A BILL

To amend sections 3706.49, 6121.03, and 6121.04 and to enact sections 3706.491 and 3706.551 of the Revised Code to allow the Ohio Water Development Authority to provide for the refinancing of loans for certain public water and waste water infrastructure projects, to waive certain deadlines for qualifying renewable resources that applied for renewable energy credits before March 1, 2020, and to provide for payment of Ohio Air Quality Development Authority administrative costs under the law governing nuclear resource and renewable energy credits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:
Section 1. That sections 3706.49, 6121.03, and 6121.04 be amended and sections 3706.491 and 3706.551 of the Revised Code be enacted to read as follows:

Sec. 3706.49. (A) There is hereby created the nuclear generation fund and the renewable generation fund. Each fund shall be in the custody of the treasurer of state but shall not be part of the state treasury. Each fund shall consist of the charges collected under section 3706.46 of the Revised Code and deposited in accordance with section 3706.53 of the Revised Code. The interest generated by each fund shall be retained by each respective fund and used for the purposes set forth in sections 3706.40 to 3706.65 of the Revised Code.

(B) The treasurer of state shall distribute the moneys in the funds in accordance with directions provided by the Ohio air quality development authority. Before giving directions under this division, except with regard to the administrative costs described in section 3706.491 of the Revised Code, the authority shall consult with the public utilities commission before giving directions under this division.

Sec. 3706.491. (A) Except as provided in division (B) of this section, each fiscal year, beginning July 1, 2021, and ending June 30, 2028, and subject to controlling board approval, the Ohio air quality development authority may use, from the renewable generation fund and nuclear generation fund, created under section 3706.49 of the Revised Code, up to one hundred fifty thousand dollars from each fund, for a maximum total of three hundred thousand dollars, to pay for the authority's administrative costs for that year under sections 3706.40 to 3706.65 of the Revised Code.

(B) Amounts approved under division (A) of this section
for fiscal year 2021 may be used for costs incurred in both fiscal years 2020 and 2021 but may not exceed three hundred thousand dollars per fiscal year.

Sec. 3706.551. (A) Notwithstanding the renewable energy credit application deadlines for qualifying renewable resources under sections 3706.41 and 3706.43 of the Revised Code, the Ohio air quality development authority shall accept, review, and approve an application from a qualifying renewable resource if the resource submitted the application before March 1, 2020.

(B) The April 7, 2020, deadline for the first quarterly report required under section 3706.45 of the Revised Code shall not apply to a qualifying renewable resource whose application for renewable energy credits is approved under division (A) of this section.

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

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

(2) To prevent or abate the pollution of water resources;

(3) To promote the beneficial use of waters of the state for the protection and preservation of the public health, safety, convenience, and welfare;

(4) To assist in the financing of waste water facilities and water management facilities for industry, commerce, distribution, and research, including public utility companies;
(5) To create or preserve jobs and employment opportunities or improve the economic welfare of the people of the state, or to assist and cooperate with governmental agencies in achieving such purposes.

(B) In furtherance of such public policy, the Ohio water development authority may initiate do all of the following:

(1) Initiate, acquire, construct, maintain, repair, and operate water development projects or cause the same to be operated pursuant to a lease, sublease, or agreement with any person or governmental agency; may make

(2) Make loans and grants to governmental agencies for the acquisition or construction, or refinancing of waste water or water management facilities by such governmental agencies and provide for the financing and refinancing of such loans; may make

(3) Make loans to persons for the acquisition or construction, or refinancing of waste water facilities or water management facilities by such persons; and may issue

(4) Issue water development revenue bonds of this state payable solely from revenues, to pay the cost of such projects, provided that, except for facilities for pollution control or solid waste disposal, no such financing assistance shall be made for facilities to be constructed for the purpose of providing electric or gas utility service to the public.

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

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

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

(B) Adopt an official seal;

(C) Maintain a principal office and suboffices at places within the state that it designates;

(D) Sue and plead in its own name and be sued and impleaded in its own name with respect to its contracts or torts of its members, employees, or agents acting within the scope of their employment, or to enforce its obligations and covenants made under sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any such actions against the authority shall be brought in
the court of common pleas of the county in which the principal office of the authority is located or in the court of common pleas of the county in which the cause of action arose, provided that the county is located within this state, and all summonses, exceptions, and notices of every kind shall be served on the authority by leaving a copy thereof at the principal office with the person in charge thereof or with the secretary-treasurer of the authority.

(E) Make loans and grants to governmental agencies for the acquisition or construction, or refinancing of water development projects by any such governmental agency and adopt rules and procedures for making such loans and grants, including rules governing the financing and refinancing of such loans;

(F) Acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, or lease or rent to, or contract for operation by, a governmental agency or person, water development projects, and establish rules for the use of those projects;

(G) Make available the use or services of any water development project to one or more persons, one or more governmental agencies, or any combination thereof;

(H) Issue water development revenue bonds and notes and water development revenue refunding bonds of the state, payable solely from revenues as provided in section 6121.06 of the Revised Code, unless the bonds are refunded by refunding bonds, for the purpose of paying any part of the cost of or refinancing one or more water development projects or parts thereof;

(I) Acquire by gift or purchase, hold, and dispose of real and personal property in the exercise of its powers and the
performance of its duties under this chapter;

(J) Acquire, in the name of the state, by purchase or otherwise, on terms and in the manner that it considers proper, or by the exercise of the right of condemnation in the manner provided by section 6121.18 of the Revised Code, public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests that it considers necessary for carrying out this chapter, but excluding the acquisition by the exercise of the right of condemnation of any waste water facility or water management facility owned by any person or governmental agency, and compensation shall be paid for public or private lands so taken, except that a government-owned waste water facility may be appropriated in accordance with section 6121.041 of the Revised Code;

(K) Adopt rules to protect augmented flow in waters of the state, to the extent augmented by a water development project, from depletion so it will be available for beneficial use, and to provide standards for the withdrawal from waters of the state of the augmented flow created by a water development project that is not returned to the waters of the state so augmented and to establish reasonable charges therefor if considered necessary by the authority;

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

(I) When the cost under any such contract or agreement, other than compensation for personal services, involves an expenditure of more than fifty thousand dollars, the authority
shall make a written contract with the lowest responsive and responsible bidder, in accordance with section 9.312 of the Revised Code, after advertisement for not less than two consecutive weeks in a newspaper of general circulation in Franklin county, and in other publications that the authority determines, which shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids, provided that a contract or lease for the operation of a water development project constructed and owned by the authority or an agreement for cooperation in the acquisition or construction of a water development project pursuant to section 6121.13 of the Revised Code or any contract for the construction of a water development project that is to be leased by the authority to, and operated by, persons who are not governmental agencies and the cost of the project is to be amortized exclusively from rentals or other charges paid to the authority by persons who are not governmental agencies is not subject to the foregoing requirements and the authority may enter into such a contract or lease or such an agreement pursuant to negotiation and upon terms and conditions and for the period that it finds to be reasonable and proper in the circumstances and in the best interests of proper operation or of efficient acquisition or construction of the project.

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

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

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

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

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

(N) Receive and accept from any federal agency, subject to 
the approval of the governor, grants for or in aid of the 
construction of any water development project or for research 
and development with respect to waste water or water management 
facilities, and receive and accept aid or contributions from any 
source of money, property, labor, or other things of value, to 
be held, used, and applied only for the purposes for which the 
grants and contributions are made;
(O) Engage in research and development with respect to waste water or water management facilities;

(P) Purchase fire and extended coverage and liability insurance for any water development project and for the principal office and suboffices of the authority, insurance protecting the authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the authority may agree to provide under any resolution authorizing its water development revenue bonds or in any trust agreement securing the same;

(Q) Charge, alter, and collect rentals and other charges for the use or services of any water development project as provided in section 6121.13 of the Revised Code;

(R) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;

(S) Assist in the implementation and administration of the drinking water assistance fund and program created in section 6109.22 of the Revised Code and the water pollution control loan fund and program created in section 6111.036 of the Revised Code, including, without limitation, performing or providing fiscal management for the funds and investing and disbursing moneys in the funds, and enter into all necessary and appropriate agreements with the director of environmental protection for those purposes;

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

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

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

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

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Section 2. That existing sections 3706.49, 6121.03, and 6121.04 of the Revised Code are hereby repealed.