To purchase art, antiques, and artifacts for display 275  
at the capitol square; 276

(3) To award contracts or make grants to organizations for 277  
educating the public regarding the historical background and 278  
governmental functions of the capitol square. Chapters 125., 279  
127., and 153. and section 3517.13 of the Revised Code do not 280  
apply to purchases made exclusively from the fund, 281

notwithstanding anything to the contrary in those chapters or 282  
that section. All investment earnings of the fund shall be 283  
credited to the fund. 284

(I) Except as provided in divisions (G), (H), and (J) of 285  
this section, all fees, receipts, and revenues received by the 286  
board shall be deposited into the state treasury to the credit 287  
of the sale of goods and services fund, which is hereby created. 288  
Money credited to the fund shall be used solely to pay costs of 289  
the board other than those specified in divisions (F) and (G) of 290  
this section. All investment earnings of the fund shall be 291  
credited to the fund. 292

(J) There is hereby created in the state treasury the 293  
capitol square improvement fund, to be used by the board to pay 294  
construction, renovation, and other costs related to the capitol 295  
square for which money is not otherwise available to the board. 296  
Whenever the board determines that there is a need to incur 297  
those costs and that the unencumbered, unobligated balance to 298  
the credit of the underground parking garage operating fund 299  
exceeds the amount needed for the purposes specified in division 300  
(F) of this section and for the operation and maintenance of the 301  
garage, the board may request the director of budget and 302  
management to transfer from the underground parking garage 303  
operating fund to the capitol square improvement fund the amount 304  
needed to pay such construction, renovation, or other costs. The 305  
director then shall transfer the amount needed from the excess 306  
balance of the underground parking garage operating fund. 307

(K) As the operation and maintenance of the capitol square 308  
constitute essential government functions of a public purpose, 309  
the board shall not be required to pay taxes or assessments upon 310  
the square, upon any property acquired or used by the board 311

under this section, or upon any income generated by the 312  
operation of the square. 313

(L) As used in this section, "capitol square" means the 314  
capitol building, senate building, capitol atrium, capitol 315  
grounds, the state underground parking garage, and the warehouse 316  
owned by the board. 317

(M) The capitol annex shall be known as the senate 318  
building. 319

(N) Any person may possess a firearm in a motor vehicle in 320  
the state underground parking garage at the state capitol 321  
building, if the person's possession of the firearm in the motor 322  
vehicle is not in violation of section 2923.16 of the Revised 323  
Code or any other provision of the Revised Code. Any person may 324  
store or leave a firearm in a locked motor vehicle that is 325  
parked in the state underground parking garage at the state 326  
capitol building, if the person's transportation and possession 327  
of the firearm in the motor vehicle while traveling to the 328  
garage was not in violation of section 2923.16 of the Revised 329  
Code or any other provision of the Revised Code. 330

**Section 4.** That existing section 105.41 of the Revised 331  
Code is hereby repealed. 332

**Section 5.** An individual who is an appointed member of the 333  
Capitol Square Review and Advisory Board under section 105.41 of 334  
the Revised Code, before the effective date of this act, may be 335  
discharged without cause by the member's appointing authority on 336  
or after the effective date of this act. 337

**Section 6.** Notwithstanding any contrary provision of 338  
section 101.34 of the Revised Code, during the 133rd General 339  
Assembly, if a member of the Joint Legislative Ethics Committee 340

is or has been charged with or indicted for a violation of 18 341  
U.S.C. 1962, that member's seat on the Committee shall be deemed 342  
vacant. The Speaker of the House of Representatives or the 343  
President of the Senate, as applicable, shall appoint a member 344  
to fill the vacancy not later than fifteen days after the seat 345  
becomes vacant. 346

**Section 7.** This act is hereby declared to be an emergency 347  
measure necessary for the immediate preservation of the public 348  
peace, health, and safety. The reason for such necessity is to 349  
maintain the integrity of the Joint Legislative Ethics 350  
Committee. Therefore, this act shall go into immediate effect. 351