

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 282**

**Representatives Roegner, Hood**

**Cosponsors: Representatives Brenner, Brinkman, Becker, Young, Zeltwanger,  
Vitale, Schaffer**

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**A BILL**

To amend sections 121.083, 123.281, 164.07, 1  
176.011, 307.022, 307.671, 307.673, 307.674, 2  
307.696, 351.06, 353.03, 1311.25, 1506.44, 3  
1509.071, 1710.02, 5540.03, and 6117.012; to 4  
repeal sections 176.05, 4115.03, 4115.031, 5  
4115.033, 4115.034, 4115.04, 4115.05, 4115.06, 6  
4115.07, 4115.071, 4115.08, 4115.09, 4115.10, 7  
4115.101, 4115.11, 4115.12, 4115.13, 4115.131, 8  
4115.132, 4115.133, 4115.14, 4115.15, 4115.16, 9  
4115.21, 4115.99, and 6121.061 of the Revised 10  
Code; and to repeal Section 509.70 of Am. H.B. 11  
497 of the 130th General Assembly to repeal the 12  
Prevailing Wage Law. 13

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

**Section 1.** That sections 121.083, 123.281, 164.07, 14  
176.011, 307.022, 307.671, 307.673, 307.674, 307.696, 351.06, 15  
353.03, 1311.25, 1506.44, 1509.071, 1710.02, 5540.03, and 16  
6117.012 of the Revised Code be amended to read as follows: 17

**Sec. 121.083.** The superintendent of industrial compliance 18

in the department of commerce shall do all of the following: 19

(A) Administer and enforce the general laws of this state 20  
pertaining to buildings, pressure piping, boilers, bedding, 21  
upholstered furniture, and stuffed toys, steam engineering, 22  
elevators, plumbing, licensed occupations regulated by the 23  
department, and travel agents, as they apply to plans review, 24  
inspection, code enforcement, testing, licensing, registration, 25  
and certification. 26

(B) Exercise the powers and perform the duties delegated 27  
to the superintendent by the director of commerce under Chapters 28  
4109., and 4111., ~~and 4115.~~ of the Revised Code. 29

(C) Collect and collate statistics as are necessary. 30

(D) Examine and license persons who desire to act as steam 31  
engineers, to operate steam boilers, and to act as inspectors of 32  
steam boilers, provide for the scope, conduct, and time of such 33  
examinations, provide for, regulate, and enforce the renewal and 34  
revocation of such licenses, inspect and examine steam boilers 35  
and make, publish, and enforce rules and orders for the 36  
construction, installation, inspection, and operation of steam 37  
boilers, and do, require, and enforce all things necessary to 38  
make such examination, inspection, and requirement efficient. 39

(E) Rent and furnish offices as needed in cities in this 40  
state for the conduct of its affairs. 41

(F) Oversee a chief of construction and compliance, a 42  
chief of operations and maintenance, a chief of licensing and 43  
certification, a chief of worker protection, and other designees 44  
appointed by the director to perform the duties described in 45  
this section. 46

(G) Enforce the rules the board of building standards 47

adopts pursuant to division (A)(2) of section 4104.43 of the Revised Code under the circumstances described in division (D) of that section.

(H) Accept submissions, establish a fee for submissions, and review submissions of certified welding and brazing procedure specifications, procedure qualification records, and performance qualification records for building services piping as required by section 4104.44 of the Revised Code.

**Sec. 123.281.** (A) The Ohio facilities construction commission shall provide for the construction of a cultural project in conformity with Chapter 153. of the Revised Code, except for construction services provided on behalf of the state by a governmental agency or a cultural organization in accordance with divisions (B) and (C) of this section.

(B) In order for a governmental agency or a cultural organization to provide construction services on behalf of the state for a cultural project, other than a state historical facility, for which the general assembly has made an appropriation or specifically authorized the spending of money or the making of rental payments relating to the financing of the construction, the governmental agency or cultural organization shall submit to the Ohio facilities construction commission a cooperative agreement that includes, but is not limited to, provisions that:

(1) Specify how the proposed project will support culture, as defined in section 123.28 of the Revised Code;

(2) Specify that the governmental agency or cultural organization has local contributions amounting to not less than fifty per cent of the total state funding for the cultural

project;	77
(3) Specify that the funds shall be used only for construction, as defined in section 123.28 of the Revised Code;	78 79
(4) Identify the facility to be constructed, renovated, remodeled, or improved;	80 81
(5) Specify that the project scope meets the intent and purpose of the project appropriation and that the project can be completed and ready for full occupancy without exceeding appropriated funds;	82 83 84 85
(6) Specify that the governmental agency or cultural organization shall hold the Ohio facilities construction commission harmless from all liability for the operation and maintenance costs of the facility;	86 87 88 89
(7) Specify that the agreement or any actions taken under it are not subject to <del>Chapters Chapter</del> 123. or 153. of the Revised Code, except for section 153.011 of the Revised Code, <del>and are subject to Chapter 4115. of the Revised Code;</del> and	90 91 92 93
(8) Provide that amendments to the agreement shall require the approval of the Ohio facilities construction commission.	94 95
(C) In order for a cultural organization to provide construction services on behalf of the state for a state historical facility for which the general assembly has made an appropriation or specifically authorized the spending of money or the making of rental payments relating to the financing of the construction, the cultural organization shall submit to the Ohio facilities construction commission a cooperative agreement that includes, but is not limited to, provisions that:	96 97 98 99 100 101 102 103
(1) Specify how the proposed project will support culture,	104

as defined in section 123.28 of the Revised Code; 105

(2) Specify that the funds shall be used only for 106  
construction, as defined in section 123.28 of the Revised Code; 107

(3) Identify the facility to be constructed, renovated, 108  
remodeled, or improved; 109

(4) Specify that the project scope meets the intent and 110  
purpose of the project appropriation and that the project can be 111  
completed and ready for full occupancy without exceeding 112  
appropriated funds; 113

(5) Specify that the cultural organization shall hold the 114  
Ohio facilities construction commission harmless from all 115  
liability for the operation and maintenance costs of the 116  
facility; 117

(6) Specify that the agreement or any actions taken under 118  
it are not subject to ~~Chapters Chapter~~ 123.7, ~~or~~ 153.7, ~~or~~ 4115. 119  
of the Revised Code; and 120

(7) Provide that amendments to the agreement shall require 121  
the approval of the Ohio facilities construction commission. 122

(D) State funds shall not be used to pay or reimburse more 123  
than fifteen per cent of the initial estimated construction cost 124  
of an Ohio sports facility, excluding any site acquisition cost, 125  
and no state funds, including any state bond proceeds, shall be 126  
spent on any Ohio sports facility under this chapter unless, 127  
with respect to that facility, all of the following apply: 128

(1) The Ohio facilities construction commission has 129  
received a financial and development plan satisfactory to it, 130  
and provision has been made, by agreement or otherwise, 131  
satisfactory to the commission, for a contribution amounting to 132

not less than eighty-five per cent of the total estimated 133  
construction cost of the facility, excluding any site 134  
acquisition cost, from sources other than the state. 135

(2) The general assembly has specifically authorized the 136  
spending of money on, or made an appropriation for, the 137  
construction of the facility, or for rental payments relating to 138  
state financing of all or a portion of the costs of constructing 139  
the facility. Authorization to spend money, or an appropriation, 140  
for planning or determining the feasibility of or need for the 141  
facility does not constitute authorization to spend money on, or 142  
an appropriation for, costs of constructing the facility. 143

(3) If state bond proceeds are being used for the Ohio 144  
sports facility, the state or a governmental agency owns or has 145  
sufficient property interests in the facility or in the site of 146  
the facility or in the portion or portions of the facility 147  
financed from proceeds of state bonds, which may include, but is 148  
not limited to, the right to use or to require the use of the 149  
facility for the presentation of sport and athletic events to 150  
the public at the facility. 151

(E) In addition to the requirements of division (D) of 152  
this section, no state funds, including any state bond proceeds, 153  
shall be spent on any Ohio sports facility that is a motorsports 154  
complex, unless, with respect to that facility, both of the 155  
following apply: 156

(1) Motorsports events shall be presented at the facility 157  
pursuant to a lease entered into with the owner of the facility. 158  
The term of the lease shall be for a period of not less than the 159  
greater of the useful life of the portion of the facility 160  
financed from proceeds of state bonds as determined using the 161  
guidelines for maximum maturities as provided under divisions 162

(B) and (C) of section 133.20 of the Revised Code, or the period 163  
of time remaining to the date of payment or provision for 164  
payment of outstanding state bonds allocable to costs of the 165  
facility, all as determined by the director of budget and 166  
management and certified by the executive director of the Ohio 167  
facilities construction commission and to the treasurer of 168  
state. 169

(2) Any motorsports organization that commits to using the 170  
facility for an established period of time shall give the 171  
political subdivision in which the facility is located not less 172  
than six months' advance notice if the organization intends to 173  
cease utilizing the facility prior to the expiration of that 174  
established period. Such a motorsports organization shall be 175  
liable to the state for any state funds used on the construction 176  
costs of the facility. 177

(F) In addition to the requirements of division (D) of 178  
this section, no state bond proceeds shall be spent on any Ohio 179  
sports facility that is a tennis facility, unless the owner or 180  
manager of the facility provides contractual commitments from a 181  
national or international professional tennis organization in a 182  
form acceptable to the Ohio facilities construction commission 183  
that assures that one or more sanctioned professional tennis 184  
events will be presented at the facility during each year that 185  
the bonds remain outstanding. 186

**Sec. 164.07.** ~~(A)~~—In awarding contracts for capital 187  
improvement projects to be financed in whole or in part under 188  
this chapter, a local subdivision shall comply with the 189  
percentage requirements of section 125.081 of the Revised Code. 190

~~(B) A capital improvement that is financed in whole or in 191  
part under this chapter is a public improvement, and a 192~~

~~subdivision undertaking a capital improvement is a public authority, for purposes of section 4115.03 of the Revised Code. All contractors and subcontractors working on a capital improvement financed in whole or in part under this chapter shall comply with sections 4115.03 to 4115.16 of the Revised Code.~~

**Sec. 176.011.** This section does not apply to any county having a population exceeding one million persons, according to the United States bureau of the census, on ~~the effective date of this section~~ May 15, 1992, or to any township or municipal corporation located within such a county.

(A) A board of county commissioners, a board of township trustees, the chief executive officer of a municipal corporation with the consent of the legislative authority of the municipal corporation, or any combination of these, may do one or both of the following:

(1) Create and participate in a nonprofit corporation incorporated under Chapter 1702. of the Revised Code for the purpose of receiving funds from any person to be expended, granted, loaned, or invested for housing purposes, to ensure the efficient use of these funds, and for the coordination of the use of the funds with other local governments. A nonprofit corporation created under division (A) (1) of this section shall not have among its purposes the acquisition, construction, or rehabilitation of housing. All funds received by the nonprofit corporation shall be expended for housing purposes under Section 16 of Article VIII, Ohio Constitution, and section 176.04 of the Revised Code.

(2) Create and participate in a nonprofit corporation incorporated under Chapter 1702. of the Revised Code for the

purpose of acquiring, constructing, or rehabilitating housing 223  
under Section 16 of Article VIII, Ohio Constitution, and section 224  
176.04 of the Revised Code, or participate in an existing 225  
nonprofit corporation whose purpose includes the acquisition, 226  
construction, or rehabilitation of housing. A nonprofit 227  
corporation created under division (A) (2) of this section shall 228  
not have among its purposes any of the purposes for which a 229  
nonprofit corporation created under division (A) (1) of this 230  
section may be created. The governing board of a nonprofit 231  
corporation created under division (A) (2) of this section or in 232  
which a county, township, or municipal corporation participates 233  
under division (A) (2) of this section shall consist of not more 234  
than one-third elected officials or appointees thereof of the 235  
county, township, or municipal corporation, or combination 236  
thereof, that through the governing boards or chief executive 237  
officers create or participate in such corporation. 238

~~Housing acquired, constructed, or rehabilitated by a 239  
nonprofit corporation created under division (A) (2) of this 240  
section is a project for purposes of section 176.05 of the 241  
Revised Code and shall be considered a project undertaken by a 242  
county, township, or municipal corporation for purposes of 243  
section 176.05 of the Revised Code. 244~~

Not more than fifteen per cent of the funds received by a 245  
nonprofit corporation created under division (A) (1) or (2) of 246  
this section from any county, township, or municipal corporation 247  
shall be used for administration and salaries of the nonprofit 248  
organization. Funds distributed to the nonprofit corporation 249  
from any board of county commissioners, board of township 250  
trustees, or municipal corporation shall be considered an 251  
expenditure for housing purposes under Section 16 of Article 252  
VIII, Ohio Constitution. A nonprofit corporation created under 253

division (A) (1) or (2) of this section is a public body for 254  
purposes of section 121.22 of the Revised Code, and is subject 255  
to that section. 256

(B) A county, township, or municipal corporation may 257  
distribute funds to a nonprofit corporation created under 258  
division (A) (1) or (2) of this section that its board or chief 259  
executive officer created or in which the board or chief 260  
executive officer participates, and no such distribution 261  
constitutes a conflict of interest. 262

(C) Service as a member, trustee, officer, employee, or 263  
agent of a nonprofit corporation created under division (A) of 264  
this section does not constitute a conflict of interest with the 265  
following: 266

(1) Employment by or membership on a board of county 267  
commissioners or a board of township trustees from which the 268  
nonprofit corporation receives funds; 269

(2) Service as the chief executive officer or as a member 270  
of the legislative authority of, or employment by, a municipal 271  
corporation from which the nonprofit corporation receives funds; 272

(3) Service on a housing advisory board serving any of the 273  
political subdivisions named in division (C) of this section. 274

(D) A housing advisory board established or designated by 275  
any municipal corporation, county, or township, alone or 276  
jointly, shall advise the nonprofit corporation created under 277  
division (A) (1) or (2) or both of this section in accordance 278  
with sections 176.01 and 176.04 of the Revised Code. 279

**Sec. 307.022.** (A) The board of county commissioners of any 280  
county may do both of the following without following the 281  
competitive bidding requirements of section 307.86 of the 282

Revised Code:	283
(1) Enter into a lease, including a lease with an option	284
to purchase, of correctional facilities for a term not in excess	285
of forty years. Before entering into the lease, the board shall	286
publish, once a week for three consecutive weeks in a newspaper	287
of general circulation in the county or as provided in section	288
7.16 of the Revised Code, a notice that the board is accepting	289
proposals for a lease pursuant to this division. The notice	290
shall state the date before which the proposals are required to	291
be submitted in order to be considered by the board.	292
(2) Subject to compliance with this section, grant leases,	293
easements, and licenses with respect to, or sell, real property	294
owned by the county if the real property is to be leased back by	295
the county for use as correctional facilities.	296
The lease under division (A) (1) of this section shall	297
require the county to contract, in accordance with Chapter 153.7—	298
<u>and</u> sections 307.86 to 307.92, <del>and Chapter 4115.</del> of the Revised	299
Code, for the construction, improvement, furnishing, and	300
equipping of correctional facilities to be leased pursuant to	301
this section. Prior to the board's execution of the lease, it	302
may require the lessor under the lease to cause sufficient money	303
to be made available to the county to enable the county to	304
comply with the certification requirements of division (D) of	305
section 5705.41 of the Revised Code.	306
A lease entered into pursuant to division (A) (1) of this	307
section by a board may provide for the county to maintain and	308
repair the correctional facility during the term of the	309
leasehold, may provide for the county to make rental payments	310
prior to or after occupation of the correctional facilities by	311
the county, and may provide for the board to obtain and maintain	312

any insurance that the lessor may require, including, but not 313  
limited to, public liability, casualty, builder's risk, and 314  
business interruption insurance. The obligations incurred under 315  
a lease entered into pursuant to division (A) (1) of this section 316  
shall not be considered to be within the debt limitations of 317  
section 133.07 of the Revised Code. 318

(B) The correctional facilities leased under division (A) 319  
(1) of this section may include any or all of the following: 320

(1) Facilities in which one or more other governmental 321  
entities are participating or in which other facilities of the 322  
county are included; 323

(2) Facilities acquired, constructed, or renovated by or 324  
on behalf of the department of rehabilitation and correction or 325  
the department of administrative services, or financed by the 326  
treasurer of state, and leased to the county pursuant to section 327  
307.021 of the Revised Code; 328

(3) Correctional facilities that are under construction or 329  
have been completed and for which no permanent financing has 330  
been arranged. 331

(C) As used in this section: 332

(1) "Correctional facilities" includes, but is not limited 333  
to, jails, detention facilities, workhouses, community-based 334  
correctional facilities, and family court centers. 335

(2) "~~Construction~~" ~~has the same meaning as in division (B)~~ 336  
~~of section 4115.03 of the Revised Code~~ means any construction, 337  
reconstruction, improvement, enlargement, alteration, repair, 338  
painting, or decorating of any public improvement performed by 339  
other than full-time employees who have completed their 340  
probationary periods in the classified service of a public 341

authority. 342

As used in division (C)(2) of this section: 343

(a) "Public improvement" means all buildings, roads, 344  
streets, alleys, sewers, ditches, and other structures or works 345  
constructed by a public authority or by any person who, pursuant 346  
to a contract with a public authority, constructs any structure 347  
or work for a public authority. When a public authority rents or 348  
leases a newly constructed structure within six months after 349  
completion of its construction, any work performed on that 350  
structure to suit it for occupancy is a "public improvement." 351

(b) "Public authority" means any officer, board, or 352  
commission of the state, or any political subdivision of the 353  
state, or any institution supported in whole or in part by 354  
public funds, authorized to enter into a contract for the 355  
construction of a public improvement or to construct a public 356  
improvement by the direct employment of labor. 357

**Sec. 307.671.** (A) As used in this section: 358

(1) "Bonds" means, as the context requires: general 359  
obligation bonds of the county, or notes in anticipation 360  
thereof, described in division (B)(1)(b) of this section; 361  
revenue bonds of the port authority described in division (B)(2) 362  
(a) of this section; and urban renewal bonds, or notes in 363  
anticipation thereof, of the host municipal corporation 364  
described in division (B)(3)(a) of this section. 365

(2) "Corporation" means a nonprofit corporation that is 366  
organized under the laws of this state and that includes within 367  
the purposes for which it is incorporated the authorization to 368  
lease and operate facilities such as a port authority 369  
educational and cultural facility. 370

(3) "Debt service charges" means, for any period or 371  
payable at any time, the principal of and interest and any 372  
premium due on bonds for that period or payable at that time 373  
whether due at maturity or upon mandatory redemption, together 374  
with any required deposits to reserves for the payment of 375  
principal of and interest on such bonds, and includes any 376  
payments required by the port authority to satisfy any of its 377  
obligations arising from any guaranty agreements, reimbursement 378  
agreements, or other credit enhancement agreements described in 379  
division (C) of this section. 380

(4) "Host municipal corporation" means the municipal 381  
corporation within the boundaries of which the port authority 382  
educational and cultural facility is located. 383

(5) "Port authority" means a port authority created 384  
pursuant to the authority of section 4582.02 of the Revised Code 385  
by a county and a host municipal corporation. 386

(6) "Port authority educational and cultural facility" 387  
means a facility located within an urban renewal area that may 388  
consist of a museum, archives, library, hall of fame, center for 389  
contemporary music, or other facilities necessary to provide 390  
programs of an educational and cultural nature, together with 391  
all parking facilities, walkways, and other auxiliary 392  
facilities, real and personal property, property rights, 393  
easements, and interests that may be appropriate for, or used in 394  
connection with, the operation of the facility. 395

(7) "Urban renewal area" means an area of a host municipal 396  
corporation that the legislative authority of the host municipal 397  
corporation has, at any time, designated as appropriate for an 398  
urban renewal project pursuant to Chapter 725. of the Revised 399  
Code. 400

(B) The board of county commissioners of a county, a port authority, and a host municipal corporation may enter into a cooperative agreement with a corporation, under which:

(1) The board of county commissioners agrees to do all of the following:

(a) Levy a tax under division (D) of section 5739.09 of the Revised Code exclusively for the purposes described in divisions (B) (1) (c) and (d) of this section;

(b) Issue general obligation bonds of the county, or notes in anticipation thereof, pursuant to Chapter 133. of the Revised Code, for the purpose of acquiring, constructing, and equipping the port authority educational and cultural facility and contribute the proceeds from the issuance to the port authority for such purpose. The cooperative agreement may provide that such proceeds be deposited with and administered by the trustee pursuant to the trust agreement provided for in division (C) of this section.

(c) Following the issuance, sale, and delivery of the port authority revenue bonds provided for in division (B) (2) (a) of this section, and prior to the date certain stated in the cooperative agreement which shall be the date estimated for the completion of construction of the port authority educational and cultural facility, pledge and contribute to the port authority revenue from the tax levied pursuant to division (B) (1) (a) of this section, together with any investment earnings on that revenue, to pay a portion of the costs of acquiring, constructing, and equipping the port authority educational and cultural facility;

(d) Following such date certain, pledge and contribute to

the corporation all or such portion as provided for in the 430  
cooperative agreement of the revenue from the tax, together with 431  
any investment earnings on that revenue, to pay a portion of the 432  
costs of the corporation of leasing the port authority 433  
educational and cultural facility from the port authority. 434

(2) The port authority agrees to do all of the following: 435

(a) Issue revenue bonds of the port authority pursuant to 436  
Chapter 4582. of the Revised Code for the purpose of acquiring, 437  
constructing, and equipping the port authority educational and 438  
cultural facility; 439

(b) Construct the port authority educational and cultural 440  
facility; 441

(c) Lease the port authority educational and cultural 442  
facility to the corporation; 443

(d) To the extent provided for in the cooperative 444  
agreement or the lease to the corporation, authorize the 445  
corporation to administer on behalf of the port authority the 446  
contracts for acquiring, constructing, or equipping a port 447  
authority educational and cultural facility; 448

(e) Use the revenue derived from the lease of the port 449  
authority educational and cultural facility to the corporation 450  
solely to pay debt service charges on the revenue bonds of the 451  
port authority described in division (B) (2) (a) of this section. 452

(3) The host municipal corporation agrees to do both of 453  
the following: 454

(a) Issue urban renewal bonds of the host municipal 455  
corporation, or notes in anticipation thereof, pursuant to 456  
Chapter 725. of the Revised Code for the purpose of acquiring 457

and constructing the port authority educational and cultural 458  
facility and contribute the proceeds from the issuance to the 459  
port authority for such purpose. The cooperative agreement may 460  
provide that such proceeds be deposited with and administered by 461  
the trustee pursuant to the trust agreement provided for in 462  
division (C) of this section. 463

(b) To the extent provided for in the cooperative 464  
agreement, contribute to the county, for use by the county to 465  
pay debt service charges on the bonds of the county, or notes in 466  
anticipation thereof, described in division (B) (1) (b) of this 467  
section, any excess urban renewal service payments pledged by 468  
the host municipal corporation to the urban renewal bonds 469  
described in division (B) (3) (a) of this section and not required 470  
on an annual basis to pay debt service charges on the urban 471  
renewal bonds. 472

(4) The corporation agrees to do all of the following: 473

(a) Lease the port authority educational and cultural 474  
facility from the port authority; 475

(b) Operate and maintain the port authority educational 476  
and cultural facility pursuant to the lease; 477

(c) To the extent provided for in the cooperative 478  
agreement or the lease from the port authority, administer on 479  
behalf of the port authority the contracts for acquiring, 480  
constructing, or equipping a port authority educational and 481  
cultural facility. 482

(C) The pledges and contributions described in divisions 483  
(B) (1) (c) and (d) of this section and provided for in the 484  
cooperative agreement shall be for the period stated in the 485  
cooperative agreement, but shall not be in excess of the period 486

necessary to provide for the final retirement of the port authority revenue bonds provided for in division (B) (2) (a) of this section and any bonds issued by the port authority to refund such bonds, and for the satisfaction by the port authority of any of its obligations arising from any guaranty agreements, reimbursement agreements, or other credit enhancement agreements relating to such bonds or to the revenues pledged to such bonds. The cooperative agreement shall provide for the termination of the cooperative agreement including the pledges and contributions described in divisions (B) (1) (c) and (d) of this section if the port authority revenue bonds provided for in division (B) (2) (a) of this section have not been issued, sold, and delivered within two years of the effective date of the cooperative agreement.

The cooperative agreement shall provide that any revenue bonds of the port authority shall be secured by a trust agreement between the port authority and a corporate trustee that is a trust company or bank having the powers of a trust company within or outside the state. The county may be a party to such trust agreement for the purpose of securing the pledge by the county of its contribution to the corporation pursuant to division (B) (1) (d) of this section. A tax levied pursuant to division (B) (1) (a) of this section is not subject to diminution by initiative or referendum or diminution by statute, unless provision is made therein for an adequate substitute therefor reasonably satisfactory to the trustee under the trust agreement that secures the revenue bonds of the port authority.

(D) A pledge of money by a county under this section shall not be net indebtedness of the county for purposes of section 133.07 of the Revised Code.

(E) If the terms of the cooperative agreement so provide, 517  
any contract for the acquisition, construction, or equipping of 518  
a port authority educational and cultural facility shall be made 519  
in such manner as is determined by the board of directors of the 520  
port authority, and unless the cooperative agreement provides 521  
otherwise, such a contract is not subject to division (A) of 522  
section 4582.12 of the Revised Code. The port authority may take 523  
the assignment of and assume any contracts for the acquisition, 524  
construction, and equipping of a port authority educational and 525  
cultural facility that previously have been authorized by either 526  
or both the host municipal corporation or the corporation. Such 527  
contracts likewise are not subject to division (A) of section 528  
4582.12 of the Revised Code. 529

~~Any contract for the acquisition, construction, or 530  
equipping of a port authority educational and cultural facility 531  
entered into, assigned, or assumed pursuant to this division 532  
shall provide that all laborers and mechanics employed for the 533  
acquisition, construction, or equipping of the port authority 534  
educational and cultural facility shall be paid at the 535  
prevailing rates of wages of laborers and mechanics for the 536  
class of work called for by the port authority educational and 537  
cultural facility, which wages shall be determined in accordance 538  
with the requirements of Chapter 4115. of the Revised Code for 539  
the determination of prevailing wage rates. 540~~

**Sec. 307.673.** This section applies only in a county in 541  
which a tax is levied under section 307.697, 4301.421, 5743.024, 542  
or 5743.323 of the Revised Code on July 19, 1995. 543

(A) As used in this section: 544

(1) "County taxes" means taxes levied by a board of county 545  
commissioners under division (D) of section 307.697, division 546

(B) of section 4301.421, division (C) of section 5743.024, and section 5743.323 of the Revised Code. 547  
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(2) "Corporation" means a nonprofit corporation organized under the laws of this state and that includes among the purposes for which it is incorporated the authority to acquire, construct, renovate, repair, equip, lease, manage, or operate a sports facility. 549  
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(3) "Cooperative agreement" means an agreement entered into pursuant to this section. 554  
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(4) "Cost of a sports facility" means the cost of acquiring, constructing, renovating, repairing, equipping, or improving one or more sports facilities, including reconstructing, rehabilitating, remodeling, and enlarging; the cost of equipping and furnishing such a facility; and all financing costs pertaining thereto, including the cost of engineering, architectural, and other professional services, designs, plans, specifications and surveys, and estimates of costs; the costs of refinancing obligations issued by, or reimbursement of money advanced by, the parties to the cooperative agreement or other persons, the proceeds of which obligations were used to pay the costs of the sports facility; the cost of tests and inspections; the cost of any indemnity or surety bonds and premiums on insurance, all related direct and administrative costs pertaining thereto, fees and expenses of trustees, depositories, and paying agents for the obligations, capitalized interest on the obligations, amounts necessary to establish reserves as required by the obligation proceedings, the reimbursement of money advanced or applied by the parties to the cooperative agreement or other persons for the payment of any item of costs of the sports facility, and all other expenses 556  
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necessary or incident to planning or determining the feasibility 577  
or practicability with respect to the sports facility; and any 578  
other such expenses as may be necessary or incident to the 579  
acquisition, construction, reconstruction, rehabilitation, 580  
remodeling, renovation, repair, enlargement, improvement, 581  
equipping, and furnishing of the sports facility, the financing 582  
of the sports facility, placing the sports facility in use and 583  
operation, including any one, part of, or combination of such 584  
classes of costs and expenses. 585

(5) "Financing costs" has the same meaning as in section 586  
133.01 of the Revised Code. 587

(6) "Obligations" means obligations issued or incurred to 588  
pay the cost of a sports facility, including bonds, notes, 589  
certificates of indebtedness, commercial paper, and other 590  
instruments in writing, anticipatory securities as defined in 591  
section 133.01 of the Revised Code, issued or incurred by an 592  
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 593  
this section, or otherwise, to evidence the issuer's obligation 594  
to repay borrowed money, or to pay interest, by, or to pay at 595  
any future time other money obligations of, the issuer of the 596  
obligations, including obligations of an issuer or lessee to 597  
make payments under an installment sale, lease, lease-purchase, 598  
or similar agreement. 599

(7) "Owner" means any person that owns or operates a 600  
professional athletic or sports team, that is party to a 601  
cooperative agreement, or that has a lease or other agreement 602  
with a party to a cooperative agreement, and that commits to use 603  
the sports facility that is the subject of the cooperative 604  
agreement for all of the team's home games for the period 605  
specified in that agreement. 606

(8) "Payments," when used with reference to obligations, 607  
means payments of the principal, including any mandatory sinking 608  
fund deposits and mandatory redemption payments, interest and 609  
any redemption premium, and lease rentals, lease-purchase 610  
payments and other amounts payable under obligations in the form 611  
of installment sale, lease, lease-purchase, or similar 612  
agreements. 613

(9) "Person" has the same meaning as defined in section 614  
133.01 of the Revised Code. 615

(10) "Port authority" means a port authority created under 616  
Chapter 4582. of the Revised Code. 617

(11) "Sports facility" means a facility, including a 618  
stadium, that is intended to house or provide a site for one or 619  
more major league professional athletic or sports teams or 620  
activities, together with all spectator facilities, parking 621  
facilities, walkways, and auxiliary facilities, real and 622  
personal property, property rights, easements, leasehold 623  
estates, and interests that may be appropriate for, or used in 624  
connection with, the operation of the sports facility. 625

(B) The board of county commissioners of a county, the 626  
legislative authority of a municipal corporation, a port 627  
authority, a corporation, and an owner, or any combination 628  
thereof, may enter into one or more cooperative agreements under 629  
which the parties enter into one or more of the agreements 630  
described in divisions (B)(1) to (5) of this section. 631

(1) The board of county commissioners agrees to do one or 632  
more of the following: 633

(a) Levy a tax under division (D) of section 307.697, 634  
division (B) of section 4301.421, division (C) of section 635

5743.024, and section 5743.323 of the Revised Code and make 636  
available all or a portion of the revenue from those taxes for 637  
the payment of the cost of the sports facility or to make 638  
payments on obligations; 639

(b) Issue or incur obligations of the county pursuant to 640  
Chapter 133. of the Revised Code or this section; 641

(c) Make available all or a portion of the revenue from 642  
those taxes or of the proceeds from the issuance of those 643  
obligations to the municipal corporation, port authority, 644  
corporation, or otherwise for the payment of the cost of a 645  
sports facility or the payment of obligations; 646

(d) Acquire, construct, renovate, repair, equip, lease to 647  
or from another person, and operate, directly or by a lease or 648  
management contract with another person, one or more sports 649  
facilities; 650

(e) To the extent provided in the cooperative agreement or 651  
a lease with respect to a sports facility, authorize the 652  
municipal corporation, port authority, corporation, or owner to 653  
administer contracts for designing, planning, acquiring, 654  
constructing, renovating, repairing, or equipping a sports 655  
facility. 656

(2) The port authority agrees to do one or more of the 657  
following: 658

(a) Issue or incur obligations of the port authority 659  
pursuant to Chapter 133. or 4582. of the Revised Code or this 660  
section; 661

(b) Make available all or a portion of the proceeds from 662  
the issuance of those obligations to the municipal corporation, 663  
county, or corporation for the payment of the cost of a sports 664

facility or the payment of obligations; 665

(c) Acquire, construct, renovate, repair, equip, lease to 666  
or from another person, and operate, directly or by a lease or 667  
management contract with another person, one or more sports 668  
facilities; 669

(d) To the extent provided in the cooperative agreement or 670  
a lease with respect to a sports facility, authorize the 671  
municipal corporation, county, corporation, or owner to 672  
administer contracts for designing, planning, acquiring, 673  
constructing, renovating, repairing, or equipping a sports 674  
facility. 675

(3) The legislative authority of the municipal corporation 676  
agrees to do one or more of the following: 677

(a) Make available the revenue from taxes levied by the 678  
legislative authority for the payment of the cost of a sports 679  
facility or to make payments on obligations; 680

(b) Issue or incur obligations of the municipal 681  
corporation pursuant to Chapter 133. of the Revised Code or 682  
otherwise; 683

(c) Make available all or a portion of the proceeds from 684  
the issuance of those obligations to the county, port authority, 685  
corporation, or otherwise for the payment of the cost of a 686  
sports facility or the payment of obligations; 687

(d) Acquire, construct, renovate, repair, equip, lease to 688  
or from another person, and operate, directly or by a lease or 689  
management contract with another person, one or more sports 690  
facilities; 691

(e) To the extent provided in the cooperative agreement or 692

a lease with respect to a sports facility, authorize the county, 693  
port authority, corporation, or owner to administer contracts 694  
for designing, planning, acquiring, constructing, renovating, 695  
repairing, or equipping a sports facility. 696

(4) The corporation agrees to do one or more of the 697  
following: 698

(a) Issue or incur obligations; 699

(b) Make available all or a portion of the proceeds from 700  
the issuance of those obligations to the county, port authority, 701  
municipal corporation, or otherwise for the payment of the cost 702  
of a sports facility or the payment of obligations; 703

(c) Acquire, construct, renovate, repair, equip, lease to 704  
or from another person, and operate, directly or by a lease or 705  
management contract with another person, one or more sports 706  
facilities; 707

(d) To the extent provided in the cooperative agreement or 708  
a lease with respect to a sports facility, agree that the 709  
corporation will administer contracts for designing, planning, 710  
acquiring, constructing, renovating, repairing, or equipping a 711  
sports facility. 712

(5) The owner agrees to do one or more of the following: 713

(a) Use the sports facility that is the subject of the 714  
cooperative agreement for all of the home games of the owner's 715  
professional athletic or sports team for a specified period; 716

(b) Administer contracts for designing, planning, 717  
acquiring, constructing, renovating, repairing, or equipping a 718  
sports facility. 719

(C) Any obligations may be secured by a trust agreement 720

between the issuer of obligations and a corporate trustee that 721  
is a trust company or bank having the powers of a trust company 722  
in or outside this state and authorized to exercise corporate 723  
trust powers in this state. Proceeds from the issuance of any 724  
obligations or the taxes levied and collected by any party to 725  
the cooperative agreement may be deposited with and administered 726  
by a trustee pursuant to the trust agreement. 727

~~(D) Any contract for the acquisition, construction, 728  
renovation, repair, or equipping of a sports facility entered 729  
into, assigned, or assumed under this section shall provide that 730  
all laborers and mechanics employed in the acquisition, 731  
construction, renovation, repair, or equipping of the sports 732  
facility shall be paid at the prevailing rates of wages of 733  
laborers and mechanics for the class of work called for, as 734  
those wages are determined in accordance with Chapter 4115. of 735  
the Revised Code. 736~~

**Sec. 307.674.** (A) As used in this section: 737

(1) "Bonds" means: 738

(a) Revenue bonds of the port authority described in 739  
division (B) (2) (a) of this section; 740

(b) Securities as defined in division (KK) of section 741  
133.01 of the Revised Code issued by the host municipal 742  
corporation, described in division (B) (3) (a) of this section; 743

(c) Any bonds issued to refund any of those revenue bonds 744  
or securities. 745

(2) "Corporation" means a nonprofit corporation that is 746  
organized under the laws of this state and that includes within 747  
the purposes for which it is incorporated the authorization to 748  
lease and operate facilities such as a port authority 749

educational and cultural performing arts facility. 750

(3) "Cost," as applied to a port authority educational and 751  
cultural performing arts facility, means the cost of acquiring, 752  
constructing, renovating, rehabilitating, equipping, or 753  
improving the facility, or any combination of those purposes, 754  
collectively referred to in this section as "construction," and 755  
the cost of acquisition of all land, rights of way, property 756  
rights, easements, franchise rights, and interests required for 757  
those purposes, the cost of demolishing or removing any 758  
buildings or structures on land so acquired, including the cost 759  
of acquiring any land to which those buildings or structures may 760  
be moved, the cost of public utility and common carrier 761  
relocation or duplication, the cost of all machinery, 762  
furnishings, and equipment, financing charges, interest prior to 763  
and during construction and for not more than three years after 764  
completion of construction, costs arising under guaranty 765  
agreements, reimbursement agreements, or other credit 766  
enhancement agreements relating to bonds, engineering, expenses 767  
of research and development with respect to such facility, legal 768  
expenses, plans, specifications, surveys, studies, estimates of 769  
costs and revenues, other expenses necessary or incident to 770  
determining the feasibility or practicability of acquiring or 771  
constructing the facility, administrative expense, and other 772  
expenses as may be necessary or incident to that acquisition or 773  
construction and the financing of such acquisition or 774  
construction, including, with respect to the revenue bonds of a 775  
port authority, amounts to be paid into any special funds from 776  
the proceeds of those bonds, and repayments to the port 777  
authority, host county, host municipal corporation, or 778  
corporation of any amounts advanced for the foregoing purposes. 779

(4) "Debt service charges" means, for any period or 780

payable at any time, the principal of and interest and any 781  
premium due on bonds for that period or payable at that time 782  
whether due at maturity or upon mandatory redemption, together 783  
with any required deposits to reserves for the payment of 784  
principal of and interest on those bonds, and includes any 785  
payments required by the port authority to satisfy any of its 786  
obligations under or arising from any guaranty agreements, 787  
reimbursement agreements, or other credit enhancement agreements 788  
described in division (C) of this section. 789

(5) "Host county" means the county within the boundaries 790  
of which the port authority educational and cultural performing 791  
arts facility is or will be located. 792

(6) "Host municipal corporation" means the municipal 793  
corporation within the boundaries of which the port authority 794  
educational and cultural performing arts facility is or will be 795  
located. 796

(7) "Port authority" means a port authority created 797  
pursuant to section 4582.22 of the Revised Code. 798

(8) "Port authority educational and cultural performing 799  
arts facility" means a facility that consists of a center for 800  
music or other performing arts, a theater or other facilities to 801  
provide programs of an educational, recreational, or cultural 802  
nature, or any combination of those purposes as determined by 803  
the parties to the cooperative agreement for which provision is 804  
made in division (B) of this section to fulfill the public 805  
educational, recreational, and cultural purposes set forth 806  
therein, together with all parking facilities, walkways, and 807  
other auxiliary facilities, real and personal property, property 808  
rights, easements, and interests that may be appropriate for, or 809  
used in connection with, the operation of the facility. 810

(B) A host county, a host municipal corporation, and a port authority may enter into a cooperative agreement with a corporation under which, as further provided for in that agreement:

(1) The host county may agree to do any or all of the following:

(a) Levy and collect a tax under division (E) and division (F) of section 5739.09 of the Revised Code for the purposes, and in an amount sufficient for those purposes, described in divisions (B) (1) (b) and (c) of this section;

(b) Pay to the port authority all or such portion as provided for in the cooperative agreement of the revenue from the tax, together with any investment earnings on that revenue, to be used to pay a portion of the costs of acquiring, constructing, renovating, rehabilitating, equipping, or improving the port authority educational and cultural performing arts facility;

(c) Pledge and pay to the corporation all or such portion as provided for in the cooperative agreement of the revenue from the tax, together with any investment earnings on that revenue, to be used to pay a portion of the costs to the corporation of leasing the port authority educational and cultural performing arts facility from the port authority.

(2) The port authority may agree to do any or all of the following:

(a) Issue its revenue bonds pursuant to section 4582.48 of the Revised Code for the purpose of paying all or a portion of the costs of the port authority educational and cultural performing arts facility;

(b) Acquire, construct, renovate, rehabilitate, equip, and 840  
improve the port authority educational and cultural performing 841  
arts facility; 842

(c) Lease the port authority educational and cultural 843  
performing arts facility to the corporation; 844

(d) To the extent provided for in the cooperative 845  
agreement or the lease to the corporation, authorize the 846  
corporation to administer on behalf of the port authority the 847  
contracts for acquiring, constructing, renovating, 848  
rehabilitating, or equipping the port authority educational and 849  
cultural performing arts facility; 850

(e) Use the revenue derived from the lease of the port 851  
authority educational and cultural performing arts facility to 852  
the corporation solely to pay debt service charges on revenue 853  
bonds of the port authority issued pursuant to division (B) (2) 854  
(a) of this section and to pay its obligations under or arising 855  
from any guaranty agreements, reimbursement agreements, or other 856  
credit enhancement agreements provided for in this section. 857

(3) The host municipal corporation may agree to do either 858  
or both of the following: 859

(a) Issue its bonds for the purpose of paying all or a 860  
portion of the costs of the port authority educational and 861  
cultural performing arts facility, and pay the proceeds from the 862  
issuance to the port authority for that purpose; 863

(b) Enter into a guaranty agreement, a reimbursement 864  
agreement, or other credit enhancement agreement with the port 865  
authority to provide a guaranty or other credit enhancement of 866  
the port authority revenue bonds referred to in division (B) (2) 867  
(a) of this section pledging taxes, other than ad valorem 868

property taxes, or other revenues for the purpose of providing 869  
the funds required to satisfy the host municipal corporation's 870  
obligations under that agreement. 871

The cooperative agreement may provide that the proceeds of 872  
such securities or of such guaranty agreement, reimbursement 873  
agreement, or other credit enhancement agreement be deposited 874  
with and administered by the trustee pursuant to the trust 875  
agreement authorized in division (C) of this section. 876

(4) The corporation may agree to do any or all of the 877  
following: 878

(a) Lease the port authority educational and cultural 879  
performing arts facility from the port authority; 880

(b) Operate and maintain the port authority educational 881  
and cultural performing arts facility pursuant to the lease; 882

(c) To the extent provided for in the cooperative 883  
agreement or the lease from the port authority, administer on 884  
behalf of the port authority the contracts for acquiring, 885  
constructing, renovating, rehabilitating, or equipping the port 886  
authority educational and cultural performing arts facility. 887

(C) The pledge and payments referred to in divisions (B) 888  
(1) (b) and (c) of this section and provided for in the 889  
cooperative agreement shall be for the period stated in the 890  
cooperative agreement but shall not extend longer than the 891  
period necessary to provide for the final retirement of the port 892  
authority revenue bonds referred to in division (B) (2) (a) of 893  
this section, and for the satisfaction by the port authority of 894  
any of its obligations under or arising from any guaranty 895  
agreements, reimbursement agreements, or other credit 896  
enhancement agreements relating to those bonds or to the 897

revenues pledged to them. The cooperative agreement shall 898  
provide for the termination of the cooperative agreement, 899  
including the pledge and payment referred to in division (B) (1) 900  
(c) of this section, if the port authority revenue bonds 901  
referred to in division (B) (2) (a) of this section have not been 902  
issued, sold, and delivered within five years of the effective 903  
date of the cooperative agreement. 904

The cooperative agreement shall provide that any port 905  
authority revenue bonds shall be secured by a trust agreement 906  
between the port authority and a corporate trustee that is a 907  
trust company or bank having the powers of a trust company 908  
within or outside the state but authorized to exercise trust 909  
powers within the state. The host county may be a party to that 910  
trust agreement for the purpose of better securing the pledge by 911  
the host county of its payment to the corporation pursuant to 912  
division (B) (1) (c) of this section. A tax levied pursuant to 913  
section 5739.09 of the Revised Code for the purposes specified 914  
in division (B) (1) (b) or (c) of this section is not subject to 915  
diminution by initiative or referendum or diminution by statute, 916  
unless provision is made for an adequate substitute reasonably 917  
satisfactory to the trustee under the trust agreement that 918  
secures the port authority revenue bonds. 919

(D) A pledge of money by a host county under this section 920  
shall not be net indebtedness of the host county for purposes of 921  
section 133.07 of the Revised Code. A guaranty or other credit 922  
enhancement by a host municipal corporation under this section 923  
shall not be net indebtedness of the host municipal corporation 924  
for purposes of section 133.05 of the Revised Code. 925

(E) If the terms of the cooperative agreement so provide, 926  
any contract for the acquisition, construction, renovation, 927

rehabilitation, equipping, or improving of a port authority 928  
educational and cultural performing arts facility shall be made 929  
in such manner as is determined by the board of directors of the 930  
port authority, and unless the cooperative agreement provides 931  
otherwise, such a contract is not subject to division ~~(R)(2)~~(A) 932  
(18)(b) of section 4582.31 of the Revised Code. The port 933  
authority may take the assignment of and assume any contracts 934  
for the acquisition, construction, renovation, rehabilitation, 935  
equipping, or improving of a port authority educational and 936  
cultural performing arts facility that had previously been 937  
authorized by any of the host county, the host municipality, or 938  
the corporation. Such contracts are not subject to division ~~(R)~~ 939  
~~(2)~~(A)(18)(b) of section 4582.31 of the Revised Code. 940

~~Any contract for the acquisition, construction, 941  
renovation, rehabilitation, equipping, or improving of a port 942  
authority educational and cultural performing arts facility 943  
entered into, assigned, or assumed pursuant to this division 944  
shall provide that all laborers and mechanics employed for the 945  
acquisition, construction, renovation, rehabilitation, 946  
equipping, or improving of that facility shall be paid at the 947  
prevailing rates of wages of laborers and mechanics for the 948  
class of work called for by the port authority educational and 949  
cultural performing arts facility, which wages shall be 950  
determined in accordance with the requirements of Chapter 4115. 951  
of the Revised Code for the determination of prevailing wage 952  
rates. 953~~

Notwithstanding any provisions to the contrary in section 954  
123.281 of the Revised Code, construction services and general 955  
building services for a port authority educational and cultural 956  
performing arts facility funded completely or in part with money 957  
appropriated by the state to the Ohio facilities construction 958

commission may be provided by a port authority or a corporation 959  
that occupies, will occupy, or is responsible for that facility, 960  
as determined by the commission. The construction services and 961  
general building services to be provided by the port authority 962  
or the corporation shall be specified in an agreement between 963  
the commission and the port authority or corporation. That 964  
agreement, or any actions taken under it, are not subject to 965  
Chapters 123. or 153. of the Revised Code, ~~but are subject to~~ 966  
~~Chapter 4115. of the Revised Code.~~ 967

**Sec. 307.696.** (A) As used in this section: 968

(1) "County taxes" means taxes levied by the county 969  
pursuant to sections 307.697, 4301.421, 5743.024, and 5743.323 970  
of the Revised Code. 971

(2) "Corporation" means a nonprofit corporation that is 972  
organized under the laws of this state for the purposes of 973  
operating or constructing and operating a sports facility in the 974  
county and that may also be organized under the laws of this 975  
state for the additional purposes of conducting redevelopment 976  
and economic development activities within the host municipal 977  
corporation. 978

(3) "Sports facility" means a sports facility that is 979  
intended to house major league professional athletic teams, 980  
including a stadium, together with all parking facilities, 981  
walkways, and other auxiliary facilities, real and personal 982  
property, property rights, easements, and interests that may be 983  
appropriate for, or used in connection with, the operation of 984  
the facility. 985

(4) "Construction" includes, but is not limited to, 986  
providing fixtures, furnishings, and equipment and providing for 987

capital repairs and improvements. 988

(5) "Debt service charges" means the interest, principal, 989  
premium, if any, carrying and redemption charges, and expenses 990  
on bonds issued by either the county or the corporation to: 991

(a) Construct a sports facility or provide for related 992  
redevelopment or economic development as provided in this 993  
section; 994

(b) Acquire real and personal property, property rights, 995  
easements, or interests that may be appropriate for, or used in 996  
connection with, the operation of the facility; and 997

(c) Make site improvements to real property, including, 998  
but not limited to, demolition, excavation, and installation of 999  
footers, pilings, and foundations. 1000

(6) "Host municipal corporation" means the municipal 1001  
corporation within the boundaries of which the sports facility 1002  
is located, and with which a national football league, major 1003  
league baseball, or national basketball association sports 1004  
franchise is associated on March 20, 1990. 1005

(B) A board of county commissioners of a county that 1006  
levies a tax under section 307.697, 4301.421, or 5743.024 of the 1007  
Revised Code may enter into an agreement with a corporation 1008  
operating in the county, and, if there is a host municipal 1009  
corporation all or a part of which is located in the county, 1010  
shall enter into an agreement with a corporation operating in 1011  
the county and the host municipal corporation, under which: 1012

(1) (a) The corporation agrees to construct and operate a 1013  
sports facility in the county and to pledge and contribute all 1014  
or any part of the revenues derived from its operation, as 1015  
specified in the agreement, for the purposes described in 1016

division (C) (1) of this section; and 1017

(b) The board agrees to levy county taxes and pledge and 1018  
contribute any part or all of the revenues therefrom, as 1019  
specified in the agreement, for the purposes described in 1020  
division (C) (1) of this section; or 1021

(2) (a) The corporation agrees to operate a sports facility 1022  
constructed by the county and to pledge and contribute all or 1023  
any part of the revenues derived from its operation, as 1024  
specified in the agreement, for the purposes described in 1025  
division (C) (2) of this section; and 1026

(b) The board agrees to issue revenue bonds of the county, 1027  
use the proceeds from the sale of the bonds to construct a 1028  
sports facility in the county, and to levy county taxes and 1029  
pledge and contribute all or any part of the revenues therefrom, 1030  
as specified in the agreement, for the purposes described in 1031  
division (C) (2) of this section; and, if applicable 1032

(3) The host municipal corporation agrees to expend the 1033  
unused pledges and contributions and surplus revenues as 1034  
described in divisions (C) (1) and (2) of this section for 1035  
redevelopment and economic development purposes related to the 1036  
sports facility. 1037

(C) (1) The primary purpose of the pledges and 1038  
contributions described in division (B) (1) of this section is 1039  
payment of debt service charges. To the extent the pledges and 1040  
contributions are not used by the county or corporation for 1041  
payment of debt service charges, the county or corporation, 1042  
pursuant to the agreement provided for in division (B) of this 1043  
section, shall provide the unused pledges and contributions, 1044  
together with surplus revenues of the sports facility not needed 1045

for debt service charges or the operation and maintenance of the 1046  
sports facility, to the host municipal corporation, or a 1047  
nonprofit corporation, which may be the corporation acting on 1048  
behalf of the host municipal corporation, for redevelopment and 1049  
economic development purposes related to the sports facility. If 1050  
the county taxes are also levied for the purpose of making 1051  
permanent improvements, the agreement shall include a schedule 1052  
of annual pledges and contributions by the county for the 1053  
payment of debt service charges. The county's pledge and 1054  
contribution provided for in the agreement shall be for the 1055  
period stated in the agreement but not to exceed twenty years. 1056  
The agreement shall provide that any such bonds and notes shall 1057  
be secured by a trust agreement between the corporation or other 1058  
bond issuer and a corporate trustee that is a trust company or 1059  
bank having the powers of a trust company within or without the 1060  
state, and the trust agreement shall pledge or assign to the 1061  
retirement of the bonds or notes, all moneys paid by the county 1062  
for that purpose under this section. A county tax, all or any 1063  
part of the revenues from which are pledged under an agreement 1064  
entered into by a board of county commissioners under this 1065  
section shall not be subject to diminution by initiative or 1066  
referendum, or diminution by statute, unless provision is made 1067  
therein for an adequate substitute therefor reasonably 1068  
satisfactory to the trustee under the trust agreement that 1069  
secures the bonds and notes. 1070

(2) The primary purpose of the pledges and contributions 1071  
described in division (B) (2) of this section is payment of debt 1072  
service charges. To the extent the pledges and contributions are 1073  
not used by the county for payment of debt service charges, the 1074  
county or corporation, pursuant to the agreement provided for in 1075  
division (B) of this section, shall provide the unused pledges 1076

and contributions, together with surplus revenues of the sports 1077  
facility not needed for debt service charges or the operation 1078  
and maintenance of the sports facility, to the host municipal 1079  
corporation, or a nonprofit corporation, which may be the 1080  
corporation, acting on behalf of the host municipal corporation, 1081  
for redevelopment and economic development purposes related to 1082  
the sports facility. The corporation's pledge and contribution 1083  
provided for in the agreement shall be until all of the bonds 1084  
issued for the construction of the facility have been retired. 1085

(D) A pledge of money by a county under this section shall 1086  
not be indebtedness of the county for purposes of Chapter 133. 1087  
of the Revised Code. 1088

(E) If the terms of the agreement so provide, the board of 1089  
county commissioners may acquire, make site improvements to, 1090  
including, but not limited to, demolition, excavation, and 1091  
installation of footers, pilings, and foundations, and lease 1092  
real property for the sports facility to a corporation that 1093  
constructs a sports facility under division (B)(1) of this 1094  
section. The agreement shall specify the term, which shall not 1095  
exceed thirty years and shall be on such terms as are set forth 1096  
in the agreement. The purchase, improvement, and lease may be 1097  
the subject of an agreement between the county and a municipal 1098  
corporation located within the county pursuant to section 153.61 1099  
or 307.15 of the Revised Code, and are not subject to the 1100  
limitations of sections 307.02 and 307.09 of the Revised Code. 1101

(F) The corporation shall not enter into any construction 1102  
contract or contract for the purchase of services for use in 1103  
connection with the construction of a sports facility prior to 1104  
the corporation's adoption and implementation of a policy on the 1105  
set aside of contracts for bidding by or award to minority 1106

business enterprises, as defined in division (E) (1) of section 1107  
122.71 of the Revised Code. ~~Sections 4115.03 to 4115.16 of the~~ 1108  
~~Revised Code apply to a sports facility constructed under this~~ 1109  
~~section.~~ 1110

(G) Not more than one-half of the total costs, including 1111  
debt service charges and cost of operation, of a project 1112  
undertaken pursuant to an agreement entered into under division 1113  
(B) of this section shall be paid from county taxes. Nothing in 1114  
this section authorizes the use of revenues from county taxes or 1115  
proceeds from the sale of bonds issued by the board of county 1116  
commissioners for payment of costs of operation of a sports 1117  
facility. 1118

**Sec. 351.06.** ~~A facility to be constructed pursuant to this~~ 1119  
~~chapter is a public improvement and a convention facilities~~ 1120  
~~authority is a public authority for purposes of section 4115.03~~ 1121  
~~of the Revised Code. All contractors and subcontractors working~~ 1122  
~~on such facilities are subject to and shall comply with sections~~ 1123  
~~4115.03 to 4115.16 of the Revised Code. A convention facilities~~ 1124  
authority is a contracting authority for purposes of sections 1125  
307.86 to 307.91 of the Revised Code. 1126

No convention facilities authority shall construct a 1127  
facility under this chapter unless the plans for the facility 1128  
provide for parking and transportation determined by the board 1129  
of county commissioners as adequate to serve that facility. 1130

A convention facilities authority may do all of the 1131  
following: 1132

(A) Adopt bylaws for the regulation of its affairs and the 1133  
conduct of its business; 1134

(B) Adopt an official seal; 1135

(C) Maintain a principal office within its territory;	1136
(D) Acquire, purchase, construct, reconstruct, enlarge,	1137
furnish, equip, maintain, repair, sell, exchange, lease or rent	1138
to, lease or rent from, operate, or contract for the operation	1139
by others of, facilities within its territory, and make charges	1140
for the use of the facilities;	1141
(E) Make available the use or services of any facility to	1142
persons or governmental agencies on such terms and conditions as	1143
the authority shall determine;	1144
(F) By resolution of its board of directors, issue	1145
convention facilities authority revenue bonds beyond the limit	1146
of bonded indebtedness provided by law, payable solely from	1147
revenues as provided in section 351.14 of the Revised Code,	1148
unless the bonds are refunded by refunding bonds, for the	1149
purpose of providing funds to pay the costs of any facility or	1150
facilities or parts of any facility or facilities, and, if	1151
moneys raised by taxation are not obligated or pledged for the	1152
payment of those revenue bonds, to pay the costs of any facility	1153
or facilities or parts of any facility or facilities pursuant to	1154
Section 13 of Article VIII, Ohio Constitution, and in order to	1155
create or preserve jobs and employment opportunities and improve	1156
the economic welfare of the people of the state;	1157
(G) Maintain such funds as it determines necessary;	1158
(H) Direct its agents or employees, when properly	1159
identified in writing and after at least five days' written	1160
notice, to enter upon lands within its territory in order to	1161
make surveys and examinations preliminary to location and	1162
construction of facilities, or other work for the purposes of	1163
the convention facilities authority, without liability of the	1164

authority or its agents or employees except for actual damage 1165  
done; 1166

(I) Promote, advertise, and publicize the authority and 1167  
its facilities; 1168

(J) (1) Adopt rules, not in conflict with general law, 1169  
governing the use of its property, grounds, buildings, 1170  
equipment, and facilities, and the conduct of its employees and 1171  
the public, in order to promote the public safety and 1172  
convenience in and about its facilities and grounds, and to 1173  
maintain order. Any such rule shall be posted at a prominent 1174  
place in each of the buildings or facilities to which it 1175  
applies. 1176

(2) No person shall violate any lawful rule adopted and 1177  
posted as provided in this division. 1178

(K) Acquire by gift or purchase, hold, lease, and dispose 1179  
of real and personal property and interests in the property in 1180  
the exercise of its powers and the performance of its duties 1181  
under this chapter; 1182

(L) Acquire, in the name of the authority, by purchase or 1183  
otherwise, on such terms and in such manner as the authority 1184  
finds proper, or by the exercise of the right of appropriation 1185  
in the manner provided by section 351.22 of the Revised Code, 1186  
such public or private lands, including public parks, 1187  
playgrounds, or reservations, or parts thereof or rights 1188  
therein, rights-of-way, rights, franchises, easements, and 1189  
interests as it finds necessary or proper for carrying out this 1190  
chapter, and compensation shall be paid for public or private 1191  
lands so taken; 1192

(M) Make and enter into all contracts and agreements and 1193

execute all instruments necessary or incidental to the 1194  
performance of its duties and the execution of its powers under 1195  
this chapter provided that no construction contract or contract 1196  
for the purchase of goods or services shall be approved or 1197  
entered into by the authority prior to the adoption and 1198  
implementation of a policy on the set aside of contracts for 1199  
bidding by or award to minority business enterprises, as defined 1200  
in division (E) (1) of section 122.71 of the Revised Code; 1201

(N) Employ managers, superintendents, and other employees 1202  
and retain or contract with consulting engineers, financial 1203  
consultants, accounting experts, architects, attorneys, and such 1204  
other consultants and independent contractors as are necessary 1205  
in its judgment to carry out this chapter, and fix their 1206  
compensation. All expenses of doing so shall be payable solely 1207  
from the proceeds of convention facilities authority bonds and 1208  
notes issued under this chapter, or from excise taxes and 1209  
revenues. 1210

(O) Receive and accept from any governmental agency grants 1211  
for or in aid of the purposes of the authority, and receive and 1212  
accept aid or contributions from any source of money, property, 1213  
labor, or other things of value, to be held, used, and applied 1214  
only for the purposes for which such grants and contributions 1215  
are made; 1216

(P) Engage in research and development with respect to 1217  
facilities; 1218

(Q) Purchase fire and extended coverage and liability 1219  
insurance for any facility and for the offices of the authority, 1220  
insurance protecting the authority and its officers and 1221  
employees against liability for damage to property or injury to 1222  
or death of persons arising from its operations, and any other 1223

insurance the authority may agree to provide under any 1224  
resolution authorizing its convention facilities authority 1225  
revenue bonds or in any trust agreement securing the same; 1226

(R) Charge, alter, and collect rentals and other charges 1227  
for the use or services of any facility as provided in section 1228  
351.09 of the Revised Code; 1229

(S) If a tax proposed under section 5739.026 of the 1230  
Revised Code is disapproved by the electors, request the board 1231  
of county commissioners to dissolve the authority pursuant to 1232  
section 351.03 of the Revised Code; 1233

(T) By resolution of its board of directors, levy any of 1234  
the excise taxes authorized by division (B) or (C) of section 1235  
351.021 of the Revised Code if authorized by the county 1236  
commissioners, and issue convention facilities authority tax 1237  
anticipation bonds beyond any limit of bonded indebtedness 1238  
provided by law, payable solely from excise taxes levied 1239  
pursuant to division (B) or (C) of section 351.021 of the 1240  
Revised Code and revenues as provided in section 351.141 of the 1241  
Revised Code. 1242

(U) Do all acts necessary or proper to carry out the 1243  
powers expressly granted in this chapter. 1244

**Sec. 353.03.** A lake facilities authority may do all of the 1245  
following: 1246

(A) Acquire by purchase, lease, gift, or otherwise, on 1247  
such terms and in such manner as it considers proper, real and 1248  
personal property necessary for an authorized purpose or any 1249  
estate, interest, or right therein, within or without the 1250  
impacted lake district; 1251

(B) Improve, remediate, maintain, sell, lease, or 1252

otherwise dispose of real and personal property on such terms 1253  
and in such manner as it considers proper; 1254

(C) Request that the department of natural resources, the 1255  
environmental protection agency, or the department of 1256  
agriculture adopt, modify, and enforce reasonable rules and 1257  
regulations governing impacted watersheds; 1258

(D) Employ such managers, administrative officers, agents, 1259  
engineers, architects, attorneys, contractors, subcontractors, 1260  
and employees as may be appropriate in the exercise of the 1261  
rights, powers, and duties conferred on it, prescribe the duties 1262  
and compensation for such persons, require bonds to be given by 1263  
any such persons and by officers of the authority for the 1264  
faithful performance of their duties, and fix the amount and 1265  
surety therefor, and pay the surety; 1266

(E) Sue and be sued in its corporate name; 1267

(F) (1) Make and enter into all contracts and agreements 1268  
and execute all instruments relating to the provisions of this 1269  
chapter; 1270

(2) Except as provided otherwise under divisions (F) (2) 1271  
and (3) of this section, when the cost of a contract for the 1272  
construction of any building, structure, or other improvement 1273  
undertaken by a lake facilities authority involves an 1274  
expenditure exceeding twenty-five thousand dollars, and the lake 1275  
facilities authority is the contracting authority, the lake 1276  
facilities authority shall make a written contract after notice 1277  
calling for bids for the award of the contract has been given by 1278  
publication twice, with at least seven days between 1279  
publications, in a newspaper of general circulation in the 1280  
impacted lake district. Each such contract shall be awarded to 1281

the lowest responsive and responsible bidder in accordance with 1282  
section 9.312 of the Revised Code. The board of directors by 1283  
rule may provide criteria for the negotiation and award without 1284  
competitive bidding of any contract as to which the lake 1285  
facilities authority is the contracting authority for the 1286  
construction of any building or structure or other improvement 1287  
under any of the following circumstances: 1288

(a) There exists a real and present emergency that 1289  
threatens damage to property or injury to persons of the lake 1290  
facilities authority or other persons, provided that a statement 1291  
specifying the nature of the emergency that is the basis for the 1292  
negotiation and award of a contract without competitive bidding 1293  
shall be signed at the time of the contract's execution by the 1294  
officer of the lake facilities authority that executes the 1295  
contract and shall be attached to the contract. 1296

(b) A commonly recognized industry or other standard or 1297  
specification does not exist and cannot objectively be 1298  
articulated for the improvement. 1299

(c) The contract is for any energy conservation measure as 1300  
defined in section 307.041 of the Revised Code. 1301

(d) With respect to material to be incorporated into the 1302  
improvement, only a single source or supplier exists for the 1303  
material. 1304

(e) A single bid is received by the lake facilities 1305  
authority after complying with the above provisions. 1306

(3) In addition to the exceptions to competitive bidding 1307  
requirements under division (F)(2) of this section, a lake 1308  
facilities authority may contract for the acquisition or 1309  
construction of any property for an authorized purpose and for 1310

the leasing, subleasing, sale, or other disposition of the 1311  
property in a manner determined by the lake facilities authority 1312  
in its sole discretion, without necessity for competitive 1313  
bidding or performance bonds. 1314

~~(4) With respect to any public improvement undertaken by, 1315  
or under contract for, the lake facilities authority, the 1316  
authority may elect to apply sections 4115.03 to 4115.21 of the 1317  
Revised Code. 1318~~

(G) Accept aid or contributions from any source of money, 1319  
property, labor, or other things of value, to be held, used, and 1320  
applied only for the purposes for which the grants and 1321  
contributions are made; 1322

(H) Apply for and accept grants, loans, or commitments of 1323  
guarantee or insurance, including any guarantees of lake 1324  
facilities authority bonds and notes, from the United States, 1325  
the state, or other public body or other sources, and provide 1326  
any consideration which may be required in order to obtain such 1327  
grants, loans, or contracts of guarantee or insurance; 1328

(I) Procure insurance against loss to the lake facilities 1329  
authority by reason of damage to its properties resulting from 1330  
fire, theft, accident, or other casualties, or by reason of its 1331  
liability for any damages to persons or property occurring in 1332  
the construction or operation of facilities or areas under its 1333  
jurisdiction or the conduct of its activities; 1334

(J) Maintain such funds or reserves as it considers 1335  
necessary for the efficient performance of its duties; 1336

(K) Enforce any covenants, of which the lake facilities 1337  
authority is the beneficiary, running with the land. 1338

(L) Issue securities for the remediation of an impacted 1339

watershed and directly related permanent improvements in 1340  
compliance with Chapter 133. of the Revised Code, except that 1341  
such bonds or notes may be issued only pursuant to a vote of the 1342  
electors residing within the impacted lake district. The net 1343  
indebtedness incurred by a lake facilities authority pursuant to 1344  
this division may not exceed one-tenth of one per cent of the 1345  
total value of all property within the territory comprising the 1346  
impacted lake district as listed and assessed for taxation. 1347

(M) Issue lake facilities authority revenue bonds beyond 1348  
the limit of bonded indebtedness provided by law, payable solely 1349  
from revenues as provided in section 353.09 of the Revised Code 1350  
for the purpose of providing funds to pay costs of any facility 1351  
or facilities or parts thereof; 1352

(N) Advise and provide input to political subdivisions 1353  
within the impacted lake district with respect to zoning and 1354  
land use planning within the impacted lake district; 1355

(O) Enter into agreements for the management, ownership, 1356  
possession, or control of lands or property to be used for 1357  
wetland mitigation banking; 1358

(P) Adopt and modify rules and regulations to carry out 1359  
the authority granted to the lake facilities authority under 1360  
this section. 1361

**Sec. 1311.25.** As used in sections 1311.25 to 1311.32 of 1362  
the Revised Code: 1363

(A) "Public improvement" means any construction, 1364  
reconstruction, improvement, enlargement, alteration, 1365  
demolition, or repair of a building, highway, drainage system, 1366  
water system, road, street, alley, sewer, ditch, sewage disposal 1367  
plant, water works, and any other structure or work of any 1368

nature by a public authority. 1369

(B) "Public authority" includes the state, and a county, 1370  
township, municipal corporation, school district, or other 1371  
political subdivision of the state, and any public agency, 1372  
authority, board, commission, instrumentality, or special 1373  
district of or in the state or a county, township, municipal 1374  
corporation, school district, or other political subdivision of 1375  
the state, and any officer or agent thereof. 1376

(C) "Material supplier" includes any person by whom any 1377  
materials are furnished in furtherance of a public improvement. 1378

(D) "Laborer" includes any mechanic, worker, artisan, or 1379  
other individual who performs labor or work in furtherance of 1380  
any public improvement. 1381

(E) "Subcontractor" includes any person who undertakes to 1382  
construct, alter, erect, improve, repair, demolish, remove, dig, 1383  
or drill any part of any public improvement under a contract 1384  
with any person other than the public authority. 1385

(F) "Principal contractor" includes any person who 1386  
undertakes to construct, alter, erect, improve, repair, 1387  
demolish, remove, dig, or drill any part of any public 1388  
improvement under a contract with a public authority. 1389

(G) "Materials" means all products and substances 1390  
including, without limitation, any gasoline, lubricating oil, 1391  
petroleum products, powder, dynamite, blasting supplies and 1392  
other explosives, tools, equipment, or machinery furnished in 1393  
furtherance of a public improvement. 1394

(H) "~~Wages" has the same meaning as "prevailing wage" in~~ 1395  
~~division (E) of section 4115.03 of the Revised Code~~ means the 1396  
sum of the following: 1397

<u>(1) The basic hourly rate of pay;</u>	1398
<u>(2) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program;</u>	1399 1400 1401
<u>(3) The rate of costs to the contractor or subcontractor, which may be reasonably anticipated in providing the following fringe benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program, which was communicated in writing to the laborers and mechanics affected:</u>	1402 1403 1404 1405 1406 1407
<u>(a) Medical or hospital care or insurance to provide such;</u>	1408
<u>(b) Pensions on retirement or death or insurance to provide such;</u>	1409 1410
<u>(c) Compensation for injuries or illnesses resulting from occupational activities if it is in addition to that coverage required by Chapters 4121. and 4123. of the Revised Code;</u>	1411 1412 1413
<u>(d) Supplemental unemployment benefits that are in addition to those required by Chapter 4141. of the Revised Code;</u>	1414 1415
<u>(e) Life insurance;</u>	1416
<u>(f) Disability and sickness insurance;</u>	1417
<u>(g) Vacation and holiday pay;</u>	1418
<u>(h) Defraying of costs for apprenticeship or other similar training programs that are beneficial only to the laborers and mechanics affected;</u>	1419 1420 1421
<u>(i) Other bona fide fringe benefits.</u>	1422
(I) "Notice of commencement" means the notice specified in section 1311.252 of the Revised Code.	1423 1424

(J) "Notice of furnishing" means the notice specified in 1425  
section 1311.261 of the Revised Code. 1426

**Sec. 1506.44.** (A) A board of county commissioners may use 1427  
a loan obtained under division (C) of this section to provide 1428  
financial assistance to any person who owns real property in a 1429  
coastal erosion area and who has received a permit under section 1430  
1506.40 of the Revised Code to construct an erosion control 1431  
structure in that coastal erosion area. The board shall enter 1432  
into an agreement with the person that complies with all of the 1433  
following requirements: 1434

(1) The agreement shall identify the person's real 1435  
property for which the erosion control structure is being 1436  
constructed and shall include a legal description of that 1437  
property and a reference to the volume and page of the deed 1438  
record in which the title of that person to that property is 1439  
recorded. 1440

(2) In accordance with rules adopted by the Ohio water 1441  
development authority under division (V) of section 6121.04 of 1442  
the Revised Code for the purposes of division (C) of this 1443  
section and pursuant to an agreement between the board and the 1444  
authority under that division, the board shall agree to cause 1445  
payments to be made by the authority to the contractor hired by 1446  
the person to construct an erosion control structure in amounts 1447  
not to exceed the total amount specified in the agreement 1448  
between the board and the person. 1449

(3) The person shall agree to pay to the board, or to the 1450  
authority as the assignee pursuant to division (C) of this 1451  
section, the total amount of the payments plus administrative or 1452  
other costs of the board or the authority at times, in 1453  
installments, and bearing interest as specified in the 1454

agreement. 1455

The agreement may contain additional provisions that the 1456  
board determines necessary to safeguard the interests of the 1457  
county or to comply with an agreement entered into under 1458  
division (C) of this section. 1459

(B) Upon entering into an agreement under division (A) of 1460  
this section, the board shall do all of the following: 1461

(1) Cause the agreement to be recorded in the county deed 1462  
records in the office of the county recorder of the county in 1463  
which the real property is situated. Failure to record the 1464  
agreement does not affect the validity of the agreement or the 1465  
collection of any amounts due under the agreement. 1466

(2) Establish by resolution an erosion control repayment 1467  
fund into which shall be deposited all amounts collected under 1468  
division (B)(3) of this section. Moneys in that fund shall be 1469  
used by the board for the repayment of the loan and for 1470  
administrative or other costs of the board or the authority as 1471  
specified in an agreement entered into under division (C) of 1472  
this section. If the amount of money in the fund is inadequate 1473  
to repay the loan when due, the board of county commissioners, 1474  
by resolution, may advance money from any other fund in order to 1475  
repay the loan if that use of the money from the other fund is 1476  
not in conflict with law. If the board so advances money in 1477  
order to repay the loan, the board subsequently shall reimburse 1478  
each fund from which the board advances money with moneys from 1479  
the erosion control repayment fund. 1480

(3) Bill and collect all amounts when due under the 1481  
agreement entered into under division (A) of this section. The 1482  
board shall certify amounts not paid when due to the county 1483

auditor, who shall enter the amounts on the real property tax list and duplicate against the property identified under division (A) (1) of this section. The amounts not paid when due shall be a lien on that property from the date on which the amounts are placed on the tax list and duplicate and shall be collected in the same manner as other taxes.

(C) A board may apply to the authority for a loan for the purpose of entering into agreements under division (A) of this section. The loan shall be for an amount and on the terms established in an agreement between the board and the authority. The board may assign any agreements entered into under division (A) of this section to the authority in order to provide for the repayment of the loan and may pledge any lawfully available revenues to the repayment of the loan, provided that no moneys raised by taxation shall be obligated or pledged by the board for the repayment of the loan. Any agreement with the authority pursuant to this division is not subject to Chapter 133. of the Revised Code or any requirements or limitations established in that chapter.

(D) The authority, as assignee of any agreement pursuant to division (C) of this section, may enforce and compel the board and the county auditor by mandamus pursuant to Chapter 2731. of the Revised Code to comply with division (B) of this section in a timely manner.

(E) The construction of an erosion control structure by a contractor hired by an individual homeowner, group of individual homeowners, or homeowners association that enters into an agreement with a board under division (A) of this section ~~is not a public improvement, as defined in section 4115.03 of the Revised Code, and~~ is not subject to competitive bidding or

public bond laws. 1514

**Sec. 1509.071.** (A) When the chief of the division of oil 1515  
and gas resources management finds that an owner has failed to 1516  
comply with a final nonappealable order issued or compliance 1517  
agreement entered into under section 1509.04, the restoration 1518  
requirements of section 1509.072, plugging requirements of 1519  
section 1509.12, or permit provisions of section 1509.13 of the 1520  
Revised Code, or rules and orders relating thereto, the chief 1521  
shall make a finding of that fact and declare any surety bond 1522  
filed to ensure compliance with those sections and rules 1523  
forfeited in the amount set by rule of the chief. The chief 1524  
thereupon shall certify the total forfeiture to the attorney 1525  
general, who shall proceed to collect the amount of the 1526  
forfeiture. In addition, the chief may require an owner, 1527  
operator, producer, or other person who forfeited a surety bond 1528  
to post a new surety bond in the amount of fifteen thousand 1529  
dollars for a single well, thirty thousand dollars for two 1530  
wells, or fifty thousand dollars for three or more wells. 1531

In lieu of total forfeiture, the surety or owner, at the 1532  
surety's or owner's option, may cause the well to be properly 1533  
plugged and abandoned and the area properly restored or pay to 1534  
the treasurer of state the cost of plugging and abandonment. 1535

(B) All moneys collected because of forfeitures of bonds 1536  
as provided in this section shall be deposited in the state 1537  
treasury to the credit of the oil and gas well fund created in 1538  
section 1509.02 of the Revised Code. 1539

The chief annually shall spend not less than fourteen per 1540  
cent of the revenue credited to the fund during the previous 1541  
fiscal year for the following purposes: 1542

(1) In accordance with division (D) of this section, to 1543  
plug idle and orphaned wells or to restore the land surface 1544  
properly as required in section 1509.072 of the Revised Code; 1545

(2) In accordance with division (E) of this section, to 1546  
correct conditions that the chief reasonably has determined are 1547  
causing imminent health or safety risks at an idle and orphaned 1548  
well or a well for which the owner cannot be contacted in order 1549  
to initiate a corrective action within a reasonable period of 1550  
time as determined by the chief. 1551

Expenditures from the fund shall be made only for lawful 1552  
purposes. In addition, expenditures from the fund shall not be 1553  
made to purchase real property or to remove a dwelling in order 1554  
to access a well. 1555

(C)(1) Upon determining that the owner of a well has 1556  
failed to properly plug and abandon it or to properly restore 1557  
the land surface at the well site in compliance with the 1558  
applicable requirements of this chapter and applicable rules 1559  
adopted and orders issued under it or that a well is an 1560  
abandoned well for which no funds are available to plug the well 1561  
in accordance with this chapter, the chief shall do all of the 1562  
following: 1563

(a) Determine from the records in the office of the county 1564  
recorder of the county in which the well is located the identity 1565  
of the owner of the land on which the well is located, the 1566  
identity of the owner of the oil or gas lease under which the 1567  
well was drilled or the identity of each person owning an 1568  
interest in the lease, and the identities of the persons having 1569  
legal title to, or a lien upon, any of the equipment appurtenant 1570  
to the well; 1571

(b) Mail notice to the owner of the land on which the well 1572  
is located informing the landowner that the well is to be 1573  
plugged. If the owner of the oil or gas lease under which the 1574  
well was drilled is different from the owner of the well or if 1575  
any persons other than the owner of the well own interests in 1576  
the lease, the chief also shall mail notice that the well is to 1577  
be plugged to the owner of the lease or to each person owning an 1578  
interest in the lease, as appropriate. 1579

(c) Mail notice to each person having legal title to, or a 1580  
lien upon, any equipment appurtenant to the well, informing the 1581  
person that the well is to be plugged and offering the person 1582  
the opportunity to plug the well and restore the land surface at 1583  
the well site at the person's own expense in order to avoid 1584  
forfeiture of the equipment to this state. 1585

(2) If none of the persons described in division (C) (1) (c) 1586  
of this section plugs the well within sixty days after the 1587  
mailing of the notice required by that division, all equipment 1588  
appurtenant to the well is hereby declared to be forfeited to 1589  
this state without compensation and without the necessity for 1590  
any action by the state for use to defray the cost of plugging 1591  
and abandoning the well and restoring the land surface at the 1592  
well site. 1593

(D) Expenditures from the fund for the purpose of division 1594  
(B) (1) of this section shall be made in accordance with either 1595  
of the following: 1596

(1) The expenditures may be made pursuant to contracts 1597  
entered into by the chief with persons who agree to furnish all 1598  
of the materials, equipment, work, and labor as specified and 1599  
provided in such a contract for activities associated with the 1600  
restoration or plugging of a well as determined by the chief. 1601

The activities may include excavation to uncover a well, 1602  
geophysical methods to locate a buried well when clear evidence 1603  
of leakage from the well exists, cleanout of wellbores to remove 1604  
material from a failed plugging of a well, plugging operations, 1605  
installation of vault and vent systems, including associated 1606  
engineering certifications and permits, restoration of property, 1607  
and repair of damage to property that is caused by such 1608  
activities. Expenditures shall not be used for salaries, 1609  
maintenance, equipment, or other administrative purposes, except 1610  
for costs directly attributed to the plugging of an idle and 1611  
orphaned well. Agents or employees of persons contracting with 1612  
the chief for a restoration or plugging project may enter upon 1613  
any land, public or private, on which the well is located for 1614  
the purpose of performing the work. Prior to such entry, the 1615  
chief shall give to the following persons written notice of the 1616  
existence of a contract for a project to restore or plug a well, 1617  
the names of the persons with whom the contract is made, and the 1618  
date that the project will commence: the owner of the well, the 1619  
owner of the land upon which the well is located, the owner or 1620  
agents of adjoining land, and, if the well is located in the 1621  
same township as or in a township adjacent to the excavations 1622  
and workings of a mine and the owner or lessee of that mine has 1623  
provided written notice identifying those townships to the chief 1624  
at any time during the immediately preceding three years, the 1625  
owner or lessee of the mine. 1626

(2) (a) The owner of the land on which a well is located 1627  
who has received notice under division (C) (1) (b) of this section 1628  
may plug the well and be reimbursed by the division of oil and 1629  
gas resources management for the reasonable cost of plugging the 1630  
well. In order to plug the well, the landowner shall submit an 1631  
application to the chief on a form prescribed by the chief and 1632

approved by the technical advisory council on oil and gas 1633  
created in section 1509.38 of the Revised Code. The application, 1634  
at a minimum, shall require the landowner to provide the same 1635  
information as is required to be included in the application for 1636  
a permit to plug and abandon under section 1509.13 of the 1637  
Revised Code. The application shall be accompanied by a copy of 1638  
a proposed contract to plug the well prepared by a contractor 1639  
regularly engaged in the business of plugging oil and gas wells. 1640  
The proposed contract shall require the contractor to furnish 1641  
all of the materials, equipment, work, and labor necessary to 1642  
plug the well properly and shall specify the price for doing the 1643  
work, including a credit for the equipment appurtenant to the 1644  
well that was forfeited to the state through the operation of 1645  
division (C) (2) of this section. Expenditures under division (D) 1646  
(2) (a) of this section shall be consistent with the expenditures 1647  
for activities described in division (D) (1) of this section. The 1648  
application also shall be accompanied by the permit fee required 1649  
by section 1509.13 of the Revised Code unless the chief, in the 1650  
chief's discretion, waives payment of the permit fee. The 1651  
application constitutes an application for a permit to plug and 1652  
abandon the well for the purposes of section 1509.13 of the 1653  
Revised Code. 1654

(b) Within thirty days after receiving an application and 1655  
accompanying proposed contract under division (D) (2) (a) of this 1656  
section, the chief shall determine whether the plugging would 1657  
comply with the applicable requirements of this chapter and 1658  
applicable rules adopted and orders issued under it and whether 1659  
the cost of the plugging under the proposed contract is 1660  
reasonable. If the chief determines that the proposed plugging 1661  
would comply with those requirements and that the proposed cost 1662  
of the plugging is reasonable, the chief shall notify the 1663

landowner of that determination and issue to the landowner a 1664  
permit to plug and abandon the well under section 1509.13 of the 1665  
Revised Code. Upon approval of the application and proposed 1666  
contract, the chief shall transfer ownership of the equipment 1667  
appurtenant to the well to the landowner. The chief may 1668  
disapprove an application submitted under division (D) (2) (a) of 1669  
this section if the chief determines that the proposed plugging 1670  
would not comply with the applicable requirements of this 1671  
chapter and applicable rules adopted and orders issued under it, 1672  
that the cost of the plugging under the proposed contract is 1673  
unreasonable, or that the proposed contract is not a bona fide, 1674  
arm's length contract. 1675

(c) After receiving the chief's notice of the approval of 1676  
the application and permit to plug and abandon a well under 1677  
division (D) (2) (b) of this section, the landowner shall enter 1678  
into the proposed contract to plug the well. 1679

(d) Upon determining that the plugging has been completed 1680  
in compliance with the applicable requirements of this chapter 1681  
and applicable rules adopted and orders issued under it, the 1682  
chief shall reimburse the landowner for the cost of the plugging 1683  
as set forth in the proposed contract approved by the chief. The 1684  
reimbursement shall be paid from the oil and gas well fund. If 1685  
the chief determines that the plugging was not completed in 1686  
accordance with the applicable requirements, the chief shall not 1687  
reimburse the landowner for the cost of the plugging, and the 1688  
landowner or the contractor, as applicable, promptly shall 1689  
transfer back to this state title to and possession of the 1690  
equipment appurtenant to the well that previously was 1691  
transferred to the landowner under division (D) (2) (b) of this 1692  
section. If any such equipment was removed from the well during 1693  
the plugging and sold, the landowner shall pay to the chief the 1694

proceeds from the sale of the equipment, and the chief promptly 1695  
shall pay the moneys so received to the treasurer of state for 1696  
deposit into the oil and gas well fund. 1697

The chief may establish an annual limit on the number of 1698  
wells that may be plugged under division (D) (2) of this section 1699  
or an annual limit on the expenditures to be made under that 1700  
division. 1701

As used in division (D) (2) of this section, "plug" and 1702  
"plugging" include the plugging of the well and the restoration 1703  
of the land surface disturbed by the plugging. 1704

(E) Expenditures from the oil and gas well fund for the 1705  
purpose of division (B) (2) of this section may be made pursuant 1706  
to contracts entered into by the chief with persons who agree to 1707  
furnish all of the materials, equipment, work, and labor as 1708  
specified and provided in such a contract. The competitive 1709  
bidding requirements of Chapter 153. of the Revised Code do not 1710  
apply if the chief reasonably determines that an emergency 1711  
situation exists requiring immediate action for the correction 1712  
of the applicable health or safety risk. A contract or purchase 1713  
of materials for purposes of addressing the emergency situation 1714  
is not subject to division (B) of section 127.16 of the Revised 1715  
Code. The chief, designated representatives of the chief, and 1716  
agents or employees of persons contracting with the chief under 1717  
this division may enter upon any land, public or private, for 1718  
the purpose of performing the work. 1719

(F) Contracts entered into by the chief under this section 1720  
are not subject to ~~any either~~ of the following: 1721

(1) ~~Chapter 4115. of the Revised Code,~~ 1722

~~(2)~~ Section 153.54 of the Revised Code, except that the 1723

contractor shall obtain and provide to the chief as a bid 1724  
guaranty a surety bond or letter of credit in an amount equal to 1725  
ten per cent of the amount of the contract; 1726

~~(3)~~ (2) Section 4733.17 of the Revised Code. 1727

(G) The owner of land on which a well is located who has 1728  
received notice under division (C) (1) (b) of this section, in 1729  
lieu of plugging the well in accordance with division (D) (2) of 1730  
this section, may cause ownership of the well to be transferred 1731  
to an owner who is lawfully doing business in this state and who 1732  
has met the financial responsibility requirements established 1733  
under section 1509.07 of the Revised Code, subject to the 1734  
approval of the chief. The transfer of ownership also shall be 1735  
subject to the landowner's filing the appropriate forms required 1736  
under section 1509.31 of the Revised Code and providing to the 1737  
chief sufficient information to demonstrate the landowner's or 1738  
owner's right to produce a formation or formations. That 1739  
information may include a deed, a lease, or other documentation 1740  
of ownership or property rights. 1741

The chief shall approve or disapprove the transfer of 1742  
ownership of the well. If the chief approves the transfer, the 1743  
owner is responsible for operating the well in accordance with 1744  
this chapter and rules adopted under it, including, without 1745  
limitation, all of the following: 1746

(1) Filing an application with the chief under section 1747  
1509.06 of the Revised Code if the owner intends to drill deeper 1748  
or produce a formation that is not listed in the records of the 1749  
division for that well; 1750

(2) Taking title to and possession of the equipment 1751  
appurtenant to the well that has been identified by the chief as 1752

having been abandoned by the former owner; 1753

(3) Complying with all applicable requirements that are 1754  
necessary to drill deeper, plug the well, or plug back the well. 1755

(H) The chief shall issue an order that requires the owner 1756  
of a well to pay the actual documented costs of a corrective 1757  
action that is described in division (B) (2) of this section 1758  
concerning the well. The chief shall transmit the money so 1759  
recovered to the treasurer of state who shall deposit the money 1760  
in the state treasury to the credit of the oil and gas well 1761  
fund. 1762

(I) The chief may engage in cooperative projects under 1763  
this section with any agency of this state, another state, or 1764  
the United States; any other governmental agencies; or any state 1765  
university or college as defined in section 3345.27 of the 1766  
Revised Code. A contract entered into for purposes of a 1767  
cooperative project is not subject to division (B) of section 1768  
127.16 of the Revised Code. 1769

**Sec. 1710.02.** (A) A special improvement district may be 1770  
created within the boundaries of any one municipal corporation, 1771  
any one township, or any combination of contiguous municipal 1772  
corporations and townships for the purpose of developing and 1773  
implementing plans for public improvements and public services 1774  
that benefit the district. A district may be created by petition 1775  
of the owners of real property within the proposed district, or 1776  
by an existing qualified nonprofit corporation. If the district 1777  
is created by an existing qualified nonprofit corporation, the 1778  
purposes for which the district is created may be supplemental 1779  
to the other purposes for which the corporation is organized. 1780  
All territory in a special improvement district shall be 1781  
contiguous; except that the territory in a special improvement 1782

district may be noncontiguous if at least one special energy 1783  
improvement project is designated for each parcel of real 1784  
property included within the special improvement district. 1785  
Additional territory may be added to a special improvement 1786  
district created under this chapter for the purpose of 1787  
developing and implementing plans for special energy improvement 1788  
projects if at least one special energy improvement project is 1789  
designated for each parcel of real property included within such 1790  
additional territory and the addition of territory is authorized 1791  
by the initial plan proposed under division (F) of this section 1792  
or a plan adopted by the board of directors of the special 1793  
improvement district under section 1710.06 of the Revised Code. 1794

The district shall be governed by the board of trustees of 1795  
a nonprofit corporation. This board shall be known as the board 1796  
of directors of the special improvement district. No special 1797  
improvement district shall include any church property, or 1798  
property of the federal or state government or a county, 1799  
township, or municipal corporation, unless the church or the 1800  
county, township, or municipal corporation specifically requests 1801  
in writing that the property be included within the district, or 1802  
unless the church is a member of the existing qualified 1803  
nonprofit corporation creating the district at the time the 1804  
district is created. More than one district may be created 1805  
within a participating political subdivision, but no real 1806  
property may be included within more than one district unless 1807  
the owner of the property files a written consent with the clerk 1808  
of the legislative authority, the township fiscal officer, or 1809  
the village clerk, as appropriate. The area of each district 1810  
shall be contiguous; except that the area of a special 1811  
improvement district may be noncontiguous if all parcels of real 1812  
property included within such area contain at least one special 1813

energy improvement thereon. 1814

(B) Except as provided in division (C) of this section, a 1815  
district created under this chapter is not a political 1816  
subdivision. A district created under this chapter shall be 1817  
considered a public agency under section 102.01 ~~and a public~~ 1818  
~~authority under section 4115.03~~ of the Revised Code. Each member 1819  
of the board of directors of a district, each member's designee 1820  
or proxy, and each officer and employee of a district shall be 1821  
considered a public official or employee under section 102.01 of 1822  
the Revised Code and a public official and public servant under 1823  
section 2921.42 of the Revised Code. Districts created under 1824  
this chapter are not subject to sections 121.81 to 121.83 of the 1825  
Revised Code. Districts created under this chapter are subject 1826  
to sections 121.22 and 121.23 of the Revised Code. 1827

(C) Each district created under this chapter shall be 1828  
considered a political subdivision for purposes of section 1829  
4905.34 of the Revised Code. 1830

Membership on the board of directors of the district shall 1831  
not be considered as holding a public office. Directors and 1832  
their designees shall be entitled to the immunities provided by 1833  
Chapter 1702. and to the same immunity as an employee under 1834  
division (A) (6) of section 2744.03 of the Revised Code, except 1835  
that directors and their designees shall not be entitled to the 1836  
indemnification provided in section 2744.07 of the Revised Code 1837  
unless the director or designee is an employee or official of a 1838  
participating political subdivision of the district and is 1839  
acting within the scope of the director's or designee's 1840  
employment or official responsibilities. 1841

District officers and district members and directors and 1842  
their designees or proxies shall not be required to file a 1843

statement with the Ohio ethics commission under section 102.02 1844  
of the Revised Code. All records of the district shall be 1845  
treated as public records under section 149.43 of the Revised 1846  
Code, except that records of organizations contracting with a 1847  
district shall not be considered to be public records under 1848  
section 149.43 or section 149.431 of the Revised Code solely by 1849  
reason of any contract with a district. 1850

(D) Except as otherwise provided in this section, the 1851  
nonprofit corporation that governs a district shall be organized 1852  
in the manner described in Chapter 1702. of the Revised Code. 1853  
Except in the case of a district created by an existing 1854  
qualified nonprofit corporation, the corporation's articles of 1855  
incorporation are required to be approved, as provided in 1856  
division (E) of this section, by resolution of the legislative 1857  
authority of each participating political subdivision of the 1858  
district. A copy of that resolution shall be filed along with 1859  
the articles of incorporation in the secretary of state's 1860  
office. 1861

In addition to meeting the requirements for articles of 1862  
incorporation set forth in Chapter 1702. of the Revised Code, 1863  
the articles of incorporation for the nonprofit corporation 1864  
governing a district formed under this chapter shall provide all 1865  
the following: 1866

(1) The name for the district, which shall include the 1867  
name of each participating political subdivision of the 1868  
district; 1869

(2) A description of the territory within the district, 1870  
which may be all or part of each participating political 1871  
subdivision. The description shall be specific enough to enable 1872  
real property owners to determine if their property is located 1873

within the district. 1874

(3) A description of the procedure by which the articles 1875  
of incorporation may be amended. The procedure shall include 1876  
receiving approval of the amendment, by resolution, from the 1877  
legislative authority of each participating political 1878  
subdivision and filing the approved amendment and resolution 1879  
with the secretary of state. 1880

(4) The reasons for creating the district, plus an 1881  
explanation of how the district will be conducive to the public 1882  
health, safety, peace, convenience, and welfare of the district. 1883

(E) The articles of incorporation for a nonprofit 1884  
corporation governing a district created under this chapter and 1885  
amendments to them shall be submitted to the municipal 1886  
executive, if any, and the legislative authority of each 1887  
municipal corporation or township in which the proposed district 1888  
is to be located. Except in the case of a district created by an 1889  
existing qualified nonprofit corporation, the articles or 1890  
amendments shall be accompanied by a petition signed either by 1891  
the owners of at least sixty per cent of the front footage of 1892  
all real property located in the proposed district that abuts 1893  
upon any street, alley, public road, place, boulevard, parkway, 1894  
park entrance, easement, or other existing public improvement 1895  
within the proposed district, excluding church property or 1896  
property owned by the state, county, township, municipal, or 1897  
federal government, unless a church, county, township, or 1898  
municipal corporation has specifically requested in writing that 1899  
the property be included in the district, or by the owners of at 1900  
least seventy-five per cent of the area of all real property 1901  
located within the proposed district, excluding church property 1902  
or property owned by the state, county, township, municipal, or 1903

federal government, unless a church, county, township, or 1904  
municipal corporation has specifically requested in writing that 1905  
the property be included in the district. Pursuant to Section 2o 1906  
of Article VIII, Ohio Constitution, the petition required under 1907  
this division may be for the purpose of developing and 1908  
implementing plans for special energy improvement projects, and, 1909  
in such case, is determined to be in furtherance of the purposes 1910  
set forth in Section 2o of Article VIII, Ohio Constitution. If a 1911  
special improvement district is being created under this chapter 1912  
for the purpose of developing and implementing plans for special 1913  
energy improvement projects, the petition required under this 1914  
division shall be signed by one hundred per cent of the owners 1915  
of the area of all real property located within the proposed 1916  
special improvement district, at least one special energy 1917  
improvement project shall be designated for each parcel of real 1918  
property within the special improvement district, and the 1919  
special improvement district may include any number of parcels 1920  
of real property as determined by the legislative authority of 1921  
each participating political subdivision in which the proposed 1922  
special improvement district is to be located. For purposes of 1923  
determining compliance with these requirements, the area of the 1924  
district, or the front footage and ownership of property, shall 1925  
be as shown in the most current records available at the county 1926  
recorder's office and the county engineer's office sixty days 1927  
prior to the date on which the petition is filed. 1928

Each municipal corporation or township with which the 1929  
petition is filed has sixty days to approve or disapprove, by 1930  
resolution, the petition, including the articles of 1931  
incorporation. In the case of a district created by an existing 1932  
qualified nonprofit corporation, each municipal corporation or 1933  
township has sixty days to approve or disapprove the creation of 1934

the district after the corporation submits the articles of 1935  
incorporation or amendments thereto. This chapter does not 1936  
prohibit or restrict the rights of municipal corporations under 1937  
Article XVIII of the Ohio Constitution or the right of the 1938  
municipal legislative authority to impose reasonable conditions 1939  
in a resolution of approval. The acquisition, installation, 1940  
equipping, and improvement of a special energy improvement 1941  
project under this chapter shall not supersede any local zoning, 1942  
environmental, or similar law or regulation. 1943

(F) Persons proposing creation and operation of the 1944  
district may propose an initial plan for public services or 1945  
public improvements that benefit all or any part of the 1946  
district. Any initial plan shall be submitted as part of the 1947  
petition proposing creation of the district or, in the case of a 1948  
district created by an existing qualified nonprofit corporation, 1949  
shall be submitted with the articles of incorporation or 1950  
amendments thereto. 1951

An initial plan may include provisions for the following: 1952

(1) Creation and operation of the district and of the 1953  
nonprofit corporation to govern the district under this chapter; 1954

(2) Hiring employees and professional services; 1955

(3) Contracting for insurance; 1956

(4) Purchasing or leasing office space and office 1957  
equipment; 1958

(5) Other actions necessary initially to form, operate, or 1959  
organize the district and the nonprofit corporation to govern 1960  
the district; 1961

(6) A plan for public improvements or public services that 1962

benefit all or part of the district, which plan shall comply 1963  
with the requirements of division (A) of section 1710.06 of the 1964  
Revised Code and may include, but is not limited to, any of the 1965  
permissive provisions described in the fourth sentence of that 1966  
division or listed in divisions (A)(1) to (7) of that section; 1967

(7) If the special improvement district is being created 1968  
under this chapter for the purpose of developing and 1969  
implementing plans for special energy improvement projects, 1970  
provision for the addition of territory to the special 1971  
improvement district. 1972

After the initial plan is approved by all municipal 1973  
corporations and townships to which it is submitted for approval 1974  
and the district is created, each participating subdivision 1975  
shall levy a special assessment within its boundaries to pay for 1976  
the costs of the initial plan. The levy shall be for no more 1977  
than ten years from the date of the approval of the initial 1978  
plan; except that if the proceeds of the levy are to be used to 1979  
pay the costs of a special energy improvement project, the levy 1980  
of a special assessment shall be for no more than thirty years 1981  
from the date of approval of the initial plan. In the event that 1982  
additional territory is added to a special improvement district, 1983  
the special assessment to be levied with respect to such 1984  
additional territory shall commence not earlier than the date 1985  
such territory is added and shall be for no more than thirty 1986  
years from such date. For purposes of levying an assessment for 1987  
this initial plan, the services or improvements included in the 1988  
initial plan shall be deemed a special benefit to property 1989  
owners within the district. 1990

(G) Each nonprofit corporation governing a district under 1991  
this chapter may do the following: 1992

(1) Exercise all powers of nonprofit corporations granted under Chapter 1702. of the Revised Code that do not conflict with this chapter;	1993 1994 1995
(2) Develop, adopt, revise, implement, and repeal plans for public improvements and public services for all or any part of the district;	1996 1997 1998
(3) Contract with any person, political subdivision as defined in section 2744.01 of the Revised Code, or state agency as defined in section 1.60 of the Revised Code to develop and implement plans for public improvements or public services within the district;	1999 2000 2001 2002 2003
(4) Contract and pay for insurance for the district and for directors, officers, agents, contractors, employees, or members of the district for any consequences of the implementation of any plan adopted by the district or any actions of the district.	2004 2005 2006 2007 2008
The board of directors of a special improvement district may, acting as agent and on behalf of a participating political subdivision, sell, transfer, lease, or convey any special energy improvement project owned by the participating political subdivision upon a determination by the legislative authority thereof that the project is not required to be owned exclusively by the participating political subdivision for its purposes, for uses determined by the legislative authority thereof as those that will promote the welfare of the people of such participating political subdivision; to improve the quality of life and the general and economic well-being of the people of the participating political subdivision; better ensure the public health, safety, and welfare; protect water and other natural resources; provide for the conservation and preservation	2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022

of natural and open areas and farmlands, including by making 2023  
urban areas more desirable or suitable for development and 2024  
revitalization; control, prevent, minimize, clean up, or mediate 2025  
certain contamination of or pollution from lands in the state 2026  
and water contamination or pollution; or provide for safe and 2027  
natural areas and resources. The legislative authority of each 2028  
participating political subdivision shall specify the 2029  
consideration for such sale, transfer, lease, or conveyance and 2030  
any other terms thereof. Any determinations made by a 2031  
legislative authority of a participating political subdivision 2032  
under this division shall be conclusive. 2033

Any sale, transfer, lease, or conveyance of a special 2034  
energy improvement project by a participating political 2035  
subdivision or the board of directors of the special improvement 2036  
district may be made without advertising, receipt of bids, or 2037  
other competitive bidding procedures applicable to the 2038  
participating political subdivision or the special improvement 2039  
district under Chapter 153. or 735. or section 1710.11 of the 2040  
Revised Code or other representative provisions of the Revised 2041  
Code. 2042

**Sec. 5540.03.** (A) A transportation improvement district 2043  
may: 2044

(1) Adopt bylaws for the regulation of its affairs and the 2045  
conduct of its business; 2046

(2) Adopt an official seal; 2047

(3) Sue and be sued in its own name, plead and be 2048  
impleaded, provided any actions against the district shall be 2049  
brought in the court of common pleas of the county in which the 2050  
principal office of the district is located, or in the court of 2051

common pleas of the county in which the cause of action arose, 2052  
and all summonses, exceptions, and notices of every kind shall 2053  
be served on the district by leaving a copy thereof at its 2054  
principal office with the secretary-treasurer; 2055

(4) Purchase, construct, maintain, repair, sell, exchange, 2056  
police, operate, or lease projects; 2057

(5) Issue either or both of the following for the purpose 2058  
of providing funds to pay the costs of any project or part 2059  
thereof: 2060

(a) Transportation improvement district revenue bonds; 2061

(b) Bonds pursuant to Section 13 of Article VIII, Ohio 2062  
Constitution~~+~~. 2063

(6) Maintain such funds as it considers necessary; 2064

(7) Direct its agents or employees, when properly 2065  
identified in writing and after at least five days' written 2066  
notice, to enter upon lands within its jurisdiction to make 2067  
surveys and examinations preliminary to the location and 2068  
construction of projects for the district, without liability of 2069  
the district or its agents or employees except for actual damage 2070  
done; 2071

(8) Make and enter into all contracts and agreements 2072  
necessary or incidental to the performance of its functions and 2073  
the execution of its powers under this chapter; 2074

(9) Employ or retain or contract for the services of 2075  
consulting engineers, superintendents, managers, and such other 2076  
engineers, construction and accounting experts, financial 2077  
advisers, trustees, marketing, remarketing, and administrative 2078  
agents, attorneys, and other employees, independent contractors, 2079

or agents as are necessary in its judgment and fix their 2080  
compensation, provided all such expenses shall be payable solely 2081  
from the proceeds of bonds or from revenues; 2082

(10) Receive and accept from the federal or any state or 2083  
local government, including, but not limited to, any agency, 2084  
entity, or instrumentality of any of the foregoing, loans and 2085  
grants for or in aid of the construction, maintenance, or repair 2086  
of any project, and receive and accept aid or contributions from 2087  
any source or person of money, property, labor, or other things 2088  
of value, to be held, used, and applied only for the purposes 2089  
for which such loans, grants, and contributions are made. 2090  
Nothing in division (A) (10) of this section shall be construed 2091  
as imposing any liability on this state for any loan received by 2092  
a transportation improvement district from a third party unless 2093  
this state has entered into an agreement to accept such 2094  
liability. 2095

(11) Acquire, hold, and dispose of property in the 2096  
exercise of its powers and the performance of its duties under 2097  
this chapter; 2098

(12) Establish and collect tolls or user charges for its 2099  
projects; 2100

(13) Subject to section 5540.18 of the Revised Code, enter 2101  
into an agreement with a contiguous board of county 2102  
commissioners other than the board of county commissioners that 2103  
created the transportation improvement district, for the 2104  
district to exercise all or any portion of its powers with 2105  
respect to a project that is located wholly or partially within 2106  
the county that is party to the agreement; 2107

(14) Do all acts necessary and proper to carry out the 2108

powers expressly granted in this chapter.	2109
(B) Chapters 123., 124., 125., <u>and 153.</u> , and <del>4115.</del> and sections 9.331 to 9.335 and 307.86 of the Revised Code do not apply to contracts or projects of a transportation improvement district.	2110 2111 2112 2113
<b>Sec. 6117.012.</b> (A) A board of county commissioners may adopt rules requiring owners of property within the district whose property is served by a connection to sewers maintained and operated by the board or to sewers that are connected to interceptor sewers maintained and operated by the board to do any of the following:	2114 2115 2116 2117 2118 2119
(1) Disconnect storm water inflows to sanitary sewers maintained and operated by the board and not operated as a combined sewer, or to connections with those sewers;	2120 2121 2122
(2) Disconnect non-storm water inflows to storm water sewers maintained and operated by the board and not operated as a combined sewer, or to connections with those storm water sewers;	2123 2124 2125 2126
(3) Reconnect or relocate any such disconnected inflows in compliance with board rules and applicable building codes, health codes, or other relevant codes;	2127 2128 2129
(4) Prevent sewer back-ups into properties that have experienced one or more back-ups of sanitary or combined sewers maintained and operated by the board;	2130 2131 2132
(5) Prevent storm water from entering a combined sewer and causing an overflow or an inflow to a sanitary sewer, which prevention may include projects or programs that separate the storm water from a combined sewer or that utilize a prevention or replacement facility to prevent or minimize storm water from	2133 2134 2135 2136 2137

entering a combined sewer or a sanitary sewer. 2138

(B) Any inflow required to be disconnected or any sewer 2139  
back-up required to be prevented under a rule adopted pursuant 2140  
to divisions (A)(1) to (4) of this section constitutes a 2141  
nuisance subject to injunctive relief and abatement pursuant to 2142  
Chapter 3767. of the Revised Code or as otherwise permitted by 2143  
law. 2144

(C) A board of county commissioners may use sewer district 2145  
funds; county general fund moneys; the proceeds of bonds issued 2146  
under Chapter 133. or 165. of the Revised Code; and, to the 2147  
extent permitted by their terms, loans, grants, or other moneys 2148  
from appropriate state or federal funds, for either of the 2149  
following: 2150

(1) The cost of disconnections, reconnections, 2151  
relocations, combined sewer overflow prevention, or sewer back- 2152  
up prevention required by rules adopted pursuant to division (A) 2153  
of this section, performed by the county or under contract with 2154  
the county; 2155

(2) Payments to the property owner or a contractor hired 2156  
by the property owner pursuant to a competitive process 2157  
established by district rules, for the cost of disconnections, 2158  
reconnections, relocations, combined sewer overflow prevention, 2159  
or sewer back-up prevention required by rules adopted pursuant 2160  
to division (A) of this section after the board, pursuant to its 2161  
rules, has approved the work to be performed and after the 2162  
county has received from the property owner a statement 2163  
releasing the county from all liability in connection with the 2164  
disconnections, reconnections, relocations, combined sewer 2165  
overflow prevention, or sewer back-up prevention. 2166

(D) Except as provided in division (E) of this section, 2167  
the board of county commissioners shall require in its rules 2168  
regarding disconnections, reconnections, relocations of sewers, 2169  
combined sewer overflow prevention, or sewer back-up prevention 2170  
the reimbursement of moneys expended pursuant to division (C) of 2171  
this section by either of the following methods: 2172

(1) A charge to the property owner in the amount of the 2173  
payment made pursuant to division (C) of this section for 2174  
immediate payment or payment in installments with interest as 2175  
determined by the board not to exceed ten per cent, which 2176  
payments may be billed as a separate item with the rents charged 2177  
to that owner for use of the sewers. The board may approve 2178  
installment payments for a period of not more than fifteen 2179  
years. If charges are to be paid in installments, the board 2180  
shall certify to the county auditor information sufficient to 2181  
identify each subject parcel of property, the total of the 2182  
charges to be paid in installments, and the total number of 2183  
installments to be paid. The auditor shall record the 2184  
information in the sewer improvement record until these charges 2185  
are paid in full. Charges not paid when due shall be certified 2186  
to the county auditor, who shall place the charges upon the real 2187  
property tax list and duplicate against that property. Those 2188  
charges shall be a lien on the property from the date they are 2189  
placed on the tax list and duplicate and shall be collected in 2190  
the same manner as other taxes. 2191

(2) A special assessment levied against the property, 2192  
payable in the number of years the board determines, not to 2193  
exceed fifteen years, with interest as determined by the board 2194  
not to exceed ten per cent. The board shall certify the 2195  
assessments to the county auditor, stating the amount and time 2196  
of payment. The auditor shall record the information in the 2197

county sewer improvement record, showing separately the 2198  
assessments to be collected, and shall place the assessments 2199  
upon the real property tax list and duplicate for collection. 2200  
The assessments shall be a lien on the property from the date 2201  
they are placed on the tax list and duplicate and shall be 2202  
collected in the same manner as other taxes. 2203

(E) The county may adopt a resolution specifying a maximum 2204  
amount of the cost of any disconnection, reconnection, 2205  
relocation, combined sewer overflow prevention, or sewer back-up 2206  
prevention required pursuant to division (A) of this section 2207  
that may be paid by the county for each affected parcel of 2208  
property without requiring reimbursement. That amount may be 2209  
allowed only if there is a building code, health code, or other 2210  
relevant code, or a federally imposed or state-imposed consent 2211  
decree that is filed or otherwise recorded in a court of 2212  
competent jurisdiction, applicable to the affected parcel that 2213  
prohibits in the future any inflows, combined sewer overflows, 2214  
or sewer back-ups not allowed under rules adopted pursuant to 2215  
division (A) (1), (4), or (5) of this section. The board, by 2216  
rule, shall establish criteria for determining how much of the 2217  
maximum amount for each qualifying parcel need not be 2218  
reimbursed. 2219

(F) ~~Disconnections, reconnections, relocations, combined-~~ 2220  
~~sewer overflow prevention, or sewer back up prevention required-~~ 2221  
~~under this section and performed by a contractor under contract-~~ 2222  
~~with the property owner shall not be considered a public-~~ 2223  
~~improvement, and those performed by the county shall be-~~ 2224  
~~considered a public improvement as defined in section 4115.03 of-~~ 2225  
~~the Revised Code.~~ 2226

Disconnections, reconnections, relocations, combined sewer 2227

overflow prevention, or sewer back-up prevention required under 2228  
this section performed by a contractor under contract with the 2229  
property owner shall not be subject to competitive bidding or 2230  
public bond laws. 2231

(G) Property owners shall be responsible for maintaining 2232  
any improvements made or facilities constructed on private 2233  
property to reconnect or relocate disconnected inflows, for 2234  
combined sewer overflow prevention, or for sewer back-up 2235  
prevention pursuant to this section unless a public easement or 2236  
other agreement exists for the county to maintain that 2237  
improvement or facility. 2238

(H) A board of county commissioners may provide rate 2239  
reductions of and credits against charges for the use of sewers 2240  
to a property owner that implements a project or program that 2241  
prevents storm water from entering a combined sewer and causing 2242  
an overflow. Such a project or program may include the use of a 2243  
prevention or replacement facility to handle storm water that 2244  
has been separated from a combined sewer. The revised rates or 2245  
charges shall be collected and paid to the county treasurer in 2246  
accordance with section 6117.02 of the Revised Code. 2247

**Section 2.** That existing sections 121.083, 123.281, 2248  
164.07, 176.011, 307.022, 307.671, 307.673, 307.674, 307.696, 2249  
351.06, 353.03, 1311.25, 1506.44, 1509.071, 1710.02, 5540.03, 2250  
and 6117.012 and sections 176.05, 4115.03, 4115.031, 4115.033, 2251  
4115.034, 4115.04, 4115.05, 4115.06, 4115.07, 4115.071, 4115.08, 2252  
4115.09, 4115.10, 4115.101, 4115.11, 4115.12, 4115.13, 4115.131, 2253  
4115.132, 4115.133, 4115.14, 4115.15, 4115.16, 4115.21, 4115.99, 2254  
and 6121.061 of the Revised Code are hereby repealed. 2255

**Section 3.** That Section 509.70 of H.B. 497 of the 130th 2256  
General Assembly is hereby repealed. 2257

<b>Section 4.</b> Sections 1, 2, and 3 of this act do not apply	2258
to contracts governed by the sections being amended and repealed	2259
by Sections 1, 2, and 3 of this act that are entered into before	2260
the effective date of this act.	2261