

**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**

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**A BILL**

To amend sections 121.083, 123.281, 164.07, 1  
176.011, 307.022, 307.671, 307.673, 307.674, 2  
307.696, 351.06, 353.03, 1311.25, 1506.44, 3  
1509.071, 1710.02, 5540.03, and 6117.012 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,                | 77  |
| remodeled, or improved;                                                | 78  |
| (5) Specify that the project scope meets the intent and                | 79  |
| purpose of the project appropriation and that the project can be       | 80  |
| completed and ready to support culture without exceeding               | 81  |
| appropriated funds;                                                    | 82  |
| (6) Specify that the governmental agency or cultural                   | 83  |
| organization shall hold the Ohio facilities construction               | 84  |
| commission harmless from all liability for the operation and           | 85  |
| maintenance costs of the facility;                                     | 86  |
| (7) Specify that the agreement or any actions taken under              | 87  |
| it are not subject to Chapter 123. or 153. of the Revised Code,        | 88  |
| except for sections 123.20, 123.201, 123.21, 123.28, 123.281,          | 89  |
| and 153.011 of the Revised Code, <del>and are subject to Chapter</del> | 90  |
| <del>4115. of the Revised Code;</del> and                              | 91  |
| (8) Provide that amendments to the agreement shall require             | 92  |
| the approval of the Ohio facilities construction commission.           | 93  |
| (C) In order for a cultural organization to provide                    | 94  |
| construction services on behalf of the state for a state               | 95  |
| historical facility for which the general assembly has made an         | 96  |
| appropriation or specifically authorized the spending of money         | 97  |
| or the making of rental payments relating to the financing of          | 98  |
| the construction, the cultural organization shall submit to the        | 99  |
| Ohio facilities construction commission a cooperative use              | 100 |
| agreement that includes, but is not limited to, provisions that:       | 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~~ or 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.,  
and sections 307.86 to 307.92, ~~and Chapter 4115.~~ of the Revised  
Code, for the construction, improvement, furnishing, and  
equipping of correctional facilities to be leased pursuant to  
this section. Prior to the board's execution of the lease, it  
may require the lessor under the lease to cause sufficient money  
to be made available to the county to enable the county to  
comply with the certification requirements of division (D) of  
section 5705.41 of the Revised Code.

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

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

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

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

307.021 of the Revised Code; 343

(3) Correctional facilities that are under construction or 344  
have been completed and for which no permanent financing has 345  
been arranged. 346

(C) As used in this section: 347

(1) "Correctional facilities" includes, but is not limited 348  
to, jails, detention facilities, workhouses, community-based 349  
correctional facilities, and family court centers. 350

(2) "Construction" ~~has the same meaning as in division (B)~~ 351  
~~of section 4115.03 of the Revised Code~~ means any construction, 352  
reconstruction, improvement, enlargement, alteration, repair, 353  
painting, or decorating of any public improvement performed by 354  
other than full-time employees who have completed their 355  
probationary periods in the classified service of a public 356  
authority. 357

As used in division (C) (2) of this section: 358

(a) "Public improvement" means all buildings, roads, 359  
streets, alleys, sewers, ditches, and other structures or works 360  
constructed by a public authority or by any person who, pursuant 361  
to a contract with a public authority, constructs any structure 362  
or work for a public authority. When a public authority rents or 363  
leases a newly constructed structure within six months after 364  
completion of its construction, any work performed on that 365  
structure to suit it for occupancy is a "public improvement." 366

(b) "Public authority" means any officer, board, or 367  
commission of the state, or any political subdivision of the 368  
state, or any institution supported in whole or in part by 369  
public funds, authorized to enter into a contract for the 370  
construction of a public improvement or to construct a public 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 489  
facility from the port authority; 490

(b) Operate and maintain the port authority educational 491  
and cultural facility pursuant to the lease; 492

(c) To the extent provided for in the cooperative 493  
agreement or the lease from the port authority, administer on 494  
behalf of the port authority the contracts for acquiring, 495  
constructing, or equipping a port authority educational and 496  
cultural facility. 497

(C) The pledges and contributions described in divisions 498  
(B) (1) (c) and (d) of this section and provided for in the 499  
cooperative agreement shall be for the period stated in the 500  
cooperative agreement, but shall not be in excess of the period 501  
necessary to provide for the final retirement of the port 502  
authority revenue bonds provided for in division (B) (2) (a) of 503  
this section and any bonds issued by the port authority to 504  
refund such bonds, and for the satisfaction by the port 505  
authority of any of its obligations arising from any guaranty 506  
agreements, reimbursement agreements, or other credit 507  
enhancement agreements relating to such bonds or to the revenues 508  
pledged to such bonds. The cooperative agreement shall provide 509  
for the termination of the cooperative agreement including the 510  
pledges and contributions described in divisions (B) (1) (c) and 511  
(d) of this section if the port authority revenue bonds provided 512  
for in division (B) (2) (a) of this section have not been issued, 513  
sold, and delivered within two years of the effective date of 514  
the cooperative agreement. 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 693  
legislative authority for the payment of the cost of a sports 694  
facility or to make payments on obligations; 695

(b) Issue or incur obligations of the municipal 696  
corporation pursuant to Chapter 133. of the Revised Code or 697  
otherwise; 698

(c) Make available all or a portion of the proceeds from 699  
the issuance of those obligations to the county, port authority, 700  
corporation, or otherwise for the payment of the cost of a 701  
sports facility or the payment of obligations; 702

(d) Acquire, construct, renovate, repair, equip, lease to 703  
or from another person, and operate, directly or by a lease or 704  
management contract with another person, one or more sports 705  
facilities; 706

(e) To the extent provided in the cooperative agreement or 707  
a lease with respect to a sports facility, authorize the county, 708  
port authority, corporation, or owner to administer contracts 709  
for designing, planning, acquiring, constructing, renovating, 710  
repairing, or equipping a sports facility. 711

(4) The corporation agrees to do one or more of the 712  
following: 713

(a) Issue or incur obligations; 714

(b) Make available all or a portion of the proceeds from 715  
the issuance of those obligations to the county, port authority, 716  
municipal corporation, or otherwise for the payment of the cost 717  
of a sports facility or the payment of obligations; 718

(c) Acquire, construct, renovate, repair, equip, lease to 719  
or from another person, and operate, directly or by a lease or 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, 956~~  
~~renovation, rehabilitation, equipping, or improving of a port 957~~  
~~authority educational and cultural performing arts facility 958~~  
~~entered into, assigned, or assumed pursuant to this division 959~~  
~~shall provide that all laborers and mechanics employed for the 960~~  
~~acquisition, construction, renovation, rehabilitation, 961~~  
~~equipping, or improving of that facility shall be paid at the 962~~  
~~prevailing rates of wages of laborers and mechanics for the 963~~  
~~class of work called for by the port authority educational and 964~~  
~~cultural performing arts facility, which wages shall be 965~~  
~~determined in accordance with the requirements of Chapter 4115. 966~~  
~~of the Revised Code for the determination of prevailing wage 967~~  
~~rates. 968~~

Notwithstanding any provisions to the contrary in section 969  
123.281 of the Revised Code, construction services and general 970  
building services for a port authority educational and cultural 971  
performing arts facility funded completely or in part with money 972  
appropriated by the state to the Ohio facilities construction 973  
commission may be provided by a port authority or a corporation 974  
that occupies, will occupy, or is responsible for that facility, 975  
as determined by the commission. The construction services and 976  
general building services to be provided by the port authority 977  
or the corporation shall be specified in an agreement between 978  
the commission and the port authority or corporation. That 979  
agreement, or any actions taken under it, are not subject to 980  
Chapters 123. or 153. of the Revised Code, ~~but are subject to 981~~  
~~Chapter 4115. of the Revised Code. 982~~

**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</u>              | 1424 |
| <u>provide such;</u>                                                    | 1425 |
| <u>(c) Compensation for injuries or illnesses resulting from</u>        | 1426 |
| <u>occupational activities if it is in addition to that coverage</u>    | 1427 |
| <u>required by Chapters 4121. and 4123. of the Revised Code;</u>        | 1428 |
| <u>(d) Supplemental unemployment benefits that are in</u>               | 1429 |
| <u>addition to those required by Chapter 4141. of the Revised Code;</u> | 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</u>       | 1434 |
| <u>training programs that are beneficial only to the laborers and</u>   | 1435 |
| <u>mechanics affected;</u>                                              | 1436 |
| <u>(i) Other bona fide fringe benefits.</u>                             | 1437 |
| (I) "Notice of commencement" means the notice specified in              | 1438 |
| section 1311.252 of the Revised Code.                                   | 1439 |
| (J) "Notice of furnishing" means the notice specified in                | 1440 |
| section 1311.261 of the Revised Code.                                   | 1441 |
| <b>Sec. 1506.44.</b> (A) A board of county commissioners may use        | 1442 |
| a loan obtained under division (C) of this section to provide           | 1443 |
| financial assistance to any person who owns real property in a          | 1444 |
| coastal erosion area and who has received a permit under section        | 1445 |
| 1506.40 of the Revised Code to construct an erosion control             | 1446 |
| structure in that coastal erosion area. The board shall enter           | 1447 |
| into an agreement with the person that complies with all of the         | 1448 |
| following requirements:                                                 | 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 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

either of the following: 1779

(1) ~~Chapter 4115. of the Revised Code;~~ 1780

~~(2)~~ Section 153.54 of the Revised Code; 1781

~~(3)~~ (2) Section 4733.17 of the Revised Code. 1782

(H) The owner of land on which a well is located who has 1783  
received notice under division (D) (1) (b) of this section, in 1784  
lieu of plugging the well in accordance with division (E) (2) of 1785  
this section, may cause ownership of the well to be transferred 1786  
to an owner who is lawfully doing business in this state and who 1787  
has met the financial responsibility requirements established 1788  
under section 1509.07 of the Revised Code, subject to the 1789  
approval of the chief. The transfer of ownership also shall be 1790  
subject to the landowner's filing the appropriate forms required 1791  
under section 1509.31 of the Revised Code and providing to the 1792  
chief sufficient information to demonstrate the landowner's or 1793  
owner's right to produce a formation or formations. That 1794  
information may include a deed, a lease, or other documentation 1795  
of ownership or property rights. 1796

The chief shall approve or disapprove by order the 1797  
transfer of ownership of the well. If the chief approves the 1798  
transfer, the owner is responsible for operating the well in 1799  
accordance with this chapter and rules adopted under it, 1800  
including, without limitation, all of the following: 1801

(1) Filing an application with the chief under section 1802  
1509.06 of the Revised Code if the owner intends to drill deeper 1803  
or produce a formation that is not listed in the records of the 1804  
division for that well; 1805

(2) Taking title to and possession of the equipment 1806  
appurtenant to the well that has been identified by the chief as 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 2050  
nonprofit corporation to govern the district under this chapter; 2051

(2) Hiring employees and professional services; 2052

(3) Contracting for insurance; 2053

(4) Purchasing or leasing office space and office 2054  
equipment; 2055

(5) Other actions necessary initially to form, operate, or 2056  
organize the district and the nonprofit corporation to govern 2057  
the district; 2058

(6) A plan for public improvements or public services that 2059  
benefit all or part of the district, which plan shall comply 2060  
with the requirements of division (A) of section 1710.06 of the 2061  
Revised Code and may include, but is not limited to, any of the 2062  
permissive provisions described in the fourth sentence of that 2063  
division or listed in divisions (A)(1) to (7) of that section; 2064

(7) If the special improvement district is being created 2065  
under this chapter for the purpose of developing and 2066  
implementing plans for special energy improvement projects or 2067  
shoreline improvement projects, provision for the addition of 2068  
territory to the special improvement district. 2069

After the initial plan is approved by all municipal 2070  
corporations and townships to which it is submitted for approval 2071  
and the district is created, each participating subdivision 2072  
shall levy a special assessment within its boundaries to pay for 2073  
the costs of the initial plan. The levy shall be for no more 2074  
than ten years from the date of the approval of the initial 2075  
plan; except that if the proceeds of the levy are to be used to 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 2166  
impleaded, provided any actions against the district shall be 2167  
brought in the court of common pleas of the county in which the 2168  
principal office of the district is located, or in the court of 2169  
common pleas of the county in which the cause of action arose, 2170  
and all summonses, exceptions, and notices of every kind shall 2171  
be served on the district by leaving a copy thereof at its 2172  
principal office with the secretary-treasurer; 2173

(4) Purchase, construct, maintain, repair, sell, exchange, 2174  
police, operate, or lease projects; 2175

(5) Issue either or both of the following for the purpose 2176  
of providing funds to pay the costs of any project or part 2177  
thereof: 2178

(a) Transportation improvement district revenue bonds; 2179

(b) Bonds pursuant to Section 13 of Article VIII, Ohio 2180  
Constitution<sup>7</sup>. 2181

(6) Maintain such funds as it considers necessary; 2182

(7) Direct its agents or employees, when properly 2183  
identified in writing and after at least five days' written 2184  
notice, to enter upon lands within its jurisdiction to make 2185  
surveys and examinations preliminary to the location and 2186  
construction of projects for the district, without liability of 2187  
the district or its agents or employees except for actual damage 2188  
done; 2189

(8) Make and enter into all contracts and agreements 2190  
necessary or incidental to the performance of its functions and 2191  
the execution of its powers under this chapter; 2192

(9) Employ or retain or contract for the services of 2193

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