

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 663

Representatives Hood, Dean

**Cosponsors: Representatives Riedel, Lang, Keller, Brinkman, Jordan, Zeltwanger,
Kick, McClain**

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 and 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 to repeal the Prevailing Wage Law. 11

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

Section 1. That sections 121.083, 123.281, 164.07, 12
176.011, 307.022, 307.671, 307.673, 307.674, 307.696, 351.06, 13
353.03, 1311.25, 1506.44, 1509.071, 1710.02, 5540.03, and 14
6117.012 of the Revised Code be amended to read as follows: 15

Sec. 121.083. The superintendent of industrial compliance 16
in the department of commerce shall do all of the following: 17

(A) Administer and enforce the general laws of this state 18
pertaining to buildings, pressure piping, boilers, bedding, 19
upholstered furniture, and stuffed toys, steam engineering, 20
elevators, plumbing, licensed occupations regulated by the 21
department, and travel agents, as they apply to plans review, 22
inspection, code enforcement, testing, licensing, registration, 23
and certification. 24

(B) Exercise the powers and perform the duties delegated 25
to the superintendent by the director of commerce under Chapters 26
4109.7 and 4111.7 and ~~4115.~~ of the Revised Code. 27

(C) Collect and collate statistics as are necessary. 28

(D) Examine and license persons who desire to act as steam 29
engineers, to operate steam boilers, and to act as inspectors of 30
steam boilers, provide for the scope, conduct, and time of such 31
examinations, provide for, regulate, and enforce the renewal and 32
revocation of such licenses, inspect and examine steam boilers 33
and make, publish, and enforce rules and orders for the 34
construction, installation, inspection, and operation of steam 35
boilers, and do, require, and enforce all things necessary to 36
make such examination, inspection, and requirement efficient. 37

(E) Rent and furnish offices as needed in cities in this 38
state for the conduct of its affairs. 39

(F) Oversee a chief of construction and compliance, a 40
chief of operations and maintenance, a chief of licensing and 41
certification, a chief of worker protection, and other designees 42
appointed by the director to perform the duties described in 43
this section. 44

(G) Enforce the rules the board of building standards 45
adopts pursuant to division (A)(2) of section 4104.43 of the 46

Revised Code under the circumstances described in division (D) 47
of that section. 48

(H) Accept submissions, establish a fee for submissions, 49
and review submissions of certified welding and brazing 50
procedure specifications, procedure qualification records, and 51
performance qualification records for building services piping 52
as required by section 4104.44 of the Revised Code. 53

Sec. 123.281. (A) The Ohio facilities construction 54
commission shall provide for the construction of a cultural 55
project in conformity with Chapter 153. of the Revised Code, 56
except for construction services provided on behalf of the state 57
by a governmental agency or a cultural organization in 58
accordance with divisions (B) and (C) of this section. 59

(B) In order for a governmental agency or a cultural 60
organization to provide construction services on behalf of the 61
state for a cultural project, other than a state historical 62
facility, for which the general assembly has made an 63
appropriation or specifically authorized the spending of money 64
or the making of rental payments relating to the financing of 65
the construction, the governmental agency or cultural 66
organization shall submit to the Ohio facilities construction 67
commission a cooperative use agreement that includes, but is not 68
limited to, provisions that: 69

(1) Specify how the proposed project will support culture; 70

(2) Specify that the governmental agency or cultural 71
organization has local contributions amounting to not less than 72
fifty per cent of the total state funding for the cultural 73
project; 74

(3) Specify that the funds shall be used only for 75

construction;	76
(4) Identify the facility to be constructed, renovated, remodeled, or improved;	77 78
(5) Specify that the project scope meets the intent and purpose of the project appropriation and that the project can be completed and ready to support culture without exceeding appropriated funds;	79 80 81 82
(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;	83 84 85 86
(7) Specify that the agreement or any actions taken under it are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of the Revised Code, and are subject to Chapter 4115. of the Revised Code; and	87 88 89 90 91
(8) Provide that amendments to the agreement shall require the approval of the Ohio facilities construction commission.	92 93
(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 use agreement that includes, but is not limited to, provisions that:	94 95 96 97 98 99 100 101
(1) Specify how the proposed project will support culture;	102
(2) Specify that the funds shall be used only for	103

construction;	104
(3) Specify that not more than three per cent of the funds	105
may be used by the cultural organization to administer the	106
project;	107
(4) Identify the facility to be constructed, renovated,	108
remodeled, or improved;	109
(5) 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 to support culture without exceeding	112
appropriated funds;	113
(6) 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
(7) Specify that the agreement or any actions taken under	118
it are not subject to Chapter 123. 7 <u>or</u> 153. 7 or 4115. of the	119
Revised Code, except for sections 123.20, 123.201, 123.21,	120
123.28, and 123.281 of the Revised Code; and	121
(8) Provide that amendments to the agreement shall require	122
the approval of the Ohio facilities construction commission.	123
(D) For an Ohio sports facility that is financed in part	124
by obligations issued under Chapter 154. of the Revised Code,	125
construction services shall be provided on behalf of the state	126
by or at the direction of the governmental agency or nonprofit	127
corporation that will own or be responsible for the management	128
of the facility. Any construction services to be provided by a	129
governmental agency or nonprofit corporation shall be specified	130
in a cooperative use agreement between the Ohio facilities	131
construction commission and the governmental agency or nonprofit	132

corporation. The agreement and any actions taken under it are 133
not subject to Chapter 123. or 153. of the Revised Code, except 134
for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 135
153.011 of the Revised Code, ~~and are subject to Chapter 4115. of~~ 136
~~the Revised Code.~~ 137

(E) State funds shall not be used to pay or reimburse more 138
than fifteen per cent of the initial estimated construction cost 139
of an Ohio sports facility, excluding any site acquisition cost, 140
and no state funds, including any state bond proceeds, shall be 141
spent on any Ohio sports facility under this chapter unless, 142
with respect to that facility, all of the following apply: 143

(1) The Ohio facilities construction commission has 144
received a financial and development plan satisfactory to it, 145
and provision has been made, by agreement or otherwise, 146
satisfactory to the commission, for a contribution amounting to 147
not less than eighty-five per cent of the total estimated 148
construction cost of the facility, excluding any site 149
acquisition cost, from sources other than the state. 150

(2) The general assembly has specifically authorized the 151
spending of money on, or made an appropriation for, the 152
construction of the facility, or for rental payments relating to 153
state financing of all or a portion of the costs of constructing 154
the facility. Authorization to spend money, or an appropriation, 155
for planning or determining the feasibility of or need for the 156
facility does not constitute authorization to spend money on, or 157
an appropriation for, costs of constructing the facility. 158

(3) If state bond proceeds are being used for the Ohio 159
sports facility, the state or a governmental agency owns or has 160
sufficient property interests in the facility or in the site of 161
the facility or in the portion or portions of the facility 162

financed from proceeds of state bonds, which may include, but is 163
not limited to, the right to use or to require the use of the 164
facility for the presentation of sport and athletic events to 165
the public at the facility. 166

(F) In addition to the requirements of division (E) of 167
this section, no state funds, including any state bond proceeds, 168
shall be spent on any Ohio sports facility that is a motorsports 169
complex, unless, with respect to that facility, both of the 170
following apply: 171

(1) Motorsports events shall be presented at the facility 172
pursuant to a lease entered into with the owner of the facility. 173
The term of the lease shall be for a period of not less than the 174
greater of the useful life of the portion of the facility 175
financed from proceeds of state bonds as determined using the 176
guidelines for maximum maturities as provided under divisions 177
(B) and (C) of section 133.20 of the Revised Code, or the period 178
of time remaining to the date of payment or provision for 179
payment of outstanding state bonds allocable to costs of the 180
facility, all as determined by the director of budget and 181
management and certified by the executive director of the Ohio 182
facilities construction commission and to the treasurer of 183
state. 184

(2) Any motorsports organization that commits to using the 185
facility for an established period of time shall give the 186
political subdivision in which the facility is located not less 187
than six months' advance notice if the organization intends to 188
cease utilizing the facility prior to the expiration of that 189
established period. Such a motorsports organization shall be 190
liable to the state for any state funds used on the construction 191
costs of the facility. 192

(G) In addition to the requirements of division (E) of 193
this section, no state bond proceeds shall be spent on any Ohio 194
sports facility that is a tennis facility, unless the owner or 195
manager of the facility provides contractual commitments from a 196
national or international professional tennis organization in a 197
form acceptable to the Ohio facilities construction commission 198
that assures that one or more sanctioned professional tennis 199
events will be presented at the facility during each year that 200
the bonds remain outstanding. 201

Sec. 164.07. ~~(A)~~ In awarding contracts for capital 202
improvement projects to be financed in whole or in part under 203
this chapter, a local subdivision shall comply with the 204
percentage requirements of section 125.081 of the Revised Code. 205

~~(B) A capital improvement that is financed in whole or in 206
part under this chapter is a public improvement, and a 207
subdivision undertaking a capital improvement is a public 208
authority, for purposes of section 4115.03 of the Revised Code. 209
All contractors and subcontractors working on a capital 210
improvement financed in whole or in part under this chapter 211
shall comply with sections 4115.03 to 4115.16 of the Revised 212
Code. 213~~

Sec. 176.011. This section does not apply to any county 214
having a population exceeding one million persons, according to 215
the United States bureau of the census, ~~on the effective date of 216
this section~~ May 15, 1992, or to any township or municipal 217
corporation located within such a county. 218

(A) A board of county commissioners, a board of township 219
trustees, the chief executive officer of a municipal corporation 220
with the consent of the legislative authority of the municipal 221
corporation, or any combination of these, may do one or both of 222

the following:	223
(1) Create and participate in a nonprofit corporation	224
incorporated under Chapter 1702. of the Revised Code for the	225
purpose of receiving funds from any person to be expended,	226
granted, loaned, or invested for housing purposes, to ensure the	227
efficient use of these funds, and for the coordination of the	228
use of the funds with other local governments. A nonprofit	229
corporation created under division (A) (1) of this section shall	230
not have among its purposes the acquisition, construction, or	231
rehabilitation of housing. All funds received by the nonprofit	232
corporation shall be expended for housing purposes under Section	233
16 of Article VIII, Ohio Constitution, and section 176.04 of the	234
Revised Code.	235
(2) Create and participate in a nonprofit corporation	236
incorporated under Chapter 1702. of the Revised Code for the	237
purpose of acquiring, constructing, or rehabilitating housing	238
under Section 16 of Article VIII, Ohio Constitution, and section	239
176.04 of the Revised Code, or participate in an existing	240
nonprofit corporation whose purpose includes the acquisition,	241
construction, or rehabilitation of housing. A nonprofit	242
corporation created under division (A) (2) of this section shall	243
not have among its purposes any of the purposes for which a	244
nonprofit corporation created under division (A) (1) of this	245
section may be created. The governing board of a nonprofit	246
corporation created under division (A) (2) of this section or in	247
which a county, township, or municipal corporation participates	248
under division (A) (2) of this section shall consist of not more	249
than one-third elected officials or appointees thereof of the	250
county, township, or municipal corporation, or combination	251
thereof, that through the governing boards or chief executive	252
officers create or participate in such corporation.	253

~~Housing acquired, constructed, or rehabilitated by a~~ 254
~~nonprofit corporation created under division (A) (2) of this~~ 255
~~section is a project for purposes of section 176.05 of the~~ 256
~~Revised Code and shall be considered a project undertaken by a~~ 257
~~county, township, or municipal corporation for purposes of~~ 258
~~section 176.05 of the Revised Code.~~ 259

Not more than fifteen per cent of the funds received by a 260
nonprofit corporation created under division (A) (1) or (2) of 261
this section from any county, township, or municipal corporation 262
shall be used for administration and salaries of the nonprofit 263
organization. Funds distributed to the nonprofit corporation 264
from any board of county commissioners, board of township 265
trustees, or municipal corporation shall be considered an 266
expenditure for housing purposes under Section 16 of Article 267
VIII, Ohio Constitution. A nonprofit corporation created under 268
division (A) (1) or (2) of this section is a public body for 269
purposes of section 121.22 of the Revised Code, and is subject 270
to that section. 271

(B) A county, township, or municipal corporation may 272
distribute funds to a nonprofit corporation created under 273
division (A) (1) or (2) of this section that its board or chief 274
executive officer created or in which the board or chief 275
executive officer participates, and no such distribution 276
constitutes a conflict of interest. 277

(C) Service as a member, trustee, officer, employee, or 278
agent of a nonprofit corporation created under division (A) of 279
this section does not constitute a conflict of interest with the 280
following: 281

(1) Employment by or membership on a board of county 282
commissioners or a board of township trustees from which the 283

nonprofit corporation receives funds;	284
(2) Service as the chief executive officer or as a member	285
of the legislative authority of, or employment by, a municipal	286
corporation from which the nonprofit corporation receives funds;	287
(3) Service on a housing advisory board serving any of the	288
political subdivisions named in division (C) of this section.	289
(D) A housing advisory board established or designated by	290
any municipal corporation, county, or township, alone or	291
jointly, shall advise the nonprofit corporation created under	292
division (A) (1) or (2) or both of this section in accordance	293
with sections 176.01 and 176.04 of the Revised Code.	294
Sec. 307.022. (A) The board of county commissioners of any	295
county may do both of the following without following the	296
competitive bidding requirements of section 307.86 of the	297
Revised Code:	298
(1) Enter into a lease, including a lease with an option	299
to purchase, of correctional facilities for a term not in excess	300
of forty years. Before entering into the lease, the board shall	301
publish, once a week for three consecutive weeks in a newspaper	302
of general circulation in the county or as provided in section	303
7.16 of the Revised Code, a notice that the board is accepting	304
proposals for a lease pursuant to this division. The notice	305
shall state the date before which the proposals are required to	306
be submitted in order to be considered by the board.	307
(2) Subject to compliance with this section, grant leases,	308
easements, and licenses with respect to, or sell, real property	309
owned by the county if the real property is to be leased back by	310
the county for use as correctional facilities.	311
The lease under division (A) (1) of this section shall	312

require the county to contract, in accordance with Chapter 153.7, 313
and sections 307.86 to 307.92, ~~and Chapter 4115.~~ of the Revised 314
Code, for the construction, improvement, furnishing, and 315
equipping of correctional facilities to be leased pursuant to 316
this section. Prior to the board's execution of the lease, it 317
may require the lessor under the lease to cause sufficient money 318
to be made available to the county to enable the county to 319
comply with the certification requirements of division (D) of 320
section 5705.41 of the Revised Code. 321

A lease entered into pursuant to division (A) (1) of this 322
section by a board may provide for the county to maintain and 323
repair the correctional facility during the term of the 324
leasehold, may provide for the county to make rental payments 325
prior to or after occupation of the correctional facilities by 326
the county, and may provide for the board to obtain and maintain 327
any insurance that the lessor may require, including, but not 328
limited to, public liability, casualty, builder's risk, and 329
business interruption insurance. The obligations incurred under 330
a lease entered into pursuant to division (A) (1) of this section 331
shall not be considered to be within the debt limitations of 332
section 133.07 of the Revised Code. 333

(B) The correctional facilities leased under division (A) 334
(1) of this section may include any or all of the following: 335

(1) Facilities in which one or more other governmental 336
entities are participating or in which other facilities of the 337
county are included; 338

(2) Facilities acquired, constructed, or renovated by or 339
on behalf of the department of rehabilitation and correction or 340
the department of administrative services, or financed by the 341
treasurer of state, and leased to the county pursuant to section 342

307.021 of the Revised Code;	343
(3) Correctional facilities that are under construction or have been completed and for which no permanent financing has been arranged.	344 345 346
(C) As used in this section:	347
(1) "Correctional facilities" includes, but is not limited to, jails, detention facilities, workhouses, community-based correctional facilities, and family court centers.	348 349 350
(2) " Construction " has the same meaning as in division (B) of section 4115.03 of the Revised Code <u>means any construction, reconstruction, improvement, enlargement, alteration, repair, painting, or decorating of any public improvement performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority.</u>	351 352 353 354 355 356 357
<u>As used in division (C) (2) of this section:</u>	358
(a) <u>"Public improvement" means all buildings, roads, streets, alleys, sewers, ditches, and other structures or works constructed by a public authority or by any person who, pursuant to a contract with a public authority, constructs any structure or work for a public authority. When a public authority rents or leases a newly constructed structure within six months after completion of its construction, any work performed on that structure to suit it for occupancy is a "public improvement."</u>	359 360 361 362 363 364 365 366
(b) <u>"Public authority" means any officer, board, or commission of the state, or any political subdivision of the state, or any institution supported in whole or in part by public funds, authorized to enter into a contract for the construction of a public improvement or to construct a public</u>	367 368 369 370 371

improvement by the direct employment of labor. 372

Sec. 307.671. (A) As used in this section: 373

(1) "Bonds" means, as the context requires: general 374
obligation bonds of the county, or notes in anticipation 375
thereof, described in division (B) (1) (b) of this section; 376
revenue bonds of the port authority described in division (B) (2) 377
(a) of this section; and urban renewal bonds, or notes in 378
anticipation thereof, of the host municipal corporation 379
described in division (B) (3) (a) of this section. 380

(2) "Corporation" means a nonprofit corporation that is 381
organized under the laws of this state and that includes within 382
the purposes for which it is incorporated the authorization to 383
lease and operate facilities such as a port authority 384
educational and cultural facility. 385

(3) "Debt service charges" means, for any period or 386
payable at any time, the principal of and interest and any 387
premium due on bonds for that period or payable at that time 388
whether due at maturity or upon mandatory redemption, together 389
with any required deposits to reserves for the payment of 390
principal of and interest on such bonds, and includes any 391
payments required by the port authority to satisfy any of its 392
obligations arising from any guaranty agreements, reimbursement 393
agreements, or other credit enhancement agreements described in 394
division (C) of this section. 395

(4) "Host municipal corporation" means the municipal 396
corporation within the boundaries of which the port authority 397
educational and cultural facility is located. 398

(5) "Port authority" means a port authority created 399
pursuant to the authority of section 4582.02 of the Revised Code 400

by a county and a host municipal corporation. 401

(6) "Port authority educational and cultural facility" 402
means a facility located within an urban renewal area that may 403
consist of a museum, archives, library, hall of fame, center for 404
contemporary music, or other facilities necessary to provide 405
programs of an educational and cultural nature, together with 406
all parking facilities, walkways, and other auxiliary 407
facilities, real and personal property, property rights, 408
easements, and interests that may be appropriate for, or used in 409
connection with, the operation of the facility. 410

(7) "Urban renewal area" means an area of a host municipal 411
corporation that the legislative authority of the host municipal 412
corporation has, at any time, designated as appropriate for an 413
urban renewal project pursuant to Chapter 725. of the Revised 414
Code. 415

(B) The board of county commissioners of a county, a port 416
authority, and a host municipal corporation may enter into a 417
cooperative agreement with a corporation, under which: 418

(1) The board of county commissioners agrees to do all of 419
the following: 420

(a) Levy a tax under division (D) of section 5739.09 of 421
the Revised Code exclusively for the purposes described in 422
divisions (B)(1)(c) and (d) of this section; 423

(b) Issue general obligation bonds of the county, or notes 424
in anticipation thereof, pursuant to Chapter 133. of the Revised 425
Code, for the purpose of acquiring, constructing, and equipping 426
the port authority educational and cultural facility and 427
contribute the proceeds from the issuance to the port authority 428
for such purpose. The cooperative agreement may provide that 429

such proceeds be deposited with and administered by the trustee 430
pursuant to the trust agreement provided for in division (C) of 431
this section. 432

(c) Following the issuance, sale, and delivery of the port 433
authority revenue bonds provided for in division (B) (2) (a) of 434
this section, and prior to the date certain stated in the 435
cooperative agreement which shall be the date estimated for the 436
completion of construction of the port authority educational and 437
cultural facility, pledge and contribute to the port authority 438
revenue from the tax levied pursuant to division (B) (1) (a) of 439
this section, together with any investment earnings on that 440
revenue, to pay a portion of the costs of acquiring, 441
constructing, and equipping the port authority educational and 442
cultural facility; 443

(d) Following such date certain, pledge and contribute to 444
the corporation all or such portion as provided for in the 445
cooperative agreement of the revenue from the tax, together with 446
any investment earnings on that revenue, to pay a portion of the 447
costs of the corporation of leasing the port authority 448
educational and cultural facility from the port authority. 449

(2) The port authority agrees to do all of the following: 450

(a) Issue revenue bonds of the port authority pursuant to 451
Chapter 4582. of the Revised Code for the purpose of acquiring, 452
constructing, and equipping the port authority educational and 453
cultural facility; 454

(b) Construct the port authority educational and cultural 455
facility; 456

(c) Lease the port authority educational and cultural 457
facility to the corporation; 458

(d) To the extent provided for in the cooperative 459
agreement or the lease to the corporation, authorize the 460
corporation to administer on behalf of the port authority the 461
contracts for acquiring, constructing, or equipping a port 462
authority educational and cultural facility; 463

(e) Use the revenue derived from the lease of the port 464
authority educational and cultural facility to the corporation 465
solely to pay debt service charges on the revenue bonds of the 466
port authority described in division (B) (2) (a) of this section. 467

(3) The host municipal corporation agrees to do both of 468
the following: 469

(a) Issue urban renewal bonds of the host municipal 470
corporation, or notes in anticipation thereof, pursuant to 471
Chapter 725. of the Revised Code for the purpose of acquiring 472
and constructing the port authority educational and cultural 473
facility and contribute the proceeds from the issuance to the 474
port authority for such purpose. The cooperative agreement may 475
provide that such proceeds be deposited with and administered by 476
the trustee pursuant to the trust agreement provided for in 477
division (C) of this section. 478

(b) To the extent provided for in the cooperative 479
agreement, contribute to the county, for use by the county to 480
pay debt service charges on the bonds of the county, or notes in 481
anticipation thereof, described in division (B) (1) (b) of this 482
section, any excess urban renewal service payments pledged by 483
the host municipal corporation to the urban renewal bonds 484
described in division (B) (3) (a) of this section and not required 485
on an annual basis to pay debt service charges on the urban 486
renewal bonds. 487

(4) The corporation agrees to do all of the following:	488
(a) Lease the port authority educational and cultural facility from the port authority;	489 490
(b) Operate and maintain the port authority educational and cultural facility pursuant to the lease;	491 492
(c) To the extent provided for in the cooperative agreement or the lease from the port authority, administer on behalf of the port authority the contracts for acquiring, constructing, or equipping a port authority educational and cultural facility.	493 494 495 496 497
(C) The pledges and contributions described in divisions (B) (1) (c) and (d) of this section and provided for in the cooperative agreement shall be for the period stated in the cooperative agreement, but shall not be in excess of the period 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.	498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515
The cooperative agreement shall provide that any revenue	516

bonds of the port authority shall be secured by a trust 517
agreement between the port authority and a corporate trustee 518
that is a trust company or bank having the powers of a trust 519
company within or outside the state. The county may be a party 520
to such trust agreement for the purpose of securing the pledge 521
by the county of its contribution to the corporation pursuant to 522
division (B) (1) (d) of this section. A tax levied pursuant to 523
division (B) (1) (a) of this section is not subject to diminution 524
by initiative or referendum or diminution by statute, unless 525
provision is made therein for an adequate substitute therefor 526
reasonably satisfactory to the trustee under the trust agreement 527
that secures the revenue bonds of the port authority. 528

(D) A pledge of money by a county under this section shall 529
not be net indebtedness of the county for purposes of section 530
133.07 of the Revised Code. 531

(E) If the terms of the cooperative agreement so provide, 532
any contract for the acquisition, construction, or equipping of 533
a port authority educational and cultural facility shall be made 534
in such manner as is determined by the board of directors of the 535
port authority, and unless the cooperative agreement provides 536
otherwise, such a contract is not subject to division (A) of 537
section 4582.12 of the Revised Code. The port authority may take 538
the assignment of and assume any contracts for the acquisition, 539
construction, and equipping of a port authority educational and 540
cultural facility that previously have been authorized by either 541
or both the host municipal corporation or the corporation. Such 542
contracts likewise are not subject to division (A) of section 543
4582.12 of the Revised Code. 544

~~Any contract for the acquisition, construction, or~~ 545
~~equipping of a port authority educational and cultural facility~~ 546

~~entered into, assigned, or assumed pursuant to this division~~ 547
~~shall provide that all laborers and mechanics employed for the~~ 548
~~acquisition, construction, or equipping of the port authority~~ 549
~~educational and cultural facility shall be paid at the~~ 550
~~prevailing rates of wages of laborers and mechanics for the~~ 551
~~class of work called for by the port authority educational and~~ 552
~~cultural facility, which wages shall be determined in accordance~~ 553
~~with the requirements of Chapter 4115. of the Revised Code for~~ 554
~~the determination of prevailing wage rates.~~ 555

Sec. 307.673. This section applies only in a county in 556
which a tax is levied under section 307.697, 4301.421, 5743.024, 557
or 5743.323 of the Revised Code on July 19, 1995. 558

(A) As used in this section: 559

(1) "County taxes" means taxes levied by a board of county 560
commissioners under division (D) of section 307.697, division 561
(B) of section 4301.421, division (C) of section 5743.024, and 562
section 5743.323 of the Revised Code. 563

(2) "Corporation" means a nonprofit corporation organized 564
under the laws of this state and that includes among the 565
purposes for which it is incorporated the authority to acquire, 566
construct, renovate, repair, equip, lease, manage, or operate a 567
sports facility. 568

(3) "Cooperative agreement" means an agreement entered 569
into pursuant to this section. 570

(4) "Cost of a sports facility" means the cost of 571
acquiring, constructing, renovating, repairing, equipping, or 572
improving one or more sports facilities, including 573
reconstructing, rehabilitating, remodeling, and enlarging; the 574
cost of equipping and furnishing such a facility; and all 575

financing costs pertaining thereto, including the cost of 576
engineering, architectural, and other professional services, 577
designs, plans, specifications and surveys, and estimates of 578
costs; the costs of refinancing obligations issued by, or 579
reimbursement of money advanced by, the parties to the 580
cooperative agreement or other persons, the proceeds of which 581
obligations were used to pay the costs of the sports facility; 582
the cost of tests and inspections; the cost of any indemnity or 583
surety bonds and premiums on insurance, all related direct and 584
administrative costs pertaining thereto, fees and expenses of 585
trustees, depositories, and paying agents for the obligations, 586
capitalized interest on the obligations, amounts necessary to 587
establish reserves as required by the obligation proceedings, 588
the reimbursement of money advanced or applied by the parties to 589
the cooperative agreement or other persons for the payment of 590
any item of costs of the sports facility, and all other expenses 591
necessary or incident to planning or determining the feasibility 592
or practicability with respect to the sports facility; and any 593
other such expenses as may be necessary or incident to the 594
acquisition, construction, reconstruction, rehabilitation, 595
remodeling, renovation, repair, enlargement, improvement, 596
equipping, and furnishing of the sports facility, the financing 597
of the sports facility, placing the sports facility in use and 598
operation, including any one, part of, or combination of such 599
classes of costs and expenses. 600

(5) "Financing costs" has the same meaning as in section 601
133.01 of the Revised Code. 602

(6) "Obligations" means obligations issued or incurred to 603
pay the cost of a sports facility, including bonds, notes, 604
certificates of indebtedness, commercial paper, and other 605
instruments in writing, anticipatory securities as defined in 606

section 133.01 of the Revised Code, issued or incurred by an 607
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 608
this section, or otherwise, to evidence the issuer's obligation 609
to repay borrowed money, or to pay interest, by, or to pay at 610
any future time other money obligations of, the issuer of the 611
obligations, including obligations of an issuer or lessee to 612
make payments under an installment sale, lease, lease-purchase, 613
or similar agreement. 614

(7) "Owner" means any person that owns or operates a 615
professional athletic or sports team, that is party to a 616
cooperative agreement, or that has a lease or other agreement 617
with a party to a cooperative agreement, and that commits to use 618
the sports facility that is the subject of the cooperative 619
agreement for all of the team's home games for the period 620
specified in that agreement. 621

(8) "Payments," when used with reference to obligations, 622
means payments of the principal, including any mandatory sinking 623
fund deposits and mandatory redemption payments, interest and 624
any redemption premium, and lease rentals, lease-purchase 625
payments and other amounts payable under obligations in the form 626
of installment sale, lease, lease-purchase, or similar 627
agreements. 628

(9) "Person" has the same meaning as defined in section 629
133.01 of the Revised Code. 630

(10) "Port authority" means a port authority created under 631
Chapter 4582. of the Revised Code. 632

(11) "Sports facility" means a facility, including a 633
stadium, that is intended to house or provide a site for one or 634
more major league professional athletic or sports teams or 635

activities, together with all spectator facilities, parking 636
facilities, walkways, and auxiliary facilities, real and 637
personal property, property rights, easements, leasehold 638
estates, and interests that may be appropriate for, or used in 639
connection with, the operation of the sports facility. 640

(B) The board of county commissioners of a county, the 641
legislative authority of a municipal corporation, a port 642
authority, a corporation, and an owner, or any combination 643
thereof, may enter into one or more cooperative agreements under 644
which the parties enter into one or more of the agreements 645
described in divisions (B) (1) to (5) of this section. 646

(1) The board of county commissioners agrees to do one or 647
more of the following: 648

(a) Levy a tax under division (D) of section 307.697, 649
division (B) of section 4301.421, division (C) of section 650
5743.024, and section 5743.323 of the Revised Code and make 651
available all or a portion of the revenue from those taxes for 652
the payment of the cost of the sports facility or to make 653
payments on obligations; 654

(b) Issue or incur obligations of the county pursuant to 655
Chapter 133. of the Revised Code or this section; 656

(c) Make available all or a portion of the revenue from 657
those taxes or of the proceeds from the issuance of those 658
obligations to the municipal corporation, port authority, 659
corporation, or otherwise for the payment of the cost of a 660
sports facility or the payment of obligations; 661

(d) Acquire, construct, renovate, repair, equip, lease to 662
or from another person, and operate, directly or by a lease or 663
management contract with another person, one or more sports 664

facilities; 665

(e) To the extent provided in the cooperative agreement or 666
a lease with respect to a sports facility, authorize the 667
municipal corporation, port authority, corporation, or owner to 668
administer contracts for designing, planning, acquiring, 669
constructing, renovating, repairing, or equipping a sports 670
facility. 671

(2) The port authority agrees to do one or more of the 672
following: 673

(a) Issue or incur obligations of the port authority 674
pursuant to Chapter 133. or 4582. of the Revised Code or this 675
section; 676

(b) Make available all or a portion of the proceeds from 677
the issuance of those obligations to the municipal corporation, 678
county, or corporation for the payment of the cost of a sports 679
facility or the payment of obligations; 680

(c) Acquire, construct, renovate, repair, equip, lease to 681
or from another person, and operate, directly or by a lease or 682
management contract with another person, one or more sports 683
facilities; 684

(d) To the extent provided in the cooperative agreement or 685
a lease with respect to a sports facility, authorize the 686
municipal corporation, county, corporation, or owner to 687
administer contracts for designing, planning, acquiring, 688
constructing, renovating, repairing, or equipping a sports 689
facility. 690

(3) The legislative authority of the municipal corporation 691
agrees to do one or more of the following: 692

(a) Make available the revenue from taxes levied by the legislative authority for the payment of the cost of a sports facility or to make payments on obligations;	693 694 695
(b) Issue or incur obligations of the municipal corporation pursuant to Chapter 133. of the Revised Code or otherwise;	696 697 698
(c) Make available all or a portion of the proceeds from the issuance of those obligations to the county, port authority, corporation, or otherwise for the payment of the cost of a sports facility or the payment of obligations;	699 700 701 702
(d) Acquire, construct, renovate, repair, equip, lease to or from another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities;	703 704 705 706
(e) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, authorize the county, port authority, corporation, or owner to administer contracts for designing, planning, acquiring, constructing, renovating, repairing, or equipping a sports facility.	707 708 709 710 711
(4) The corporation agrees to do one or more of the following:	712 713
(a) Issue or incur obligations;	714
(b) Make available all or a portion of the proceeds from the issuance of those obligations to the county, port authority, municipal corporation, or otherwise for the payment of the cost of a sports facility or the payment of obligations;	715 716 717 718
(c) Acquire, construct, renovate, repair, equip, lease to or from another person, and operate, directly or by a lease or	719 720

management contract with another person, one or more sports 721
facilities; 722

(d) To the extent provided in the cooperative agreement or 723
a lease with respect to a sports facility, agree that the 724
corporation will administer contracts for designing, planning, 725
acquiring, constructing, renovating, repairing, or equipping a 726
sports facility. 727

(5) The owner agrees to do one or more of the following: 728

(a) Use the sports facility that is the subject of the 729
cooperative agreement for all of the home games of the owner's 730
professional athletic or sports team for a specified period; 731

(b) Administer contracts for designing, planning, 732
acquiring, constructing, renovating, repairing, or equipping a 733
sports facility. 734

(C) Any obligations may be secured by a trust agreement 735
between the issuer of obligations and a corporate trustee that 736
is a trust company or bank having the powers of a trust company 737
in or outside this state and authorized to exercise corporate 738
trust powers in this state. Proceeds from the issuance of any 739
obligations or the taxes levied and collected by any party to 740
the cooperative agreement may be deposited with and administered 741
by a trustee pursuant to the trust agreement. 742

~~(D) Any contract for the acquisition, construction, 743
renovation, repair, or equipping of a sports facility entered- 744
into, assigned, or assumed under this section shall provide that- 745
all laborers and mechanics employed in the acquisition, 746
construction, renovation, repair, or equipping of the sports- 747
facility shall be paid at the prevailing rates of wages of- 748
laborers and mechanics for the class of work called for, as- 749~~

~~those wages are determined in accordance with Chapter 4115. of~~ 750
~~the Revised Code.~~ 751

Sec. 307.674. (A) As used in this section: 752

(1) "Bonds" means: 753

(a) Revenue bonds of the port authority described in 754
division (B) (2) (a) of this section; 755

(b) Securities as defined in division (KK) of section 756
133.01 of the Revised Code issued by the host municipal 757
corporation, described in division (B) (3) (a) of this section; 758

(c) Any bonds issued to refund any of those revenue bonds 759
or securities. 760

(2) "Corporation" means a nonprofit corporation that is 761
organized under the laws of this state and that includes within 762
the purposes for which it is incorporated the authorization to 763
lease and operate facilities such as a port authority 764
educational and cultural performing arts facility. 765

(3) "Cost," as applied to a port authority educational and 766
cultural performing arts facility, means the cost of acquiring, 767
constructing, renovating, rehabilitating, equipping, or 768
improving the facility, or any combination of those purposes, 769
collectively referred to in this section as "construction," and 770
the cost of acquisition of all land, rights of way, property 771
rights, easements, franchise rights, and interests required for 772
those purposes, the cost of demolishing or removing any 773
buildings or structures on land so acquired, including the cost 774
of acquiring any land to which those buildings or structures may 775
be moved, the cost of public utility and common carrier 776
relocation or duplication, the cost of all machinery, 777
furnishings, and equipment, financing charges, interest prior to 778

and during construction and for not more than three years after 779
completion of construction, costs arising under guaranty 780
agreements, reimbursement agreements, or other credit 781
enhancement agreements relating to bonds, engineering, expenses 782
of research and development with respect to such facility, legal 783
expenses, plans, specifications, surveys, studies, estimates of 784
costs and revenues, other expenses necessary or incident to 785
determining the feasibility or practicability of acquiring or 786
constructing the facility, administrative expense, and other 787
expenses as may be necessary or incident to that acquisition or 788
construction and the financing of such acquisition or 789
construction, including, with respect to the revenue bonds of a 790
port authority, amounts to be paid into any special funds from 791
the proceeds of those bonds, and repayments to the port 792
authority, host county, host municipal corporation, or 793
corporation of any amounts advanced for the foregoing purposes. 794

(4) "Debt service charges" means, for any period or 795
payable at any time, the principal of and interest and any 796
premium due on bonds for that period or payable at that time 797
whether due at maturity or upon mandatory redemption, together 798
with any required deposits to reserves for the payment of 799
principal of and interest on those bonds, and includes any 800
payments required by the port authority to satisfy any of its 801
obligations under or arising from any guaranty agreements, 802
reimbursement agreements, or other credit enhancement agreements 803
described in division (C) of this section. 804

(5) "Host county" means the county within the boundaries 805
of which the port authority educational and cultural performing 806
arts facility is or will be located. 807

(6) "Host municipal corporation" means the municipal 808

corporation within the boundaries of which the port authority 809
educational and cultural performing arts facility is or will be 810
located. 811

(7) "Port authority" means a port authority created 812
pursuant to section 4582.22 of the Revised Code. 813

(8) "Port authority educational and cultural performing 814
arts facility" means a facility that consists of a center for 815
music or other performing arts, a theater or other facilities to 816
provide programs of an educational, recreational, or cultural 817
nature, or any combination of those purposes as determined by 818
the parties to the cooperative agreement for which provision is 819
made in division (B) of this section to fulfill the public 820
educational, recreational, and cultural purposes set forth 821
therein, together with all parking facilities, walkways, and 822
other auxiliary facilities, real and personal property, property 823
rights, easements, and interests that may be appropriate for, or 824
used in connection with, the operation of the facility. 825

(B) A host county, a host municipal corporation, and a 826
port authority may enter into a cooperative agreement with a 827
corporation under which, as further provided for in that 828
agreement: 829

(1) The host county may agree to do any or all of the 830
following: 831

(a) Levy and collect a tax under division (E) and division 832
(F) of section 5739.09 of the Revised Code for the purposes, and 833
in an amount sufficient for those purposes, described in 834
divisions (B) (1) (b) and (c) of this section; 835

(b) Pay to the port authority all or such portion as 836
provided for in the cooperative agreement of the revenue from 837

the tax, together with any investment earnings on that revenue, 838
to be used to pay a portion of the costs of acquiring, 839
constructing, renovating, rehabilitating, equipping, or 840
improving the port authority educational and cultural performing 841
arts facility; 842

(c) Pledge and pay to the corporation all or such portion 843
as provided for in the cooperative agreement of the revenue from 844
the tax, together with any investment earnings on that revenue, 845
to be used to pay a portion of the costs to the corporation of 846
leasing the port authority educational and cultural performing 847
arts facility from the port authority. 848

(2) The port authority may agree to do any or all of the 849
following: 850

(a) Issue its revenue bonds pursuant to section 4582.48 of 851
the Revised Code for the purpose of paying all or a portion of 852
the costs of the port authority educational and cultural 853
performing arts facility; 854

(b) Acquire, construct, renovate, rehabilitate, equip, and 855
improve the port authority educational and cultural performing 856
arts facility; 857

(c) Lease the port authority educational and cultural 858
performing arts facility to the corporation; 859

(d) To the extent provided for in the cooperative 860
agreement or the lease to the corporation, authorize the 861
corporation to administer on behalf of the port authority the 862
contracts for acquiring, constructing, renovating, 863
rehabilitating, or equipping the port authority educational and 864
cultural performing arts facility; 865

(e) Use the revenue derived from the lease of the port 866

authority educational and cultural performing arts facility to 867
the corporation solely to pay debt service charges on revenue 868
bonds of the port authority issued pursuant to division (B) (2) 869
(a) of this section and to pay its obligations under or arising 870
from any guaranty agreements, reimbursement agreements, or other 871
credit enhancement agreements provided for in this section. 872

(3) The host municipal corporation may agree to do either 873
or both of the following: 874

(a) Issue its bonds for the purpose of paying all or a 875
portion of the costs of the port authority educational and 876
cultural performing arts facility, and pay the proceeds from the 877
issuance to the port authority for that purpose; 878

(b) Enter into a guaranty agreement, a reimbursement 879
agreement, or other credit enhancement agreement with the port 880
authority to provide a guaranty or other credit enhancement of 881
the port authority revenue bonds referred to in division (B) (2) 882
(a) of this section pledging taxes, other than ad valorem 883
property taxes, or other revenues for the purpose of providing 884
the funds required to satisfy the host municipal corporation's 885
obligations under that agreement. 886

The cooperative agreement may provide that the proceeds of 887
such securities or of such guaranty agreement, reimbursement 888
agreement, or other credit enhancement agreement be deposited 889
with and administered by the trustee pursuant to the trust 890
agreement authorized in division (C) of this section. 891

(4) The corporation may agree to do any or all of the 892
following: 893

(a) Lease the port authority educational and cultural 894
performing arts facility from the port authority; 895

(b) Operate and maintain the port authority educational 896
and cultural performing arts facility pursuant to the lease; 897

(c) To the extent provided for in the cooperative 898
agreement or the lease from the port authority, administer on 899
behalf of the port authority the contracts for acquiring, 900
constructing, renovating, rehabilitating, or equipping the port 901
authority educational and cultural performing arts facility. 902

(C) The pledge and payments referred to in divisions (B) 903
(1)(b) and (c) of this section and provided for in the 904
cooperative agreement shall be for the period stated in the 905
cooperative agreement but shall not extend longer than the 906
period necessary to provide for the final retirement of the port 907
authority revenue bonds referred to in division (B)(2)(a) of 908
this section, and for the satisfaction by the port authority of 909
any of its obligations under or arising from any guaranty 910
agreements, reimbursement agreements, or other credit 911
enhancement agreements relating to those bonds or to the 912
revenues pledged to them. The cooperative agreement shall 913
provide for the termination of the cooperative agreement, 914
including the pledge and payment referred to in division (B)(1) 915
(c) of this section, if the port authority revenue bonds 916
referred to in division (B)(2)(a) of this section have not been 917
issued, sold, and delivered within five years of the effective 918
date of the cooperative agreement. 919

The cooperative agreement shall provide that any port 920
authority revenue bonds shall be secured by a trust agreement 921
between the port authority and a corporate trustee that is a 922
trust company or bank having the powers of a trust company 923
within or outside the state but authorized to exercise trust 924
powers within the state. The host county may be a party to that 925

trust agreement for the purpose of better securing the pledge by 926
the host county of its payment to the corporation pursuant to 927
division (B) (1) (c) of this section. A tax levied pursuant to 928
section 5739.09 of the Revised Code for the purposes specified 929
in division (B) (1) (b) or (c) of this section is not subject to 930
diminution by initiative or referendum or diminution by statute, 931
unless provision is made for an adequate substitute reasonably 932
satisfactory to the trustee under the trust agreement that 933
secures the port authority revenue bonds. 934

(D) A pledge of money by a host county under this section 935
shall not be net indebtedness of the host county for purposes of 936
section 133.07 of the Revised Code. A guaranty or other credit 937
enhancement by a host municipal corporation under this section 938
shall not be net indebtedness of the host municipal corporation 939
for purposes of section 133.05 of the Revised Code. 940

(E) If the terms of the cooperative agreement so provide, 941
any contract for the acquisition, construction, renovation, 942
rehabilitation, equipping, or improving of a port authority 943
educational and cultural performing arts facility shall be made 944
in such manner as is determined by the board of directors of the 945
port authority, and unless the cooperative agreement provides 946
otherwise, such a contract is not subject to division ~~(R) (2) (A)~~ 947
(18) (b) of section 4582.31 of the Revised Code. The port 948
authority may take the assignment of and assume any contracts 949
for the acquisition, construction, renovation, rehabilitation, 950
equipping, or improving of a port authority educational and 951
cultural performing arts facility that had previously been 952
authorized by any of the host county, the host municipality, or 953
the corporation. Such contracts are not subject to division ~~(R)~~ 954
~~(2) (A)~~ (18) (b) of section 4582.31 of the Revised Code. 955

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

Notwithstanding any provisions to the contrary in section 123.281 of the Revised Code, construction services and general building services for a port authority educational and cultural performing arts facility funded completely or in part with money appropriated by the state to the Ohio facilities construction commission may be provided by a port authority or a corporation that occupies, will occupy, or is responsible for that facility, as determined by the commission. The construction services and general building services to be provided by the port authority or the corporation shall be specified in an agreement between the commission and the port authority or corporation. That agreement, or any actions taken under it, are not subject to Chapters 123. or 153. of the Revised Code, ~~but are subject to Chapter 4115. of the Revised Code.~~

Sec. 307.696. (A) As used in this section: 983

(1) "County taxes" means taxes levied by the county 984
pursuant to sections 307.697, 4301.421, 5743.024, and 5743.323 985

of the Revised Code.	986
(2) "Corporation" means a nonprofit corporation that is	987
organized under the laws of this state for the purposes of	988
operating or constructing and operating a sports facility in the	989
county and that may also be organized under the laws of this	990
state for the additional purposes of conducting redevelopment	991
and economic development activities within the host municipal	992
corporation.	993
(3) "Sports facility" means a sports facility that is	994
intended to house major league professional athletic teams,	995
including a stadium, together with all parking facilities,	996
walkways, and other auxiliary facilities, real and personal	997
property, property rights, easements, and interests that may be	998
appropriate for, or used in connection with, the operation of	999
the facility.	1000
(4) "Construction" includes, but is not limited to,	1001
providing fixtures, furnishings, and equipment and providing for	1002
capital repairs and improvements.	1003
(5) "Debt service charges" means the interest, principal,	1004
premium, if any, carrying and redemption charges, and expenses	1005
on bonds issued by either the county or the corporation to:	1006
(a) Construct a sports facility or provide for related	1007
redevelopment or economic development as provided in this	1008
section;	1009
(b) Acquire real and personal property, property rights,	1010
easements, or interests that may be appropriate for, or used in	1011
connection with, the operation of the facility; and	1012
(c) Make site improvements to real property, including,	1013
but not limited to, demolition, excavation, and installation of	1014

footers, pilings, and foundations. 1015

(6) "Host municipal corporation" means the municipal 1016
corporation within the boundaries of which the sports facility 1017
is located, and with which a national football league, major 1018
league baseball, or national basketball association sports 1019
franchise is associated on March 20, 1990. 1020

(B) A board of county commissioners of a county that 1021
levies a tax under section 307.697, 4301.421, or 5743.024 of the 1022
Revised Code may enter into an agreement with a corporation 1023
operating in the county, and, if there is a host municipal 1024
corporation all or a part of which is located in the county, 1025
shall enter into an agreement with a corporation operating in 1026
the county and the host municipal corporation, under which: 1027

(1) (a) The corporation agrees to construct and operate a 1028
sports facility in the county and to pledge and contribute all 1029
or any part of the revenues derived from its operation, as 1030
specified in the agreement, for the purposes described in 1031
division (C) (1) of this section; and 1032

(b) The board agrees to levy county taxes and pledge and 1033
contribute any part or all of the revenues therefrom, as 1034
specified in the agreement, for the purposes described in 1035
division (C) (1) of this section; or 1036

(2) (a) The corporation agrees to operate a sports facility 1037
constructed by the county and to pledge and contribute all or 1038
any part of the revenues derived from its operation, as 1039
specified in the agreement, for the purposes described in 1040
division (C) (2) of this section; and 1041

(b) The board agrees to issue revenue bonds of the county, 1042
use the proceeds from the sale of the bonds to construct a 1043

sports facility in the county, and to levy county taxes and 1044
pledge and contribute all or any part of the revenues therefrom, 1045
as specified in the agreement, for the purposes described in 1046
division (C) (2) of this section; and, if applicable 1047

(3) The host municipal corporation agrees to expend the 1048
unused pledges and contributions and surplus revenues as 1049
described in divisions (C) (1) and (2) of this section for 1050
redevelopment and economic development purposes related to the 1051
sports facility. 1052

(C) (1) The primary purpose of the pledges and 1053
contributions described in division (B) (1) of this section is 1054
payment of debt service charges. To the extent the pledges and 1055
contributions are not used by the county or corporation for 1056
payment of debt service charges, the county or corporation, 1057
pursuant to the agreement provided for in division (B) of this 1058
section, shall provide the unused pledges and contributions, 1059
together with surplus revenues of the sports facility not needed 1060
for debt service charges or the operation and maintenance of the 1061
sports facility, to the host municipal corporation, or a 1062
nonprofit corporation, which may be the corporation acting on 1063
behalf of the host municipal corporation, for redevelopment and 1064
economic development purposes related to the sports facility. If 1065
the county taxes are also levied for the purpose of making 1066
permanent improvements, the agreement shall include a schedule 1067
of annual pledges and contributions by the county for the 1068
payment of debt service charges. The county's pledge and 1069
contribution provided for in the agreement shall be for the 1070
period stated in the agreement but not to exceed twenty years. 1071
The agreement shall provide that any such bonds and notes shall 1072
be secured by a trust agreement between the corporation or other 1073
bond issuer and a corporate trustee that is a trust company or 1074

bank having the powers of a trust company within or without the 1075
state, and the trust agreement shall pledge or assign to the 1076
retirement of the bonds or notes, all moneys paid by the county 1077
for that purpose under this section. A county tax, all or any 1078
part of the revenues from which are pledged under an agreement 1079
entered into by a board of county commissioners under this 1080
section shall not be subject to diminution by initiative or 1081
referendum, or diminution by statute, unless provision is made 1082
therein for an adequate substitute therefor reasonably 1083
satisfactory to the trustee under the trust agreement that 1084
secures the bonds and notes. 1085

(2) The primary purpose of the pledges and contributions 1086
described in division (B) (2) of this section is payment of debt 1087
service charges. To the extent the pledges and contributions are 1088
not used by the county for payment of debt service charges, the 1089
county or corporation, pursuant to the agreement provided for in 1090
division (B) of this section, shall provide the unused pledges 1091
and contributions, together with surplus revenues of the sports 1092
facility not needed for debt service charges or the operation 1093
and maintenance of the sports facility, to the host municipal 1094
corporation, or a nonprofit corporation, which may be the 1095
corporation, acting on behalf of the host municipal corporation, 1096
for redevelopment and economic development purposes related to 1097
the sports facility. The corporation's pledge and contribution 1098
provided for in the agreement shall be until all of the bonds 1099
issued for the construction of the facility have been retired. 1100

(D) A pledge of money by a county under this section shall 1101
not be indebtedness of the county for purposes of Chapter 133. 1102
of the Revised Code. 1103

(E) If the terms of the agreement so provide, the board of 1104

county commissioners may acquire, make site improvements to, 1105
including, but not limited to, demolition, excavation, and 1106
installation of footers, pilings, and foundations, and lease 1107
real property for the sports facility to a corporation that 1108
constructs a sports facility under division (B)(1) of this 1109
section. The agreement shall specify the term, which shall not 1110
exceed thirty years and shall be on such terms as are set forth 1111
in the agreement. The purchase, improvement, and lease may be 1112
the subject of an agreement between the county and a municipal 1113
corporation located within the county pursuant to section 153.61 1114
or 307.15 of the Revised Code, and are not subject to the 1115
limitations of sections 307.02 and 307.09 of the Revised Code. 1116

(F) The corporation shall not enter into any construction 1117
contract or contract for the purchase of services for use in 1118
connection with the construction of a sports facility prior to 1119
the corporation's adoption and implementation of a policy on the 1120
set aside of contracts for bidding by or award to minority 1121
business enterprises, as defined in division (E)(1) of section 1122
122.71 of the Revised Code. ~~Sections 4115.03 to 4115.16 of the~~ 1123
~~Revised Code apply to a sports facility constructed under this~~ 1124
~~section.~~ 1125

(G) Not more than one-half of the total costs, including 1126
debt service charges and cost of operation, of a project 1127
undertaken pursuant to an agreement entered into under division 1128
(B) of this section shall be paid from county taxes. Nothing in 1129
this section authorizes the use of revenues from county taxes or 1130
proceeds from the sale of bonds issued by the board of county 1131
commissioners for payment of costs of operation of a sports 1132
facility. 1133

~~Sec. 351.06. A facility to be constructed pursuant to this~~ 1134

~~chapter is a public improvement and a convention facilities-~~ 1135
~~authority is a public authority for purposes of section 4115.03-~~ 1136
~~of the Revised Code. All contractors and subcontractors working-~~ 1137
~~on such facilities are subject to and shall comply with sections-~~ 1138
~~4115.03 to 4115.16 of the Revised Code.~~ A convention facilities 1139
authority is a contracting authority for purposes of sections 1140
307.86 to 307.91 of the Revised Code. 1141

No convention facilities authority shall construct a 1142
facility under this chapter unless the plans for the facility 1143
provide for parking and transportation determined by the board 1144
of county commissioners as adequate to serve that facility. 1145

A convention facilities authority may do all of the 1146
following: 1147

(A) Adopt bylaws for the regulation of its affairs and the 1148
conduct of its business; 1149

(B) Adopt an official seal; 1150

(C) Maintain a principal office within its territory; 1151

(D) Acquire, purchase, construct, reconstruct, enlarge, 1152
furnish, equip, maintain, repair, sell, exchange, lease or rent 1153
to, lease or rent from, operate, or contract for the operation 1154
by others of, facilities within its territory, and make charges 1155
for the use of the facilities; 1156

(E) Make available the use or services of any facility to 1157
persons or governmental agencies on such terms and conditions as 1158
the authority shall determine; 1159

(F) By resolution of its board of directors, issue 1160
convention facilities authority revenue bonds beyond the limit 1161
of bonded indebtedness provided by law, payable solely from 1162

revenues as provided in section 351.14 of the Revised Code, 1163
unless the bonds are refunded by refunding bonds, for the 1164
purpose of providing funds to pay the costs of any facility or 1165
facilities or parts of any facility or facilities, and, if 1166
moneys raised by taxation are not obligated or pledged for the 1167
payment of those revenue bonds, to pay the costs of any facility 1168
or facilities or parts of any facility or facilities pursuant to 1169
Section 13 of Article VIII, Ohio Constitution, and in order to 1170
create or preserve jobs and employment opportunities and improve 1171
the economic welfare of the people of the state; 1172

(G) Maintain such funds as it determines necessary; 1173

(H) Direct its agents or employees, when properly 1174
identified in writing and after at least five days' written 1175
notice, to enter upon lands within its territory in order to 1176
make surveys and examinations preliminary to location and 1177
construction of facilities, or other work for the purposes of 1178
the convention facilities authority, without liability of the 1179
authority or its agents or employees except for actual damage 1180
done; 1181

(I) Promote, advertise, and publicize the authority and 1182
its facilities; 1183

(J) (1) Adopt rules, not in conflict with general law, 1184
governing the use of its property, grounds, buildings, 1185
equipment, and facilities, and the conduct of its employees and 1186
the public, in order to promote the public safety and 1187
convenience in and about its facilities and grounds, and to 1188
maintain order. Any such rule shall be posted at a prominent 1189
place in each of the buildings or facilities to which it 1190
applies. 1191

(2) No person shall violate any lawful rule adopted and 1192
posted as provided in this division. 1193

(K) Acquire by gift or purchase, hold, lease, and dispose 1194
of real and personal property and interests in the property in 1195
the exercise of its powers and the performance of its duties 1196
under this chapter; 1197

(L) Acquire, in the name of the authority, by purchase or 1198
otherwise, on such terms and in such manner as the authority 1199
finds proper, or by the exercise of the right of appropriation 1200
in the manner provided by section 351.22 of the Revised Code, 1201
such public or private lands, including public parks, 1202
playgrounds, or reservations, or parts thereof or rights 1203
therein, rights-of-way, rights, franchises, easements, and 1204
interests as it finds necessary or proper for carrying out this 1205
chapter, and compensation shall be paid for public or private 1206
lands so taken; 1207

(M) Make and enter into all contracts and agreements and 1208
execute all instruments necessary or incidental to the 1209
performance of its duties and the execution of its powers under 1210
this chapter provided that no construction contract or contract 1211
for the purchase of goods or services shall be approved or 1212
entered into by the authority prior to the adoption and 1213
implementation of a policy on the set aside of contracts for 1214
bidding by or award to minority business enterprises, as defined 1215
in division (E)(1) of section 122.71 of the Revised Code; 1216

(N) Employ managers, superintendents, and other employees 1217
and retain or contract with consulting engineers, financial 1218
consultants, accounting experts, architects, attorneys, and such 1219
other consultants and independent contractors as are necessary 1220
in its judgment to carry out this chapter, and fix their 1221

compensation. All expenses of doing so shall be payable solely 1222
from the proceeds of convention facilities authority bonds and 1223
notes issued under this chapter, or from excise taxes and 1224
revenues. 1225

(O) Receive and accept from any governmental agency grants 1226
for or in aid of the purposes of the authority, and receive and 1227
accept aid or contributions from any source of money, property, 1228
labor, or other things of value, to be held, used, and applied 1229
only for the purposes for which such grants and contributions 1230
are made; 1231

(P) Engage in research and development with respect to 1232
facilities; 1233

(Q) Purchase fire and extended coverage and liability 1234
insurance for any facility and for the offices of the authority, 1235
insurance protecting the authority and its officers and 1236
employees against liability for damage to property or injury to 1237
or death of persons arising from its operations, and any other 1238
insurance the authority may agree to provide under any 1239
resolution authorizing its convention facilities authority 1240
revenue bonds or in any trust agreement securing the same; 1241

(R) Charge, alter, and collect rentals and other charges 1242
for the use or services of any facility as provided in section 1243
351.09 of the Revised Code; 1244

(S) If a tax proposed under section 5739.026 of the 1245
Revised Code is disapproved by the electors, request the board 1246
of county commissioners to dissolve the authority pursuant to 1247
section 351.03 of the Revised Code; 1248

(T) By resolution of its board of directors, levy any of 1249
the excise taxes authorized by division (B) or (C) of section 1250

351.021 of the Revised Code if authorized by the county 1251
commissioners, and issue convention facilities authority tax 1252
anticipation bonds beyond any limit of bonded indebtedness 1253
provided by law, payable solely from excise taxes levied 1254
pursuant to division (B) or (C) of section 351.021 of the 1255
Revised Code and revenues as provided in section 351.141 of the 1256
Revised Code. 1257

(U) Do all acts necessary or proper to carry out the 1258
powers expressly granted in this chapter. 1259

Sec. 353.03. A lake facilities authority may do all of the 1260
following: 1261

(A) Acquire by purchase, lease, gift, or otherwise, on 1262
such terms and in such manner as it considers proper, real and 1263
personal property necessary for an authorized purpose or any 1264
estate, interest, or right therein, within or without the 1265
impacted lake district; 1266

(B) Improve, remediate, maintain, sell, lease, or 1267
otherwise dispose of real and personal property on such terms 1268
and in such manner as it considers proper; 1269

(C) Request that the department of natural resources, the 1270
environmental protection agency, or the department of 1271
agriculture adopt, modify, and enforce reasonable rules and 1272
regulations governing impacted watersheds; 1273

(D) Employ such managers, administrative officers, agents, 1274
engineers, architects, attorneys, contractors, subcontractors, 1275
and employees as may be appropriate in the exercise of the 1276
rights, powers, and duties conferred on it, prescribe the duties 1277
and compensation for such persons, require bonds to be given by 1278
any such persons and by officers of the authority for the 1279

faithful performance of their duties, and fix the amount and 1280
surety therefor, and pay the surety; 1281

(E) Sue and be sued in its corporate name; 1282

(F) (1) Make and enter into all contracts and agreements 1283
and execute all instruments relating to the provisions of this 1284
chapter; 1285

(2) Except as provided otherwise under divisions (F) (2) 1286
and (3) of this section, when the cost of a contract for the 1287
construction of any building, structure, or other improvement 1288
undertaken by a lake facilities authority involves an 1289
expenditure exceeding fifty thousand dollars, and the lake 1290
facilities authority is the contracting authority, the lake 1291
facilities authority shall make a written contract after notice 1292
calling for bids for the award of the contract has been given by 1293
publication twice, with at least seven days between 1294
publications, in a newspaper of general circulation in the 1295
impacted lake district. Each such contract shall be awarded to 1296
the lowest responsive and responsible bidder in accordance with 1297
section 9.312 of the Revised Code. The board of directors by 1298
rule may provide criteria for the negotiation and award without 1299
competitive bidding of any contract as to which the lake 1300
facilities authority is the contracting authority for the 1301
construction of any building or structure or other improvement 1302
under any of the following circumstances: 1303

(a) There exists a real and present emergency that 1304
threatens damage to property or injury to persons of the lake 1305
facilities authority or other persons, provided that a statement 1306
specifying the nature of the emergency that is the basis for the 1307
negotiation and award of a contract without competitive bidding 1308
shall be signed at the time of the contract's execution by the 1309

officer of the lake facilities authority that executes the 1310
contract and shall be attached to the contract. 1311

(b) A commonly recognized industry or other standard or 1312
specification does not exist and cannot objectively be 1313
articulated for the improvement. 1314

(c) The contract is for any energy conservation measure as 1315
defined in section 307.041 of the Revised Code. 1316

(d) With respect to material to be incorporated into the 1317
improvement, only a single source or supplier exists for the 1318
material. 1319

(e) A single bid is received by the lake facilities 1320
authority after complying with the above provisions. 1321

(3) In addition to the exceptions to competitive bidding 1322
requirements under division (F)(2) of this section, a lake 1323
facilities authority may contract for the acquisition or 1324
construction of any property for an authorized purpose and for 1325
the leasing, subleasing, sale, or other disposition of the 1326
property in a manner determined by the lake facilities authority 1327
in its sole discretion, without necessity for competitive 1328
bidding or performance bonds. 1329

~~(4) With respect to any public improvement undertaken by,~~ 1330
~~or under contract for, the lake facilities authority, the~~ 1331
~~authority may elect to apply sections 4115.03 to 4115.21 of the~~ 1332
~~Revised Code.~~ 1333

(G) Accept aid or contributions from any source of money, 1334
property, labor, or other things of value, to be held, used, and 1335
applied only for the purposes for which the grants and 1336
contributions are made; 1337

(H) Apply for and accept grants, loans, or commitments of 1338
guarantee or insurance, including any guarantees of lake 1339
facilities authority bonds and notes, from the United States, 1340
the state, or other public body or other sources, and provide 1341
any consideration which may be required in order to obtain such 1342
grants, loans, or contracts of guarantee or insurance; 1343

(I) Procure insurance against loss to the lake facilities 1344
authority by reason of damage to its properties resulting from 1345
fire, theft, accident, or other casualties, or by reason of its 1346
liability for any damages to persons or property occurring in 1347
the construction or operation of facilities or areas under its 1348
jurisdiction or the conduct of its activities; 1349

(J) Maintain such funds or reserves as it considers 1350
necessary for the efficient performance of its duties; 1351

(K) Enforce any covenants, of which the lake facilities 1352
authority is the beneficiary, running with the land. 1353

(L) Issue securities for the remediation of an impacted 1354
watershed and directly related permanent improvements in 1355
compliance with Chapter 133. of the Revised Code, except that 1356
such bonds or notes may be issued only pursuant to a vote of the 1357
electors residing within the impacted lake district. The net 1358
indebtedness incurred by a lake facilities authority pursuant to 1359
this division may not exceed one-tenth of one per cent of the 1360
total value of all property within the territory comprising the 1361
impacted lake district as listed and assessed for taxation. 1362

(M) Issue lake facilities authority revenue bonds beyond 1363
the limit of bonded indebtedness provided by law, payable solely 1364
from revenues as provided in section 353.09 of the Revised Code 1365
for the purpose of providing funds to pay costs of any facility 1366

or facilities or parts thereof; 1367

(N) Advise and provide input to political subdivisions 1368
within the impacted lake district with respect to zoning and 1369
land use planning within the impacted lake district; 1370

(O) Enter into agreements for the management, ownership, 1371
possession, or control of lands or property to be used for 1372
wetland mitigation banking; 1373

(P) Adopt and modify rules and regulations to carry out 1374
the authority granted to the lake facilities authority under 1375
this section. 1376

Sec. 1311.25. As used in sections 1311.25 to 1311.32 of 1377
the Revised Code: 1378

(A) "Public improvement" means any construction, 1379
reconstruction, improvement, enlargement, alteration, 1380
demolition, or repair of a building, highway, drainage system, 1381
water system, road, street, alley, sewer, ditch, sewage disposal 1382
plant, water works, and any other structure or work of any 1383
nature by a public authority. 1384

(B) "Public authority" includes the state, and a county, 1385
township, municipal corporation, school district, or other 1386
political subdivision of the state, and any public agency, 1387
authority, board, commission, instrumentality, or special 1388
district of or in the state or a county, township, municipal 1389
corporation, school district, or other political subdivision of 1390
the state, and any officer or agent thereof. 1391

(C) "Material supplier" includes any person by whom any 1392
materials are furnished in furtherance of a public improvement. 1393

(D) "Laborer" includes any mechanic, worker, artisan, or 1394

other individual who performs labor or work in furtherance of 1395
any public improvement. 1396

(E) "Subcontractor" includes any person who undertakes to 1397
construct, alter, erect, improve, repair, demolish, remove, dig, 1398
or drill any part of any public improvement under a contract 1399
with any person other than the public authority. 1400

(F) "Principal contractor" includes any person who 1401
undertakes to construct, alter, erect, improve, repair, 1402
demolish, remove, dig, or drill any part of any public 1403
improvement under a contract with a public authority. 1404

(G) "Materials" means all products and substances 1405
including, without limitation, any gasoline, lubricating oil, 1406
petroleum products, powder, dynamite, blasting supplies and 1407
other explosives, tools, equipment, or machinery furnished in 1408
furtherance of a public improvement. 1409

(H) ~~"Wages" has the same meaning as "prevailing wage" in~~ 1410
~~division (E) of section 4115.03 of the Revised Code means the~~ 1411
sum of the following: 1412

(1) The basic hourly rate of pay; 1413

(2) The rate of contribution irrevocably made by a 1414
contractor or subcontractor to a trustee or to a third person 1415
pursuant to a fund, plan, or program; 1416

(3) The rate of costs to the contractor or subcontractor, 1417
which may be reasonably anticipated in providing the following 1418
fringe benefits to laborers and mechanics pursuant to an 1419
enforceable commitment to carry out a financially responsible 1420
plan or program, which was communicated in writing to the 1421
laborers and mechanics affected: 1422

<u>(a) Medical or hospital care or insurance to provide such;</u>	1423
<u>(b) Pensions on retirement or death or insurance to provide such;</u>	1424
	1425
<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>	1426
	1427
	1428
<u>(d) Supplemental unemployment benefits that are in addition to those required by Chapter 4141. of the Revised Code;</u>	1429
	1430
<u>(e) Life insurance;</u>	1431
<u>(f) Disability and sickness insurance;</u>	1432
<u>(g) Vacation and holiday pay;</u>	1433
<u>(h) Defraying of costs for apprenticeship or other similar training programs that are beneficial only to the laborers and mechanics affected;</u>	1434
	1435
	1436
<u>(i) Other bona fide fringe benefits.</u>	1437
(I) "Notice of commencement" means the notice specified in section 1311.252 of the Revised Code.	1438
	1439
(J) "Notice of furnishing" means the notice specified in section 1311.261 of the Revised Code.	1440
	1441
Sec. 1506.44. (A) A board of county commissioners may use a loan obtained under division (C) of this section to provide financial assistance to any person who owns real property in a coastal erosion area and who has received a permit under section 1506.40 of the Revised Code to construct an erosion control structure in that coastal erosion area. The board shall enter into an agreement with the person that complies with all of the following requirements:	1442
	1443
	1444
	1445
	1446
	1447
	1448
	1449

(1) The agreement shall identify the person's real 1450
property for which the erosion control structure is being 1451
constructed and shall include a legal description of that 1452
property and a reference to the volume and page of the deed 1453
record in which the title of that person to that property is 1454
recorded. 1455

(2) In accordance with rules adopted by the Ohio water 1456
development authority under division (V) of section 6121.04 of 1457
the Revised Code for the purposes of division (C) of this 1458
section and pursuant to an agreement between the board and the 1459
authority under that division, the board shall agree to cause 1460
payments to be made by the authority to the contractor hired by 1461
the person to construct an erosion control structure in amounts 1462
not to exceed the total amount specified in the agreement 1463
between the board and the person. 1464

(3) The person shall agree to pay to the board, or to the 1465
authority as the assignee pursuant to division (C) of this 1466
section, the total amount of the payments plus administrative or 1467
other costs of the board or the authority at times, in 1468
installments, and bearing interest as specified in the 1469
agreement. 1470

The agreement may contain additional provisions that the 1471
board determines necessary to safeguard the interests of the 1472
county or to comply with an agreement entered into under 1473
division (C) of this section. 1474

(B) Upon entering into an agreement under division (A) of 1475
this section, the board shall do all of the following: 1476

(1) Cause the agreement to be recorded in the county deed 1477
records in the office of the county recorder of the county in 1478

which the real property is situated. Failure to record the 1479
agreement does not affect the validity of the agreement or the 1480
collection of any amounts due under the agreement. 1481

(2) Establish by resolution an erosion control repayment 1482
fund into which shall be deposited all amounts collected under 1483
division (B) (3) of this section. Moneys in that fund shall be 1484
used by the board for the repayment of the loan and for 1485
administrative or other costs of the board or the authority as 1486
specified in an agreement entered into under division (C) of 1487
this section. If the amount of money in the fund is inadequate 1488
to repay the loan when due, the board of county commissioners, 1489
by resolution, may advance money from any other fund in order to 1490
repay the loan if that use of the money from the other fund is 1491
not in conflict with law. If the board so advances money in 1492
order to repay the loan, the board subsequently shall reimburse 1493
each fund from which the board advances money with moneys from 1494
the erosion control repayment fund. 1495

(3) Bill and collect all amounts when due under the 1496
agreement entered into under division (A) of this section. The 1497
board shall certify amounts not paid when due to the county 1498
auditor, who shall enter the amounts on the real property tax 1499
list and duplicate against the property identified under 1500
division (A) (1) of this section. The amounts not paid when due 1501
shall be a lien on that property from the date on which the 1502
amounts are placed on the tax list and duplicate and shall be 1503
collected in the same manner as other taxes. 1504

(C) A board may apply to the authority for a loan for the 1505
purpose of entering into agreements under division (A) of this 1506
section. The loan shall be for an amount and on the terms 1507
established in an agreement between the board and the authority. 1508

The board may assign any agreements entered into under division 1509
(A) of this section to the authority in order to provide for the 1510
repayment of the loan and may pledge any lawfully available 1511
revenues to the repayment of the loan, provided that no moneys 1512
raised by taxation shall be obligated or pledged by the board 1513
for the repayment of the loan. Any agreement with the authority 1514
pursuant to this division is not subject to Chapter 133. of the 1515
Revised Code or any requirements or limitations established in 1516
that chapter. 1517

(D) The authority, as assignee of any agreement pursuant to 1518
to division (C) of this section, may enforce and compel the 1519
board and the county auditor by mandamus pursuant to Chapter 1520
2731. of the Revised Code to comply with division (B) of this 1521
section in a timely manner. 1522

(E) The construction of an erosion control structure by a 1523
contractor hired by an individual homeowner, group of individual 1524
homeowners, or homeowners association that enters into an 1525
agreement with a board under division (A) of this section ~~is not~~ 1526
~~a public improvement, as defined in section 4115.03 of the~~ 1527
~~Revised Code, and~~ is not subject to competitive bidding or 1528
public bond laws. 1529

Sec. 1509.071. (A) When the chief of the division of oil 1530
and gas resources management finds that an owner has failed to 1531
comply with a final nonappealable order issued or compliance 1532
agreement entered into under section 1509.04, the restoration 1533
requirements of section 1509.072, plugging requirements of 1534
section 1509.12, or permit provisions of section 1509.13 of the 1535
Revised Code, or rules and orders relating thereto, the chief 1536
shall make a finding of that fact and declare any surety bond 1537
filed to ensure compliance with those sections and rules 1538

forfeited in the amount set by rule of the chief. The chief 1539
thereupon shall certify the total forfeiture to the attorney 1540
general, who shall proceed to collect the amount of the 1541
forfeiture. In addition, the chief may require an owner, 1542
operator, producer, or other person who forfeited a surety bond 1543
to post a new surety bond in the amount of fifteen thousand 1544
dollars for a single well, thirty thousand dollars for two 1545
wells, or fifty thousand dollars for three or more wells. 1546

In lieu of total forfeiture, the surety or owner, at the 1547
surety's or owner's option, may cause the well to be properly 1548
plugged and abandoned and the area properly restored or pay to 1549
the treasurer of state the cost of plugging and abandonment. 1550

(B) (1) All moneys collected because of forfeitures of 1551
bonds as provided in this section shall be deposited in the 1552
state treasury to the credit of the oil and gas well fund 1553
created in section 1509.02 of the Revised Code. 1554

For purposes of promoting the competent management and 1555
conservation of the state's oil and natural gas resources and 1556
the proper and lawful plugging of historic oil and gas wells for 1557
which there is no known responsible owner, the chief annually 1558
shall spend not less than thirty per cent of the revenue 1559
credited to the oil and gas well fund during the previous fiscal 1560
year for both of the following purposes: 1561

(a) In accordance with division (E) of this section, to 1562
plug idle and orphaned wells or to restore the land surface 1563
properly as required in section 1509.072 of the Revised Code; 1564

(b) In accordance with division (F) of this section, to 1565
correct conditions that the chief reasonably has determined are 1566
causing imminent health or safety risks at an idle and orphaned 1567

well or a well for which the owner cannot be contacted in order 1568
to initiate a corrective action within a reasonable period of 1569
time as determined by the chief. 1570

(2) Expenditures from the fund shall be made only for 1571
lawful purposes. In addition, expenditures from the fund shall 1572
not be made to purchase real property or to remove a dwelling in 1573
order to access a well. 1574

The director of budget and management, in consultation 1575
with the chief, shall establish an accounting code for purposes 1576
of tracking expenditures made as required under this division. 1577

(C) (1) If a landowner discovers an idle and orphaned well 1578
or abandoned well on the landowner's real property and the 1579
landowner is not the owner of the well, the landowner may report 1580
the existence of the well in writing to the chief. 1581

(2) If the chief receives a written report from a 1582
landowner of the existence of an idle and orphaned well, the 1583
chief shall inspect the well not later than thirty days after 1584
the date of receipt of the landowner's report. 1585

(3) The chief shall establish a scoring matrix for use in 1586
determining the priority of plugging wells or restoring land 1587
surfaces at idle and orphaned well sites for purposes of this 1588
section. The matrix shall include a classification system that 1589
categorizes idle and orphaned wells as distressed-high priority, 1590
moderate-medium priority, and maintenance-low priority. 1591

(4) The chief shall use the matrix developed under 1592
division (C) (3) of this section to prioritize plugging and land 1593
restoration projects under this section. 1594

(D) (1) Upon determining that a well is an idle and 1595
orphaned well, the chief shall do all of the following: 1596

(a) Make a reasonable attempt to determine from the 1597
records in the office of the county recorder of the county in 1598
which the well is located the identity of the current owner of 1599
the land on which the well is located, the identity of each 1600
person owning a right or interest in the oil or gas mineral 1601
interests, and the identities of the persons having a lien upon 1602
any of the equipment appurtenant to the well. For purposes of 1603
division (D) (1) (a) of this section, the chief is not required to 1604
review records in the office of the county recorder that are 1605
older than forty years from the date on which the chief made the 1606
determination that the well is an idle and orphaned well. 1607

(b) Mail notice to each person identified in division (D) 1608
(1) (a) of this section; 1609

(c) Include in the notice to each person having a lien 1610
upon any equipment appurtenant to the well, a statement 1611
informing the person that the well is to be plugged and offering 1612
the person the opportunity to remove that equipment from the 1613
well site at the person's own expense in order to avoid 1614
forfeiture of the equipment to this state; 1615

(d) Publish notice in a newspaper of general circulation 1616
in the county where the well is located that the well is to be 1617
plugged. 1618

(2) If the current address of a person identified in 1619
division (D) (1) (a) of this section cannot be determined, or if a 1620
notice provided by mail to a person under division (D) (1) (b) of 1621
this section is returned undeliverable, the notice published 1622
under division (D) (1) (d) of this section constitutes sufficient 1623
notice to the person. 1624

(3) If none of the persons described in division (D) (1) (a) 1625

of this section removes equipment from the well within thirty 1626
days after the mailing of the notice or publication in a 1627
newspaper of general circulation, whichever is later, all 1628
equipment appurtenant to the well is hereby declared to be 1629
forfeited to this state without compensation and without the 1630
necessity for any action by the state for use to defray the cost 1631
of plugging the well and restoring the land surface at the well 1632
site. 1633

(E) The chief may expend money from the oil and gas well 1634
fund for the purpose of division (B) (1) (a) of this section, and 1635
such expenditures shall be made in accordance with either of the 1636
following: 1637

(1) The chief may make expenditures pursuant to contracts 1638
entered into by either the chief or another agency of the state 1639
with persons who agree to furnish all of the materials, 1640
equipment, work, and labor as specified and provided in such a 1641
contract for activities associated with the restoration or 1642
plugging of a well as determined by the chief. If another agency 1643
of the state enters into the contract, the chief shall prepare 1644
the scope of work for the restoration or plugging of the well. 1645
The activities may include excavation to uncover a well, 1646
geophysical methods to locate a buried well when clear evidence 1647
of leakage from the well exists, cleanout of wellbores to remove 1648
material from a failed plugged well, plugging operations, 1649
installation of vault and vent systems, including associated 1650
engineering certifications and permits, restoration of property, 1651
and repair of damage to property that is caused by such 1652
activities. The chief shall not make expenditures for salaries, 1653
maintenance, equipment, or other administrative purposes, except 1654
for costs directly attributed to the plugging of an idle and 1655
orphaned well. Agents or employees of persons contracting with 1656

the chief for a restoration or plugging project may enter upon 1657
any land, public or private, on which the well is located for 1658
the purpose of performing the work. Prior to such entry, the 1659
chief shall give to the following persons written notice of the 1660
existence of a contract for a project to restore a location or 1661
plug a well, the names of the persons with whom the contract is 1662
made, and the date that the project will commence: the owner of 1663
the well, the owner of the land upon which the well is located, 1664
and, if the well is located in the same township as or in a 1665
township adjacent to the excavations and workings of a mine and 1666
the owner or lessee of that mine has provided written notice 1667
identifying those townships to the chief at any time during the 1668
immediately preceding three years, the owner or lessee of the 1669
mine. The chief may include in the notice to the owner or lessee 1670
of the mine additional information, such as authorization to 1671
plug an idle and orphaned well under section 1509.151 of the 1672
Revised Code. 1673

(2) (a) The owner of the land on which a well is located 1674
who has received notice under division (D) (1) (b) of this section 1675
may plug the well and be reimbursed by the division of oil and 1676
gas resources management for the reasonable cost of plugging the 1677
well. In order to plug the well, the landowner shall submit an 1678
application to the chief on a form prescribed by the chief and 1679
approved by the technical advisory council on oil and gas 1680
created in section 1509.38 of the Revised Code. The application, 1681
at a minimum, shall require the landowner to provide the same 1682
information as is required to be included in the application for 1683
a permit to plug and abandon under section 1509.13 of the 1684
Revised Code. The application shall be accompanied by a copy of 1685
a proposed contract to plug the well prepared by a contractor 1686
regularly engaged in the business of plugging oil and gas wells. 1687

The proposed contract shall require the contractor to furnish 1688
all of the materials, equipment, work, and labor necessary to 1689
plug the well properly and shall specify the price for doing the 1690
work, including a credit for the equipment appurtenant to the 1691
well that was forfeited to the state through the operation of 1692
division (D) (3) of this section. The contractor shall be insured 1693
and bonded. Expenditures under division (E) (2) (a) of this 1694
section shall be consistent with the expenditures for activities 1695
described in division (E) (1) of this section. The application 1696
constitutes an application for a permit to plug the well for the 1697
purposes of section 1509.13 of the Revised Code and the 1698
applicant is not required to submit the fee otherwise required 1699
under that section. 1700

(b) Within thirty days after receiving an application and 1701
accompanying proposed contract under division (E) (2) (a) of this 1702
section, the chief shall determine whether the plugging would 1703
comply with the applicable requirements of this chapter and 1704
applicable rules adopted and orders issued under it and whether 1705
the cost of the plugging under the proposed contract is 1706
reasonable. If the chief determines that the proposed plugging 1707
would comply with those requirements and that the proposed cost 1708
of the plugging is reasonable, the chief shall notify the 1709
landowner of that determination and issue to the landowner a 1710
permit to plug the well under section 1509.13 of the Revised 1711
Code. Upon approval of the application and proposed contract, 1712
the ownership of the equipment appurtenant to the well is 1713
transferred to the landowner. The chief may disapprove an 1714
application submitted under division (E) (2) (a) of this section 1715
if the chief determines that the proposed plugging would not 1716
comply with the applicable requirements of this chapter and 1717
applicable rules adopted and orders issued under it, that the 1718

cost of the plugging under the proposed contract is 1719
unreasonable, or that the proposed contract is not a bona fide, 1720
arm's length contract. 1721

(c) After receiving the chief's notice of the approval of 1722
the application and permit to plug and abandon a well under 1723
division (E) (2) (b) of this section, the landowner shall enter 1724
into the proposed contract to plug the well. 1725

(d) Upon determining that the plugging has been completed 1726
in compliance with the applicable requirements of this chapter 1727
and applicable rules adopted and orders issued under it, the 1728
chief shall pay the contractor for the cost of the plugging and 1729
restoration as set forth in the proposed contract approved by 1730
the chief. The payment shall be paid from the oil and gas well 1731
fund. If the chief determines that the plugging was not 1732
completed in accordance with the applicable requirements, the 1733
chief shall not pay the contractor for the cost of the plugging, 1734
and the landowner or the contractor, as applicable, promptly 1735
shall transfer back to this state title to and possession of the 1736
equipment appurtenant to the well that previously was 1737
transferred to the landowner under division (E) (2) (b) of this 1738
section. If any such equipment was removed from the well during 1739
the plugging and sold, the landowner shall pay to the chief the 1740
proceeds from the sale of the equipment, and the chief promptly 1741
shall pay the moneys so received to the treasurer of state for 1742
deposit into the oil and gas well fund. 1743

The chief may establish an annual limit on the number of 1744
wells that may be plugged under division (E) (2) of this section 1745
or an annual limit on the expenditures to be made under that 1746
division. The chief may reject an application submitted under 1747
division (E) (2) of this section if the chief determines that the 1748

plugging of other wells take priority. 1749

As used in division (E) (2) of this section, "plug" and 1750
"plugging" include the plugging of the well, installation of a 1751
vault and vent, restoration, and the restoration of the land 1752
surface disturbed by the plugging. 1753

(F) (1) Expenditures from the oil and gas well fund for the 1754
purpose of division (B) (1) (b) of this section may be made 1755
pursuant to contracts entered into by either the chief or 1756
another agency of the state with persons who agree to furnish 1757
all of the materials, equipment, work, and labor as specified 1758
and provided in such a contract. The competitive bidding 1759
requirements of Chapter 153. of the Revised Code do not apply if 1760
the chief reasonably determines that a situation exists 1761
requiring immediate action for the correction of the applicable 1762
health or safety risk. A contract or purchase of materials for 1763
purposes of addressing the emergency situation is not subject to 1764
division (B) of section 127.16 of the Revised Code. The chief, 1765
designated representatives of the chief, and agents or employees 1766
of persons contracting with the chief under this division may 1767
enter upon any land, public or private, for the purpose of 1768
performing the work. 1769

(2) The chief shall issue an order that requires the owner 1770
of a well to pay the actual documented costs of a corrective 1771
action that is described in division (B) (1) (b) of this section 1772
concerning the well. The chief shall transmit the money so 1773
recovered to the treasurer of state who shall deposit the money 1774
in the state treasury to the credit of the oil and gas well 1775
fund. 1776

(G) Contracts entered into by either the chief or another 1777
agency of the state under this section are not subject to ~~any~~ 1778

<u>either</u> of the following:	1779
(1) Chapter 4115. of the Revised Code;	1780
(2) Section 153.54 of the Revised Code;	1781
(3) <u>(2)</u> Section 4733.17 of the Revised Code.	1782
(H) The owner of land on which a well is located who has received notice under division (D) (1) (b) of this section, in lieu of plugging the well in accordance with division (E) (2) of this section, may cause ownership of the well to be transferred to an owner who is lawfully doing business in this state and who has met the financial responsibility requirements established under section 1509.07 of the Revised Code, subject to the approval of the chief. The transfer of ownership also shall be subject to the landowner's filing the appropriate forms required under section 1509.31 of the Revised Code and providing to the chief sufficient information to demonstrate the landowner's or owner's right to produce a formation or formations. That information may include a deed, a lease, or other documentation of ownership or property rights.	1783 1784 1785 1786 1787 1788 1789 1790 1791 1792 1793 1794 1795 1796
The chief shall approve or disapprove by order the transfer of ownership of the well. If the chief approves the transfer, the owner is responsible for operating the well in accordance with this chapter and rules adopted under it, including, without limitation, all of the following:	1797 1798 1799 1800 1801
(1) Filing an application with the chief under section 1509.06 of the Revised Code if the owner intends to drill deeper or produce a formation that is not listed in the records of the division for that well;	1802 1803 1804 1805
(2) Taking title to and possession of the equipment appurtenant to the well that has been identified by the chief as	1806 1807

having been abandoned by the former owner; 1808

(3) Complying with all applicable requirements that are 1809
necessary to drill deeper, plug the well, or plug back the well. 1810

(I) The chief may engage in cooperative projects under 1811
this section with any agency of this state, another state, or 1812
the United States; any other governmental agencies; or any state 1813
university or college as defined in section 3345.27 of the 1814
Revised Code. A contract entered into for purposes of a 1815
cooperative project is not subject to division (B) of section 1816
127.16 of the Revised Code. 1817

(J) (1) On or before the close of each calendar quarter, 1818
the chief shall submit a written report to the technical 1819
advisory council established under section 1509.38 of the 1820
Revised Code describing the efforts of the division of oil and 1821
gas resources management to plug idle and orphaned wells during 1822
the immediately preceding calendar quarter. The chief also shall 1823
include in the report all of the following information: 1824

(a) The total number of known idle and orphaned wells in 1825
the state and the total number in each county of the state; 1826

(b) The total number of newly discovered idle and orphaned 1827
wells during the immediately preceding calendar quarter; 1828

(c) The total number of wells plugged in accordance with 1829
this section during the immediately preceding calendar quarter; 1830

(d) The total number of wells plugged in accordance with 1831
this section and the estimated average and indirect costs of 1832
plugging activities conducted under this section prior to the 1833
date of the report; 1834

(e) The number of wells approved for plugging in 1835

accordance with this section and the estimated average and 1836
indirect costs of plugging activities conducted under this 1837
section during the immediately preceding calendar quarter. 1838

(2) Not later than the thirty-first day of March of each 1839
year, the chief and the technical advisory council shall jointly 1840
provide a report containing, at a minimum, the information 1841
required to be included in the quarterly reports during the 1842
previous one-year period to all of the following: 1843

(a) The speaker of the house of representatives; 1844

(b) The president of the senate; 1845

(c) The chair of the committee of the house of 1846
representatives responsible for energy and natural resources 1847
issues; 1848

(d) The chair of the committee of the senate responsible 1849
for energy and natural resources issues. 1850

Sec. 1710.02. (A) A special improvement district may be 1851
created within the boundaries of any one municipal corporation, 1852
any one township, or any combination of contiguous municipal 1853
corporations and townships for the purpose of developing and 1854
implementing plans for public improvements and public services 1855
that benefit the district. A district may be created by petition 1856
of the owners of real property within the proposed district, or 1857
by an existing qualified nonprofit corporation. If the district 1858
is created by an existing qualified nonprofit corporation, the 1859
purposes for which the district is created may be supplemental 1860
to the other purposes for which the corporation is organized. 1861
All territory in a special improvement district shall be 1862
contiguous; except that the territory in a special improvement 1863
district may be noncontiguous if at least one special energy 1864

improvement project or shoreline improvement project is 1865
designated for each parcel of real property included within the 1866
special improvement district. Additional territory may be added 1867
to a special improvement district created under this chapter for 1868
the purpose of developing and implementing plans for special 1869
energy improvement projects or shoreline improvement projects if 1870
at least one special energy improvement project or shoreline 1871
improvement project, respectively, is designated for each parcel 1872
of real property included within such additional territory and 1873
the addition of territory is authorized by the initial plan 1874
proposed under division (F) of this section or a plan adopted by 1875
the board of directors of the special improvement district under 1876
section 1710.06 of the Revised Code. 1877

The district shall be governed by the board of trustees of 1878
a nonprofit corporation. This board shall be known as the board 1879
of directors of the special improvement district. No special 1880
improvement district shall include any church property, or 1881
property of the federal or state government or a county, 1882
township, or municipal corporation, unless the church or the 1883
county, township, or municipal corporation specifically requests 1884
in writing that the property be included within the district, or 1885
unless the church is a member of the existing qualified 1886
nonprofit corporation creating the district at the time the 1887
district is created. A shoreline improvement project may extend 1888
into the territory of Lake Erie as described in sections 1506.10 1889
and 1506.11 of the Revised Code. However, the state shall remain 1890
exempt from any special assessment that may be levied against 1891
that territory under section 1710.06 and Chapter 727. of the 1892
Revised Code. More than one district may be created within a 1893
participating political subdivision, but no real property may be 1894
included within more than one district unless the owner of the 1895

property files a written consent with the clerk of the 1896
legislative authority, the township fiscal officer, or the 1897
village clerk, as appropriate. The area of each district shall 1898
be contiguous; except that the area of a special improvement 1899
district may be noncontiguous if all parcels of real property 1900
included within such area contain at least one special energy 1901
improvement or shoreline improvement thereon. 1902

(B) Except as provided in division (C) of this section, a 1903
district created under this chapter is not a political 1904
subdivision. A district created under this chapter shall be 1905
considered a public agency under section 102.01 and ~~a public~~ 1906
~~authority under section 4115.03~~ of the Revised Code. Each member 1907
of the board of directors of a district, each member's designee 1908
or proxy, and each officer and employee of a district shall be 1909
considered a public official or employee under section 102.01 of 1910
the Revised Code and a public official and public servant under 1911
section 2921.42 of the Revised Code. Districts created under 1912
this chapter are not subject to sections 121.81 to 121.83 of the 1913
Revised Code. Districts created under this chapter are subject 1914
to sections 121.22 and 121.23 of the Revised Code. 1915

(C) Each district created under this chapter shall be 1916
considered a political subdivision for purposes of section 1917
4905.34 of the Revised Code. 1918

Membership on the board of directors of the district shall 1919
not be considered as holding a public office. Directors and 1920
their designees shall be entitled to the immunities provided by 1921
Chapter 1702. and to the same immunity as an employee under 1922
division (A)(6) of section 2744.03 of the Revised Code, except 1923
that directors and their designees shall not be entitled to the 1924
indemnification provided in section 2744.07 of the Revised Code 1925

unless the director or designee is an employee or official of a 1926
participating political subdivision of the district and is 1927
acting within the scope of the director's or designee's 1928
employment or official responsibilities. 1929

District officers and district members and directors and 1930
their designees or proxies shall not be required to file a 1931
statement with the Ohio ethics commission under section 102.02 1932
of the Revised Code. All records of the district shall be 1933
treated as public records under section 149.43 of the Revised 1934
Code, except that records of organizations contracting with a 1935
district shall not be considered to be public records under 1936
section 149.43 or section 149.431 of the Revised Code solely by 1937
reason of any contract with a district. 1938

(D) Except as otherwise provided in this section, the 1939
nonprofit corporation that governs a district shall be organized 1940
in the manner described in Chapter 1702. of the Revised Code. 1941
Except in the case of a district created by an existing 1942
qualified nonprofit corporation, the corporation's articles of 1943
incorporation are required to be approved, as provided in 1944
division (E) of this section, by resolution of the legislative 1945
authority of each participating political subdivision of the 1946
district. A copy of that resolution shall be filed along with 1947
the articles of incorporation in the secretary of state's 1948
office. 1949

In addition to meeting the requirements for articles of 1950
incorporation set forth in Chapter 1702. of the Revised Code, 1951
the articles of incorporation for the nonprofit corporation 1952
governing a district formed under this chapter shall provide all 1953
the following: 1954

(1) The name for the district, which shall include the 1955

name of each participating political subdivision of the 1956
district; 1957

(2) A description of the territory within the district, 1958
which may be all or part of each participating political 1959
subdivision. The description shall be specific enough to enable 1960
real property owners to determine if their property is located 1961
within the district. 1962

(3) A description of the procedure by which the articles 1963
of incorporation may be amended. The procedure shall include 1964
receiving approval of the amendment, by resolution, from the 1965
legislative authority of each participating political 1966
subdivision and filing the approved amendment and resolution 1967
with the secretary of state. 1968

(4) The reasons for creating the district, plus an 1969
explanation of how the district will be conducive to the public 1970
health, safety, peace, convenience, and welfare of the district. 1971

(E) The articles of incorporation for a nonprofit 1972
corporation governing a district created under this chapter and 1973
amendments to them shall be submitted to the municipal 1974
executive, if any, and the legislative authority of each 1975
municipal corporation or township in which the proposed district 1976
is to be located. Except in the case of a district created by an 1977
existing qualified nonprofit corporation, the articles or 1978
amendments shall be accompanied by a petition signed either by 1979
the owners of at least sixty per cent of the front footage of 1980
all real property located in the proposed district that abuts 1981
upon any street, alley, public road, place, boulevard, parkway, 1982
park entrance, easement, or other existing public improvement 1983
within the proposed district, excluding church property or 1984
property owned by the state, county, township, municipal, or 1985

federal government, unless a church, county, township, or 1986
municipal corporation has specifically requested in writing that 1987
the property be included in the district, or by the owners of at 1988
least seventy-five per cent of the area of all real property 1989
located within the proposed district, excluding church property 1990
or property owned by the state, county, township, municipal, or 1991
federal government, unless a church, county, township, or 1992
municipal corporation has specifically requested in writing that 1993
the property be included in the district. Pursuant to Section 2o 1994
of Article VIII, Ohio Constitution, the petition required under 1995
this division may be for the purpose of developing and 1996
implementing plans for special energy improvement projects or 1997
shoreline improvement projects, and, in such case, is determined 1998
to be in furtherance of the purposes set forth in Section 2o of 1999
Article VIII, Ohio Constitution. Except as provided in division 2000
(H) of this section, if a special improvement district is being 2001
created under this chapter for the purpose of developing and 2002
implementing plans for special energy improvement projects or 2003
shoreline improvement projects, the petition required under this 2004
division shall be signed by one hundred per cent of the owners 2005
of the area of all real property located within the proposed 2006
special improvement district, at least one special energy 2007
improvement project or shoreline improvement project shall be 2008
designated for each parcel of real property within the special 2009
improvement district, and the special improvement district may 2010
include any number of parcels of real property as determined by 2011
the legislative authority of each participating political 2012
subdivision in which the proposed special improvement district 2013
is to be located. For purposes of determining compliance with 2014
these requirements, the area of the district, or the front 2015
footage and ownership of property, shall be as shown in the most 2016
current records available at the county recorder's office and 2017

the county engineer's office sixty days prior to the date on 2018
which the petition is filed. 2019

Each municipal corporation or township with which the 2020
petition is filed has sixty days to approve or disapprove, by 2021
resolution, the petition, including the articles of 2022
incorporation. In the case of a district created by an existing 2023
qualified nonprofit corporation, each municipal corporation or 2024
township has sixty days to approve or disapprove the creation of 2025
the district after the corporation submits the articles of 2026
incorporation or amendments thereto. This chapter does not 2027
prohibit or restrict the rights of municipal corporations under 2028
Article XVIII of the Ohio Constitution or the right of the 2029
municipal legislative authority to impose reasonable conditions 2030
in a resolution of approval. The acquisition, installation, 2031
equipping, and improvement of a special energy improvement 2032
project under this chapter shall not supersede any local zoning, 2033
environmental, or similar law or regulation. In addition, all 2034
activities associated with a shoreline improvement project that 2035
is implemented under this chapter shall comply with all 2036
applicable local zoning requirements, all local, state, and 2037
federal environmental laws and regulations, and all applicable 2038
requirements established in Chapter 1506. of the Revised Code 2039
and rules adopted under it. 2040

(F) Persons proposing creation and operation of the 2041
district may propose an initial plan for public services or 2042
public improvements that benefit all or any part of the 2043
district. Any initial plan shall be submitted as part of the 2044
petition proposing creation of the district or, in the case of a 2045
district created by an existing qualified nonprofit corporation, 2046
shall be submitted with the articles of incorporation or 2047
amendments thereto. 2048

An initial plan may include provisions for the following:	2049
(1) Creation and operation of the district and of the nonprofit corporation to govern the district under this chapter;	2050 2051
(2) Hiring employees and professional services;	2052
(3) Contracting for insurance;	2053
(4) Purchasing or leasing office space and office equipment;	2054 2055
(5) Other actions necessary initially to form, operate, or organize the district and the nonprofit corporation to govern the district;	2056 2057 2058
(6) A plan for public improvements or public services that benefit all or part of the district, which plan shall comply with the requirements of division (A) of section 1710.06 of the Revised Code and may include, but is not limited to, any of the permissive provisions described in the fourth sentence of that division or listed in divisions (A)(1) to (7) of that section;	2059 2060 2061 2062 2063 2064
(7) If the special improvement district is being created under this chapter for the purpose of developing and implementing plans for special energy improvement projects or shoreline improvement projects, provision for the addition of territory to the special improvement district.	2065 2066 2067 2068 2069
After the initial plan is approved by all municipal corporations and townships to which it is submitted for approval and the district is created, each participating subdivision shall levy a special assessment within its boundaries to pay for the costs of the initial plan. The levy shall be for no more than ten years from the date of the approval of the initial plan; except that if the proceeds of the levy are to be used to	2070 2071 2072 2073 2074 2075 2076

pay the costs of a special energy improvement project or 2077
shoreline improvement project, the levy of a special assessment 2078
shall be for no more than thirty years from the date of approval 2079
of the initial plan. In the event that additional territory is 2080
added to a special improvement district, the special assessment 2081
to be levied with respect to such additional territory shall 2082
commence not earlier than the date such territory is added and 2083
shall be for no more than thirty years from such date. For 2084
purposes of levying an assessment for this initial plan, the 2085
services or improvements included in the initial plan shall be 2086
deemed a special benefit to property owners within the district. 2087

(G) Each nonprofit corporation governing a district under 2088
this chapter may do the following: 2089

(1) Exercise all powers of nonprofit corporations granted 2090
under Chapter 1702. of the Revised Code that do not conflict 2091
with this chapter; 2092

(2) Develop, adopt, revise, implement, and repeal plans 2093
for public improvements and public services for all or any part 2094
of the district; 2095

(3) Contract with any person, political subdivision as 2096
defined in section 2744.01 of the Revised Code, or state agency 2097
as defined in section 1.60 of the Revised Code to develop and 2098
implement plans for public improvements or public services 2099
within the district; 2100

(4) Contract and pay for insurance for the district and 2101
for directors, officers, agents, contractors, employees, or 2102
members of the district for any consequences of the 2103
implementation of any plan adopted by the district or any 2104
actions of the district. 2105

The board of directors of a special improvement district 2106
may, acting as agent and on behalf of a participating political 2107
subdivision, sell, transfer, lease, or convey any special energy 2108
improvement project owned by the participating political 2109
subdivision upon a determination by the legislative authority 2110
thereof that the project is not required to be owned exclusively 2111
by the participating political subdivision for its purposes, for 2112
uses determined by the legislative authority thereof as those 2113
that will promote the welfare of the people of such 2114
participating political subdivision; improve the quality of life 2115
and the general and economic well-being of the people of the 2116
participating political subdivision; better ensure the public 2117
health, safety, and welfare; protect water and other natural 2118
resources; provide for the conservation and preservation of 2119
natural and open areas and farmlands, including by making urban 2120
areas more desirable or suitable for development and 2121
revitalization; control, prevent, minimize, clean up, or mediate 2122
certain contamination of or pollution from lands in the state 2123
and water contamination or pollution; or provide for safe and 2124
natural areas and resources. The legislative authority of each 2125
participating political subdivision shall specify the 2126
consideration for such sale, transfer, lease, or conveyance and 2127
any other terms thereof. Any determinations made by a 2128
legislative authority of a participating political subdivision 2129
under this division shall be conclusive. 2130

Any sale, transfer, lease, or conveyance of a special 2131
energy improvement project by a participating political 2132
subdivision or the board of directors of the special improvement 2133
district may be made without advertising, receipt of bids, or 2134
other competitive bidding procedures applicable to the 2135
participating political subdivision or the special improvement 2136

district under Chapter 153. or 735. or section 1710.11 of the 2137
Revised Code or other representative provisions of the Revised 2138
Code. 2139

(H) The owner of real property that is part of a planned 2140
community or a condominium development is deemed to have signed 2141
the petitions required under division (E) of this section and 2142
division (B) of section 1710.06 of the Revised Code with respect 2143
to a special improvement district that is being created for the 2144
purpose of developing and implementing plans for shoreline 2145
improvement projects if the district and the projects have been 2146
approved through an alternative process prescribed by the 2147
bylaws, declarations, covenants, and restrictions governing the 2148
planned community or condominium development. Such an 2149
alternative process may consist of a vote of the owners 2150
association or unit owners association, the approval of a 2151
specified percentage of property owners, or any other procedure 2152
authorized by the bylaws, declarations, covenants, and 2153
restrictions governing the planned community or condominium 2154
development. 2155

As used in this division, "condominium development" and 2156
"unit owners association" have the same meanings as in section 2157
5311.01 of the Revised Code, and "planned community," "owners 2158
association," "bylaws," and "declaration" have the same meanings 2159
as in section 5312.01 of the Revised Code. 2160

Sec. 5540.03. (A) A transportation improvement district 2161
may: 2162

(1) Adopt bylaws for the regulation of its affairs and the 2163
conduct of its business; 2164

(2) Adopt an official seal; 2165

- (3) Sue and be sued in its own name, plead and be
impleaded, provided any actions against the district shall be
brought in the court of common pleas of the county in which the
principal office of the district is located, or in the court of
common pleas of the county in which the cause of action arose,
and all summonses, exceptions, and notices of every kind shall
be served on the district by leaving a copy thereof at its
principal office with the secretary-treasurer;
- (4) Purchase, construct, maintain, repair, sell, exchange,
police, operate, or lease projects;
- (5) Issue either or both of the following for the purpose
of providing funds to pay the costs of any project or part
thereof:
- (a) Transportation improvement district revenue bonds;
- (b) Bonds pursuant to Section 13 of Article VIII, Ohio
Constitution~~7.~~
- (6) Maintain such funds as it considers necessary;
- (7) Direct its agents or employees, when properly
identified in writing and after at least five days' written
notice, to enter upon lands within its jurisdiction to make
surveys and examinations preliminary to the location and
construction of projects for the district, without liability of
the district or its agents or employees except for actual damage
done;
- (8) Make and enter into all contracts and agreements
necessary or incidental to the performance of its functions and
the execution of its powers under this chapter;
- (9) Employ or retain or contract for the services of

consulting engineers, superintendents, managers, and such other 2194
engineers, construction and accounting experts, financial 2195
advisers, trustees, marketing, remarketing, and administrative 2196
agents, attorneys, and other employees, independent contractors, 2197
or agents as are necessary in its judgment and fix their 2198
compensation, provided all such expenses shall be payable solely 2199
from the proceeds of bonds or from revenues; 2200

(10) Receive and accept from the federal or any state or 2201
local government, including, but not limited to, any agency, 2202
entity, or instrumentality of any of the foregoing, loans and 2203
grants for or in aid of the construction, maintenance, or repair 2204
of any project, and receive and accept aid or contributions from 2205
any source or person of money, property, labor, or other things 2206
of value, to be held, used, and applied only for the purposes 2207
for which such loans, grants, and contributions are made. 2208
Nothing in division (A) (10) of this section shall be construed 2209
as imposing any liability on this state for any loan received by 2210
a transportation improvement district from a third party unless 2211
this state has entered into an agreement to accept such 2212
liability. 2213

(11) Acquire, hold, and dispose of property in the 2214
exercise of its powers and the performance of its duties under 2215
this chapter; 2216

(12) Establish and collect tolls or user charges for its 2217
projects; 2218

(13) Subject to section 5540.18 of the Revised Code, enter 2219
into an agreement with a contiguous board of county 2220
commissioners other than the board of county commissioners that 2221
created the transportation improvement district, for the 2222
district to exercise all or any portion of its powers with 2223

respect to a project that is located wholly or partially within 2224
the county that is party to the agreement; 2225

(14) Do all acts necessary and proper to carry out the 2226
powers expressly granted in this chapter. 2227

(B) Chapters 123., 124., 125., and 153., ~~and 4115.~~, and 2228
sections 9.331 to 9.335 and 307.86 of the Revised Code do not 2229
apply to contracts or projects of a transportation improvement 2230
district. 2231

Sec. 6117.012. (A) A board of county commissioners may 2232
adopt rules requiring owners of property within the district 2233
whose property is served by a connection to sewers maintained 2234
and operated by the board or to sewers that are connected to 2235
interceptor sewers maintained and operated by the board to do 2236
any of the following: 2237

(1) Disconnect storm water inflows to sanitary sewers 2238
maintained and operated by the board and not operated as a 2239
combined sewer, or to connections with those sewers; 2240

(2) Disconnect non-storm water inflows to storm water 2241
sewers maintained and operated by the board and not operated as 2242
a combined sewer, or to connections with those storm water 2243
sewers; 2244

(3) Reconnect or relocate any such disconnected inflows in 2245
compliance with board rules and applicable building codes, 2246
health codes, or other relevant codes; 2247

(4) Prevent sewer back-ups into properties that have 2248
experienced one or more back-ups of sanitary or combined sewers 2249
maintained and operated by the board; 2250

(5) Prevent storm water from entering a combined sewer and 2251

causing an overflow or an inflow to a sanitary sewer, which 2252
prevention may include projects or programs that separate the 2253
storm water from a combined sewer or that utilize a prevention 2254
or replacement facility to prevent or minimize storm water from 2255
entering a combined sewer or a sanitary sewer. 2256

(B) Any inflow required to be disconnected or any sewer 2257
back-up required to be prevented under a rule adopted pursuant 2258
to divisions (A) (1) to (4) of this section constitutes a 2259
nuisance subject to injunctive relief and abatement pursuant to 2260
Chapter 3767. of the Revised Code or as otherwise permitted by 2261
law. 2262

(C) A board of county commissioners may use sewer district 2263
funds; county general fund moneys; the proceeds of bonds issued 2264
under Chapter 133. or 165. of the Revised Code; and, to the 2265
extent permitted by their terms, loans, grants, or other moneys 2266
from appropriate state or federal funds, for either of the 2267
following: 2268

(1) The cost of disconnections, reconnections, 2269
relocations, combined sewer overflow prevention, or sewer back- 2270
up prevention required by rules adopted pursuant to division (A) 2271
of this section, performed by the county or under contract with 2272
the county; 2273

(2) Payments to the property owner or a contractor hired 2274
by the property owner pursuant to a competitive process 2275
established by district rules, for the cost of disconnections, 2276
reconnections, relocations, combined sewer overflow prevention, 2277
or sewer back-up prevention required by rules adopted pursuant 2278
to division (A) of this section after the board, pursuant to its 2279
rules, has approved the work to be performed and after the 2280
county has received from the property owner a statement 2281

releasing the county from all liability in connection with the 2282
disconnections, reconnections, relocations, combined sewer 2283
overflow prevention, or sewer back-up prevention. 2284

(D) Except as provided in division (E) of this section, 2285
the board of county commissioners shall require in its rules 2286
regarding disconnections, reconnections, relocations of sewers, 2287
combined sewer overflow prevention, or sewer back-up prevention 2288
the reimbursement of moneys expended pursuant to division (C) of 2289
this section by either of the following methods: 2290

(1) A charge to the property owner in the amount of the 2291
payment made pursuant to division (C) of this section for 2292
immediate payment or payment in installments with interest as 2293
determined by the board not to exceed ten per cent, which 2294
payments may be billed as a separate item with the rents charged 2295
to that owner for use of the sewers. The board may approve 2296
installment payments for a period of not more than fifteen 2297
years. If charges are to be paid in installments, the board 2298
shall certify to the county auditor information sufficient to 2299
identify each subject parcel of property, the total of the 2300
charges to be paid in installments, and the total number of 2301
installments to be paid. The auditor shall record the 2302
information in the sewer improvement record until these charges 2303
are paid in full. Charges not paid when due shall be certified 2304
to the county auditor, who shall place the charges upon the real 2305
property tax list and duplicate against that property. Those 2306
charges shall be a lien on the property from the date they are 2307
placed on the tax list and duplicate and shall be collected in 2308
the same manner as other taxes. 2309

(2) A special assessment levied against the property, 2310
payable in the number of years the board determines, not to 2311

exceed fifteen years, with interest as determined by the board 2312
not to exceed ten per cent. The board shall certify the 2313
assessments to the county auditor, stating the amount and time 2314
of payment. The auditor shall record the information in the 2315
county sewer improvement record, showing separately the 2316
assessments to be collected, and shall place the assessments 2317
upon the real property tax list and duplicate for collection. 2318
The assessments shall be a lien on the property from the date 2319
they are placed on the tax list and duplicate and shall be 2320
collected in the same manner as other taxes. 2321

(E) The county may adopt a resolution specifying a maximum 2322
amount of the cost of any disconnection, reconnection, 2323
relocation, combined sewer overflow prevention, or sewer back-up 2324
prevention required pursuant to division (A) of this section 2325
that may be paid by the county for each affected parcel of 2326
property without requiring reimbursement. That amount may be 2327
allowed only if there is a building code, health code, or other 2328
relevant code, or a federally imposed or state-imposed consent 2329
decree that is filed or otherwise recorded in a court of 2330
competent jurisdiction, applicable to the affected parcel that 2331
prohibits in the future any inflows, combined sewer overflows, 2332
or sewer back-ups not allowed under rules adopted pursuant to 2333
division (A)(1), (4), or (5) of this section. The board, by 2334
rule, shall establish criteria for determining how much of the 2335
maximum amount for each qualifying parcel need not be 2336
reimbursed. 2337

~~(F) Disconnections, reconnections, relocations, combined-~~ 2338
~~sewer overflow prevention, or sewer back-up prevention required-~~ 2339
~~under this section and performed by a contractor under contract-~~ 2340
~~with the property owner shall not be considered a public-~~ 2341
~~improvement, and those performed by the county shall be-~~ 2342

~~considered a public improvement as defined in section 4115.03 of~~ 2343
~~the Revised Code.~~ 2344

Disconnections, reconnections, relocations, combined sewer 2345
overflow prevention, or sewer back-up prevention required under 2346
this section performed by a contractor under contract with the 2347
property owner shall not be subject to competitive bidding or 2348
public bond laws. 2349

(G) Property owners shall be responsible for maintaining 2350
any improvements made or facilities constructed on private 2351
property to reconnect or relocate disconnected inflows, for 2352
combined sewer overflow prevention, or for sewer back-up 2353
prevention pursuant to this section unless a public easement or 2354
other agreement exists for the county to maintain that 2355
improvement or facility. 2356

(H) A board of county commissioners may provide rate 2357
reductions of and credits against charges for the use of sewers 2358
to a property owner that implements a project or program that 2359
prevents storm water from entering a combined sewer and causing 2360
an overflow. Such a project or program may include the use of a 2361
prevention or replacement facility to handle storm water that 2362
has been separated from a combined sewer. The revised rates or 2363
charges shall be collected and paid to the county treasurer in 2364
accordance with section 6117.02 of the Revised Code. 2365

Section 2. That existing sections 121.083, 123.281, 2366
164.07, 176.011, 307.022, 307.671, 307.673, 307.674, 307.696, 2367
351.06, 353.03, 1311.25, 1506.44, 1509.071, 1710.02, 5540.03, 2368
and 6117.012 of the Revised Code are hereby repealed. 2369

Section 3. That sections 176.05, 4115.03, 4115.031, 2370
4115.033, 4115.034, 4115.04, 4115.05, 4115.06, 4115.07, 2371

4115.071, 4115.08, 4115.09, 4115.10, 4115.101, 4115.11, 4115.12, 2372
4115.13, 4115.131, 4115.132, 4115.133, 4115.14, 4115.15, 2373
4115.16, 4115.21, 4115.99, and 6121.061 of the Revised Code are 2374
hereby repealed. 2375

Section 4. Sections 1, 2, and 3 of this act do not apply 2376
to contracts governed by the sections being amended and repealed 2377
by Sections 1, 2, and 3 of this act that are entered into before 2378
the effective date of this act. 2379