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Representatives Wilkin, O'Brien

Cosponsors: Representatives Riedel, Miranda, Ginter, Smith, K., Hambley, Lang, Stein, Miller, A., Scherer, Arndt, Smith, T., Abrams, Baldrige, Blair, Brent, Brown, Carfagna, Carruthers, Cera, Clites, Crawley, Cross, Crossman, Cupp, Dean, Denson, Edwards, Fraizer, Galonski, Ghanbari, Green, Hicks-Hudson, Hillyer, Hoops, Jones, Kick, Koehler, Lanese, LaRe, Lepore-Hagan, Liston, Manning, D., McClain, Patterson, Patton, Perales, Plummer, Reineke, Richardson, Robinson, Roemer, Rogers, Seitz, Sheehy, Sobecki, Stephens, Strahorn, Swearingen, Upchurch, Weinstein, West, Wiggam

A BILL

To amend sections 6121.03 and 6121.04 of the 1
Revised Code to allow the Ohio Water Development 2
Authority to provide for the refinancing of 3
loans for certain public water and waste water 4
infrastructure projects. 5

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

Section 1. That sections 6121.03 and 6121.04 of the 6
Revised Code be amended to read as follows: 7

Sec. 6121.03. (A) It is hereby declared to be the public 8
policy of the state through the operations of the Ohio water 9
development authority under this chapter to contribute toward 10
one or more of the following: ~~to~~ 11

(1) To preserve, protect, upgrade, conserve, develop, 12
utilize, and manage the water resources of the state, ~~to~~; 13

<u>(2) To prevent or abate the pollution of water resources,</u>	14
to;	15
<u>(3) To promote the beneficial use of waters of the state</u>	16
for the protection and preservation of the public health,	17
safety, convenience, and welfare, <u>to;</u>	18
<u>(4) To assist in the financing of waste water facilities</u>	19
and water management facilities for industry, commerce,	20
distribution, and research, including public utility companies,	21
to;	22
<u>(5) To create or preserve jobs and employment</u>	23
opportunities or improve the economic welfare of the people of	24
the state, or to assist and cooperate with governmental agencies	25
in achieving such purposes.	26
<u>(B) In furtherance of such public policy,</u> the Ohio water	27
development authority may initiated <u>do all of the following:</u>	28
<u>(1) Initiate,</u> acquire, construct, maintain, repair, and	29
operate water development projects or cause the same to be	30
operated pursuant to a lease, sublease, or agreement with any	31
person or governmental agency; may make	32
<u>(2) Make</u> loans and grants to governmental agencies for the	33
acquisition or, <u>construction, or refinancing</u> of waste water or	34
water management facilities by such governmental agencies <u>and</u>	35
<u>provide for the financing and refinancing of such loans;</u> may	36
make	37
<u>(3) Make</u> loans to persons for the acquisition or,	38
<u>construction, or refinancing</u> of waste water facilities or water	39
management facilities by such persons; and may issue	40
<u>(4) Issue</u> water development revenue bonds of this state	41

payable solely from revenues, to pay the cost of or refinance 42
such projects, provided that, except for facilities for 43
pollution control or solid waste disposal, no such financing 44
assistance shall be made for facilities to be constructed for 45
the purpose of providing electric or gas utility service to the 46
public. 47

(C) Any water development project shall be determined by 48
the authority to be consistent with any applicable comprehensive 49
plan of water management approved by the director of 50
environmental protection or in the process of preparation by 51
such director and to be not inconsistent with the standards set 52
for the waters of the state affected thereby by the director of 53
environmental protection. Any resolution of the authority 54
providing for acquiring or constructing such projects or for 55
making a loan or grant for such projects shall include a finding 56
by the authority that such determinations have been made. 57
Determinations by resolution of the authority that a project is 58
a waste water facility or a water management facility under this 59
chapter and is consistent with the purposes of Section 13 of 60
Article VIII, Ohio Constitution, and this chapter shall be 61
conclusive as to the validity and enforceability of the water 62
development revenue bonds issued to finance or refinance such 63
project and of the resolutions, trust agreements or indentures, 64
leases, subleases, sale agreements, loan agreements and other 65
agreements made in connection therewith, all in accordance with 66
their terms. 67

Sec. 6121.04. The Ohio water development authority may do 68
any or all of the following: 69

(A) Adopt bylaws for the regulation of its affairs and the 70
conduct of its business; 71

(B) Adopt an official seal;	72
(C) Maintain a principal office and suboffices at places within the state that it designates;	73 74
(D) Sue and plead in its own name and be sued and impleaded in its own name with respect to its contracts or torts of its members, employees, or agents acting within the scope of their employment, or to enforce its obligations and covenants made under sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any such actions against the authority shall be brought in the court of common pleas of the county in which the principal office of the authority is located or in the court of common pleas of the county in which the cause of action arose, provided that the county is located within this state, and all summonses, exceptions, and notices of every kind shall be served on the authority by leaving a copy thereof at the principal office with the person in charge thereof or with the secretary-treasurer of the authority.	75 76 77 78 79 80 81 82 83 84 85 86 87 88
(E) Make loans and grants to governmental agencies for the acquisition or , construction, <u>or refinancing</u> of water development projects by any such governmental agency and adopt rules and procedures for making such loans and grants, <u>including rules governing the financing and refinancing of such loans;</u>	89 90 91 92 93
(F) Acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, or lease or rent to, or contract for operation by, a governmental agency or person, water development projects, and establish rules for the use of those projects;	94 95 96 97 98
(G) Make available the use or services of any water development project to one or more persons, one or more	99 100

governmental agencies, or any combination thereof;	101
(H) Issue water development revenue bonds and notes and	102
water development revenue refunding bonds of the state, payable	103
solely from revenues as provided in section 6121.06 of the	104
Revised Code, unless the bonds are refunded by refunding bonds,	105
for the purpose of paying any part of the cost of <u>or refinancing</u>	106
one or more water development projects or parts thereof;	107
(I) Acquire by gift or purchase, hold, and dispose of real	108
and personal property in the exercise of its powers and the	109
performance of its duties under this chapter;	110
(J) Acquire, in the name of the state, by purchase or	111
otherwise, on terms and in the manner that it considers proper,	112
or by the exercise of the right of condemnation in the manner	113
provided by section 6121.18 of the Revised Code, public or	114
private lands, including public parks, playgrounds, or	115
reservations, or parts thereof or rights therein, rights-of-way,	116
property, rights, easements, and interests that it considers	117
necessary for carrying out this chapter, but excluding the	118
acquisition by the exercise of the right of condemnation of any	119
waste water facility or water management facility owned by any	120
person or governmental agency, and compensation shall be paid	121
for public or private lands so taken, except that a government-	122
owned waste water facility may be appropriated in accordance	123
with section 6121.041 of the Revised Code;	124
(K) Adopt rules to protect augmented flow in waters of the	125
state, to the extent augmented by a water development project,	126
from depletion so it will be available for beneficial use, and	127
to provide standards for the withdrawal from waters of the state	128
of the augmented flow created by a water development project	129
that is not returned to the waters of the state so augmented and	130

to establish reasonable charges therefor if considered necessary 131
by the authority; 132

(L) Make and enter into all contracts and agreements and 133
execute all instruments necessary or incidental to the 134
performance of its duties and the execution of its powers under 135
this chapter in accordance with the following requirements: 136

(1) When the cost under any such contract or agreement, 137
other than compensation for personal services, involves an 138
expenditure of more than fifty thousand dollars, the authority 139
shall make a written contract with the lowest responsive and 140
responsible bidder, in accordance with section 9.312 of the 141
Revised Code, after advertisement for not less than two 142
consecutive weeks in a newspaper of general circulation in 143
Franklin county, and in other publications that the authority 144
determines, which shall state the general character of the work 145
and the general character of the materials to be furnished, the 146
place where plans and specifications therefor may be examined, 147
and the time and place of receiving bids, provided that a 148
contract or lease for the operation of a water development 149
project constructed and owned by the authority or an agreement 150
for cooperation in the acquisition or construction of a water 151
development project pursuant to section 6121.13 of the Revised 152
Code or any contract for the construction of a water development 153
project that is to be leased by the authority to, and operated 154
by, persons who are not governmental agencies and the cost of 155
the project is to be amortized exclusively from rentals or other 156
charges paid to the authority by persons who are not 157
governmental agencies is not subject to the foregoing 158
requirements and the authority may enter into such a contract or 159
lease or such an agreement pursuant to negotiation and upon 160
terms and conditions and for the period that it finds to be 161

reasonable and proper in the circumstances and in the best 162
interests of proper operation or of efficient acquisition or 163
construction of the project. 164

(2) Each bid for a contract for the construction, 165
demolition, alteration, repair, or reconstruction of an 166
improvement shall contain the full name of every person 167
interested in it and shall meet the requirements of section 168
153.54 of the Revised Code. 169

(3) Each bid for a contract except as provided in division 170
(L) (2) of this section shall contain the full name of every 171
person or company interested in it and shall be accompanied by a 172
sufficient bond or certified check on a solvent bank that if the 173
bid is accepted, a contract will be entered into and the 174
performance thereof secured. 175

(4) The authority may reject any and all bids. 176

(5) A bond with good and sufficient surety, approved by 177
the authority, shall be required of every contractor awarded a 178
contract except as provided in division (L) (2) of this section, 179
in an amount equal to at least fifty per cent of the contract 180
price, conditioned upon the faithful performance of the 181
contract. 182

(M) Employ managers, superintendents, and other employees 183
and retain or contract with consulting engineers, financial 184
consultants, accounting experts, architects, attorneys, and 185
other consultants and independent contractors that are necessary 186
in its judgment to carry out this chapter, and fix the 187
compensation thereof. All expenses thereof shall be payable 188
solely from the proceeds of water development revenue bonds or 189
notes issued under this chapter, from revenues, or from funds 190

appropriated for that purpose by the general assembly.	191
(N) Receive and accept from any federal agency, subject to	192
the approval of the governor, grants for or in aid of the	193
construction of any water development project or for research	194
and development with respect to waste water or water management	195
facilities, and receive and accept aid or contributions from any	196
source of money, property, labor, or other things of value, to	197
be held, used, and applied only for the purposes for which the	198
grants and contributions are made;	199
(O) Engage in research and development with respect to	200
waste water or water management facilities;	201
(P) Purchase fire and extended coverage and liability	202
insurance for any water development project and for the	203
principal office and suboffices of the authority, insurance	204
protecting the authority and its officers and employees against	205
liability for damage to property or injury to or death of	206
persons arising from its operations, and any other insurance the	207
authority may agree to provide under any resolution authorizing	208
its water development revenue bonds or in any trust agreement	209
securing the same;	210
(Q) Charge, alter, and collect rentals and other charges	211
for the use or services of any water development project as	212
provided in section 6121.13 of the Revised Code;	213
(R) Provide coverage for its employees under Chapters	214
145., 4123., and 4141. of the Revised Code;	215
(S) Assist in the implementation and administration of the	216
drinking water assistance fund and program created in section	217
6109.22 of the Revised Code and the water pollution control loan	218
fund and program created in section 6111.036 of the Revised	219

Code, including, without limitation, performing or providing 220
fiscal management for the funds and investing and disbursing 221
moneys in the funds, and enter into all necessary and 222
appropriate agreements with the director of environmental 223
protection for those purposes; 224

(T) Issue water development revenue bonds and notes of the 225
state in principal amounts that are necessary for the purpose of 226
raising moneys for the sole benefit of the water pollution 227
control loan fund created in section 6111.036 of the Revised 228
Code, including moneys to meet the requirement for providing 229
matching moneys under division (D) of that section. The bonds 230
and notes may be secured by appropriate trust agreements and 231
repaid from moneys credited to the fund from payments of 232
principal and interest on loans made from the fund, as provided 233
in division (F) of section 6111.036 of the Revised Code. 234

(U) Issue water development revenue bonds and notes of the 235
state in principal amounts that are necessary for the purpose of 236
raising moneys for the sole benefit of the drinking water 237
assistance fund created in section 6109.22 of the Revised Code, 238
including moneys to meet the requirement for providing matching 239
moneys under divisions (B) and (F) of that section. The bonds 240
and notes may be secured by appropriate trust agreements and 241
repaid from moneys credited to the fund from payments of 242
principal and interest on loans made from the fund, as provided 243
in division (F) of section 6109.22 of the Revised Code. 244

(V) Make loans to and enter into agreements with boards of 245
county commissioners for the purposes of section 1506.44 of the 246
Revised Code and adopt rules establishing requirements and 247
procedures for making the loans and entering into the 248
agreements; 249

(W) Do all acts necessary or proper to carry out the	250
powers expressly granted in this chapter.	251
Any instrument by which real property is acquired pursuant	252
to this section shall identify the agency of the state that has	253
the use and benefit of the real property as specified in section	254
5301.012 of the Revised Code.	255
Section 2. That existing sections 6121.03 and 6121.04 of	256
the Revised Code are hereby repealed.	257