

**As Introduced**

**124th General Assembly  
Regular Session  
2001-2002**

**S. B. No. 114**

**SENATORS Wachtmann, Jordan, Jacobson, Nein, Hottinger**

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**A B I L L**

To amend sections 164.07, 166.02, 175.06, 176.011, 1  
307.671, 307.673, 307.696, 351.06, 1551.33, 2  
1710.02, 1728.07, 3383.07, 4115.03, 4115.04, 3  
4115.06, 4115.10, 4115.14, 4115.16, 4116.01, 4  
4582.12, 5122.28, 5123.87, 5540.03, and 6117.012, 5  
to enact sections 4115.17, and 4115.18 and to 6  
repeal sections 122.452, 165.031, 176.05, 1551.13, 7  
3706.042, 4115.032, 4582.37, 4981.23, and 6121.061 8  
of the Revised Code to modify the Prevailing Wage 9  
Law to apply only to public improvements owned by 10  
the state and to establish a two-year statute of 11  
limitations for actions alleging violations of that 12  
law. 13

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

**Section 1.** That sections 164.07, 166.02, 175.06, 176.011, 14  
307.671, 307.673, 307.696, 351.06, 1551.33, 1710.02, 1728.07, 15  
3383.07, 4115.03, 4115.04, 4115.06, 4115.10, 4115.14, 4115.16, 16  
4116.01, 4582.12, 5122.28, 5123.87, 5540.03, and 6117.012 be 17  
amended and sections 4115.17 and 4115.18 of the Revised Code be 18  
enacted to read as follows: 19

**Sec. 164.07.** ~~(A)~~ In awarding contracts for capital 20

improvement projects to be financed in whole or in part under this 21  
chapter, a local subdivision shall comply with the percentage 22  
requirements of division (C)(1) of section 123.151 and of section 23  
125.081 of the Revised Code. The subdivision shall also require 24  
compliance by its subcontractors with the requirements of division 25  
(C)(2) of section 123.151 of the Revised Code in awarding 26  
contracts and purchasing services and materials under those 27  
contracts. If, after making a good faith effort, a contractor is 28  
unable to comply with the requirements of division (C)(2) of 29  
section 123.151 of the Revised Code because it is unable to locate 30  
minority business enterprises available to accept subcontracts or 31  
purchase materials or services, the contractor may apply to the 32  
subdivision for a waiver or modification of the requirement. If 33  
the subdivision determines that the contractor made a good faith 34  
effort to locate and use minority business enterprises but was 35  
unable to do so, it may waive the provisions, authorize a 36  
reduction in the total value of the contract designated to 37  
minority business enterprises, or require a greater percentage of 38  
services permissible in contracts for plumbing, gas fitting, steam 39  
and hot water heating, ventilating apparatus, steam power plant, 40  
or electrical equipment. If the subdivision denies a request for a 41  
waiver or modification and the contractor is unable to comply with 42  
division (C)(2) of section 123.151 of the Revised Code, the 43  
contract shall be terminated by the subdivision. 44

~~(B) A capital improvement that is financed in whole or in 45  
part under this chapter is a public improvement and a subdivision 46  
undertaking a capital improvement is a public authority for 47  
purposes of section 4115.03 of the Revised Code. All contractors 48  
and subcontractors working on a capital improvement financed in 49  
whole or in part under this chapter shall comply with sections 50  
4115.03 to 4115.16 of the Revised Code. 51~~

**Sec. 166.02.** (A) The general assembly finds that many local 52

areas throughout the state are experiencing economic stagnation or 53  
decline, and that the economic development program provided for by 54  
Chapter 166. of the Revised Code will constitute a deserved, 55  
necessary reinvestment by the state in those areas, materially 56  
contribute to their economic revitalization, and result in 57  
improving the economic welfare of all the people of the state. 58  
Accordingly, it is declared to be the public policy of the state, 59  
through the operations under Chapter 166. of the Revised Code and 60  
other applicable laws adopted pursuant to Section 13 of Article 61  
VIII, Ohio Constitution, and other authority vested in the general 62  
assembly, to assist in and facilitate the establishment or 63  
development of eligible projects or assist and cooperate with any 64  
governmental agency in achieving such purpose. 65

(B) In furtherance of such public policy and to implement 66  
such purpose, the director of development may: 67

(1) After consultation with appropriate governmental 68  
agencies, enter into agreements with persons engaged in industry, 69  
commerce, distribution, or research and with governmental agencies 70  
to induce such persons to acquire, construct, reconstruct, 71  
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 72  
otherwise develop, eligible projects and make provision therein 73  
for project facilities and governmental actions, as authorized by 74  
this chapter and other applicable laws, subject to any required 75  
actions by the general assembly or the controlling board and 76  
subject to applicable local government laws and regulations; 77

(2) Provide for the guarantees and loans as provided for in 78  
sections 166.06 and 166.07 of the Revised Code; 79

(3) Subject to release of such moneys by the controlling 80  
board, contract for labor and materials needed for, or contract 81  
with others, including governmental agencies, to provide, project 82  
facilities the allowable costs of which are to be paid for or 83  
reimbursed from moneys in the facilities establishment fund, and 84

contract for the operation of such project facilities;	85
(4) Subject to release thereof by the controlling board, from moneys in the facilities establishment fund acquire or contract to acquire by gift, exchange, or purchase, including the obtaining and exercise of purchase options, property, and convey or otherwise dispose of, or provide for the conveyance or disposition of, property so acquired or contracted to be acquired by sale, exchange, lease, lease purchase, conditional or installment sale, transfer, or other disposition, including the grant of an option to purchase, to any governmental agency or to any other person without necessity for competitive bidding and upon such terms and conditions and manner of consideration pursuant to and as the director determines to be appropriate to satisfy the objectives of Chapter 166. of the Revised Code;	86 87 88 89 90 91 92 93 94 95 96 97 98
(5) Retain the services of or employ financial consultants, appraisers, consulting engineers, superintendents, managers, construction and accounting experts, attorneys, and employees, agents, and independent contractors as are necessary in <del>his</del> <u>the</u> <u>director's</u> judgment and fix the compensation for their services;	99 100 101 102 103
(6) Receive and accept from any person grants, gifts, and contributions of money, property, labor, and other things of value, to be held, used and applied only for the purpose for which such grants, gifts, and contributions are made;	104 105 106 107
(7) Enter into appropriate arrangements and agreements with any governmental agency for the taking or provision by that governmental agency of any governmental action;	108 109 110
(8) Do all other acts and enter into contracts and execute all instruments necessary or appropriate to carry out the provisions of Chapter 166. of the Revised Code;	111 112 113
(9) Adopt rules to implement any of the provisions of Chapter 166. of the Revised Code applicable to the director.	114 115

(C) The determinations by the director that facilities 116  
constitute eligible projects, that facilities are project 117  
facilities, that costs of such facilities are allowable costs, and 118  
all other determinations relevant thereto or to an action taken or 119  
agreement entered into shall be conclusive for purposes of the 120  
validity and enforceability of rights of parties arising from 121  
actions taken and agreements entered into under this chapter. 122

(D) Except as otherwise prescribed in Chapter 166. of the 123  
Revised Code, all expenses and obligations incurred by the 124  
director in carrying out ~~his or her~~ the director's powers and in 125  
exercising ~~his or her~~ the director's duties under Chapter 166. of 126  
the Revised Code, shall be payable solely from, as appropriate, 127  
moneys in the facilities establishment fund, the loan guarantee 128  
fund, or moneys appropriated for such purpose by the general 129  
assembly. Chapter 166. of the Revised Code does not authorize the 130  
director or the issuing authority under section 166.08 of the 131  
Revised Code to incur bonded indebtedness of the state or any 132  
political subdivision thereof, or to obligate or pledge moneys 133  
raised by taxation for the payment of any bonds or notes issued or 134  
guarantees made pursuant to Chapter 166. of the Revised Code. 135

(E) ~~No financial assistance for project facilities shall be 136  
provided under this chapter unless the provisions of the agreement 137  
providing for such assistance specify that all wages paid to 138  
laborers and mechanics employed on such project facilities for 139  
which the assistance is granted shall be paid at the prevailing 140  
rates of wages of laborers and mechanics for the class of work 141  
called for by such project facilities, which wages shall be 142  
determined in accordance with the requirements of Chapter 4115. of 143  
the Revised Code for determination of prevailing wage rates, 144  
provided that the requirements of this division do not apply where 145  
the federal government or any of its agencies provides financing 146  
assistance as to all or any part of the funds used in connection 147~~

~~with such project facilities and prescribes predetermined minimum 148~~  
~~wages to be paid to such laborers and mechanics; and provided 149~~  
~~further that should a nonpublic user beneficiary of the eligible 150~~  
~~project undertake, as part of the eligible project, construction 151~~  
~~to be performed by its regular bargaining unit employees who are 152~~  
~~covered under a collective bargaining agreement which was in 153~~  
~~existence prior to the date of the document authorizing such 154~~  
~~assistance then, in that event, the rate of pay provided under the 155~~  
~~collective bargaining agreement may be paid to such employees. 156~~

(F) Any governmental agency may enter into an agreement with 157  
the director, any other governmental agency, or a person to be 158  
assisted under this chapter, to take or provide for the purposes 159  
of this chapter any governmental action it is authorized to take 160  
or provide, and to undertake on behalf and at the request of the 161  
director any action which the director is authorized to undertake 162  
pursuant to divisions (B)(3), (4), and (5) of this section. 163  
Governmental agencies of the state shall cooperate with and 164  
provide assistance to the director of development and the 165  
controlling board in the exercise of their respective functions 166  
under this chapter. 167

**Sec. 175.06.** (A) The Ohio housing finance agency may make, 168  
and contract to make, loans to, or through, lending institutions 169  
to finance the acquisition, construction, improvement, and 170  
rehabilitation of multifamily residential housing on terms and 171  
conditions that the agency shall determine. All lending 172  
institutions are authorized to borrow from the agency in 173  
accordance with this section, provided that a separate issue of 174  
bonds may be authorized for loans to, or through, lending 175  
institutions with respect to multifamily residential housing that 176  
shares a common site, ownership, and security interest, and 177  
constitutes a single multifamily residential housing project. 178

(B) The agency may purchase, and contract to purchase, from 179

lending institutions loans or other evidence of debt to finance  
the acquisition, construction, improvement, and rehabilitation of  
multifamily residential housing on terms and conditions that the  
agency shall determine, and all lending institutions are  
authorized to sell the loans to the agency in accordance with this  
section.

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(C) The agency shall require, as a condition of each loan  
made to, or through, a lending institution pursuant to this  
section, that the lending institution use the loan proceeds to  
make new loans in an aggregate principal amount at least equal to  
the amount of the loan to finance the acquisition, construction,  
improvement, and rehabilitation of multifamily residential  
housing.

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(D) The agency also shall require that the owners of  
multifamily residential housing, the acquisition, construction,  
improvements, or rehabilitation of which is financed by loans  
purchased by the agency, or with the proceeds of loans made by the  
agency pursuant to this section, demonstrate to the satisfaction  
of the agency that the multifamily residential housing is safe and  
sanitary, and the occupants of the multifamily residential housing  
will benefit from the savings in the cost of money to the lending  
institutions and the owners resulting from the loans or proceeds  
from them. Determinations by the agency with respect to those  
matters shall be deemed conclusive.

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(E) The interest rate or rates and other terms of loans made  
or purchased by the agency pursuant to this section with the  
proceeds of any issue of bonds, together with any other moneys  
available for the payment of the bonds and the interest on them,  
including reserve funds, shall be at least sufficient to assure  
the payment of the bonds and the interest on them as they become  
due.

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(F) The agency may require that each lending institution

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receiving a loan pursuant to this section shall issue and deliver  
to the agency an evidence of its indebtedness to the agency which  
shall bear the date or dates, shall mature at the time or times,  
shall be subject to prepayment, and shall contain any other  
provisions consistent with this chapter that the agency shall  
determine.

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(G) The agency may require that loans made pursuant to this  
section shall be secured as to payment of both principal and  
interest by a pledge of any collateral security that the agency  
shall determine to be necessary to assure the payment of the loans  
and the interest on them as they become due.

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(H) The agency may require that any collateral for loans made  
pursuant to this section be deposited with a bank, trust company,  
or other financial institution acceptable to the agency located in  
the state and designated by the agency as custodian for the  
collateral. In the absence of that requirement, each lending  
institution shall enter into an agreement with the agency  
containing any provisions that the agency considers necessary to  
do all of the following:

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(1) Adequately identify and maintain the collateral;

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(2) Service the collateral;

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(3) Require the lending institution to hold the collateral as  
an agent for the agency and be accountable to the agency as the  
trustee of an express trust for the application and disposition of  
it and the income from it.

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The agency also may establish any additional requirements  
that it considers necessary with respect to the pledging,  
assigning, setting aside, or holding of collateral, the making of  
substitutions for it or additions to it, and the disposition of  
income and receipts from it.

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(I) The agency may require as a condition of each loan made

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to a lending institution pursuant to this section that the lending institution, within the period after receipt of the loan proceeds that the agency may prescribe, shall have entered into written commitments to make, and, within the period thereafter that the agency may prescribe, shall have disbursed the loan proceeds in new loans. The new loans shall have any terms and conditions that the agency may prescribe.

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(J) The agency may require as a condition of any loans made to, made through, or purchased from lending institutions pursuant to this section any representations and warranties that it shall determine to be necessary to secure the loans and carry out the purpose of this chapter.

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(K) The agency may provide in agreements with lending institutions and in loan documents requirements applicable to the purchase of loans pursuant to this section, including, but not limited to, the following:

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(1) Qualifications of lending institutions from which loans may be purchased;

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(2) The time period within which lending institutions must make commitments for and originate loans and deliver them for purchase;

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(3) The location and characteristics of multifamily residential housing to be financed by loans;

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(4) The terms and conditions of loans to be purchased;

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(5) The amounts and types of insurance coverage required on multifamily residential housing, loans, and bonds;

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(6) The type and amount of collateral security to be provided to assure repayment of any loan or bonds.

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(L) The agency shall require provision to be made for making available to eligible families of low and moderate income not less

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than that percentage of units in a multifamily residential housing project financed under this section as provided for in section 142(d) of the Internal Revenue Code, and that all of those units be made available without discrimination by reason of race, color, ancestry, national origin, religion, sex, familial status as defined in section 4112.01 of the Revised Code, or disability as defined in that section.

(M) Lending institutions and owners and developers are authorized to comply with requirements pursuant to this section ~~and section 176.05 of the Revised Code~~ notwithstanding any other restrictions in law or rules.

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

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

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

Ohio Constitution, and section 176.04 of the Revised Code. 304

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(2) Create and participate in a nonprofit corporation 306  
incorporated under Chapter 1702. of the Revised Code for the 307  
purpose of acquiring, constructing, or rehabilitating housing 308  
under Section 16 of Article VIII, Ohio Constitution, and section 309  
176.04 of the Revised Code, or participate in an existing 310  
nonprofit corporation whose purpose includes the acquisition, 311  
construction, or rehabilitation of housing. A nonprofit 312  
corporation created under division (A)(2) of this section shall 313  
not have among its purposes any of the purposes for which a 314  
nonprofit corporation created under division (A)(1) of this 315  
section may be created. The governing board of a nonprofit 316  
corporation created under division (A)(2) of this section or in 317  
which a county, township, or municipal corporation participates 318  
under division (A)(2) of this section shall consist of not more 319  
than one-third elected officials or appointees thereof of the 320  
county, township, or municipal corporation, or combination 321  
thereof, that through the governing boards or chief executive 322  
officers create or participate in such corporation. 323

~~Housing acquired, constructed, or rehabilitated by a 324  
nonprofit corporation created under division (A)(2) of this 325  
section is a project for purposes of section 176.05 of the Revised 326  
Code and shall be considered a project undertaken by a county, 327  
township, or municipal corporation for purposes of section 176.05 328  
of the Revised Code. 329~~

Not more than fifteen per cent of the funds received by a 330  
nonprofit corporation created under division (A)(1) or (2) of this 331  
section from any county, township, or municipal corporation shall 332  
be used for administration and salaries of the nonprofit 333  
organization. Funds distributed to the nonprofit corporation from 334  
any board of county commissioners, board of township trustees, or 335

municipal corporation shall be considered an expenditure for 336  
housing purposes under Section 16 of Article VIII, Ohio 337  
Constitution. A nonprofit corporation created under division 338  
(A)(1) or (2) of this section is a public body for purposes of 339  
section 121.22 of the Revised Code, and is subject to that 340  
section. 341

(B) A county, township, or municipal corporation may 342  
distribute funds to a nonprofit corporation created under division 343  
(A)(1) or (2) of this section that its board or chief executive 344  
officer created or in which the board or chief executive officer 345  
participates, and no such distribution constitutes a conflict of 346  
interest. 347

(C) Service as a member, trustee, officer, employee, or agent 348  
of a nonprofit corporation created under division (A) of this 349  
section does not constitute a conflict of interest with the 350  
following: 351

(1) Employment by or membership on a board of county 352  
commissioners or a board of township trustees from which the 353  
nonprofit corporation receives funds; 354

(2) Service as the chief executive officer or as a member of 355  
the legislative authority of, or employment by, a municipal 356  
corporation from which the nonprofit corporation receives funds; 357

(3) Service on a housing advisory board serving any of the 358  
political subdivisions named in division (C) of this section. 359

(D) A housing advisory board established or designated by any 360  
municipal corporation, county, or township, alone or jointly, 361  
shall advise the nonprofit corporation created under division 362  
(A)(1) or (2) or both of this section in accordance with sections 363  
176.01 and 176.04 of the Revised Code. 364

**Sec. 307.671.** (A) As used in this section: 365

(1) "Bonds" means, as the context requires: general 366  
obligation bonds of the county, or notes in anticipation thereof, 367  
described in division (B)(1)(b) of this section; revenue bonds of 368  
the port authority described in division (B)(2)(a) of this 369  
section; and urban renewal bonds, or notes in anticipation 370  
thereof, of the host municipal corporation described in division 371  
(B)(3)(a) of this section. 372

(2) "Corporation" means a nonprofit corporation that is 373  
organized under the laws of this state and that includes within 374  
the purposes for which it is incorporated the authorization to 375  
lease and operate facilities such as a port authority educational 376  
and cultural facility. 377

(3) "Debt service charges" means, for any period or payable 378  
at any time, the principal of and interest and any premium due on 379  
bonds for that period or payable at that time whether due at 380  
maturity or upon mandatory redemption, together with any required 381  
deposits to reserves for the payment of principal of and interest 382  
on such bonds, and includes any payments required by the port 383  
authority to satisfy any of its obligations arising from any 384  
guaranty agreements, reimbursement agreements, or other credit 385  
enhancement agreements described in division (C) of this section. 386

(4) "Host municipal corporation" means the municipal 387  
corporation within the boundaries of which the port authority 388  
educational and cultural facility is located. 389

(5) "Port authority" means a port authority created pursuant 390  
to the authority of section 4582.02 of the Revised Code by a 391  
county and a host municipal corporation. 392

(6) "Port authority educational and cultural facility" means 393  
a facility located within an urban renewal area that may consist 394  
of a museum, archives, library, hall of fame, center for 395  
contemporary music, or other facilities necessary to provide 396

programs of an educational and cultural nature, together with all  
parking facilities, walkways, and other auxiliary facilities, real  
and personal property, property rights, easements, and interests  
that may be appropriate for, or used in connection with, the  
operation of the facility.

(7) "Urban renewal area" means an area of a host municipal  
corporation that the legislative authority of the host municipal  
corporation has designated as appropriate for an urban renewal  
project pursuant to Chapter 725. of the Revised Code.

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

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

(a) Levy a tax under division (D) of section 5739.024 of the  
Revised Code exclusively for the purposes described in divisions  
(B)(1)(c) and (d) of this section;

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

(c) Following the issuance, sale, and delivery of the port  
authority revenue bonds provided for in division (B)(2)(a) of this  
section, and prior to the date certain stated in the cooperative  
agreement which shall be the date estimated for the completion of  
construction of the port authority educational and cultural

facility, pledge and contribute to the port authority revenue from 428  
the tax levied pursuant to division (B)(1)(a) of this section, 429  
together with any investment earnings on that revenue, to pay a 430  
portion of the costs of acquiring, constructing, and equipping the 431  
port authority educational and cultural facility; 432

(d) Following such date certain, pledge and contribute to the 433  
corporation all or such portion as provided for in the cooperative 434  
agreement of the revenue from the tax, together with any 435  
investment earnings on that revenue, to pay a portion of the costs 436  
of the corporation of leasing the port authority educational and 437  
cultural facility from the port authority. 438

(2) The port authority agrees to do all of the following: 439

(a) Issue revenue bonds of the port authority pursuant to 440  
Chapter 4582. of the Revised Code for the purpose of acquiring, 441  
constructing, and equipping the port authority educational and 442  
cultural facility; 443

(b) Construct the port authority educational and cultural 444  
facility; 445

(c) Lease the port authority educational and cultural 446  
facility to the corporation; 447

(d) To the extent provided for in the cooperative agreement 448  
or the lease to the corporation, authorize the corporation to 449  
administer on behalf of the port authority the contracts for 450  
acquiring, constructing, or equipping a port authority educational 451  
and cultural facility; 452

(e) Use the revenue derived from the lease of the port 453  
authority educational and cultural facility to the corporation 454  
solely to pay debt service charges on the revenue bonds of the 455  
port authority described in division (B)(2)(a) of this section. 456

(3) The host municipal corporation agrees to do both of the 457

following: 458

(a) Issue urban renewal bonds of the host municipal 459  
corporation, or notes in anticipation thereof, pursuant to Chapter 460  
725. of the Revised Code for the purpose of acquiring and 461  
constructing the port authority educational and cultural facility 462  
and contribute the proceeds from the issuance to the port 463  
authority for such purpose. The cooperative agreement may provide 464  
that such proceeds be deposited with and administered by the 465  
trustee pursuant to the trust agreement provided for in division 466  
(C) of this section. 467

(b) To the extent provided for in the cooperative agreement, 468  
contribute to the county, for use by the county to pay debt 469  
service charges on the bonds of the county, or notes in 470  
anticipation thereof, described in division (B)(1)(b) of this 471  
section, any excess urban renewal service payments pledged by the 472  
host municipal corporation to the urban renewal bonds described in 473  
division (B)(3)(a) of this section and not required on an annual 474  
basis to pay debt service charges on the urban renewal bonds. 475

(4) The corporation agrees to do all of the following: 476

(a) Lease the port authority educational and cultural 477  
facility from the port authority; 478

(b) Operate and maintain the port authority educational and 479  
cultural facility pursuant to the lease; 480

(c) to the extent provided for in the cooperative agreement 481  
or the lease from the port authority, administer on behalf of the 482  
port authority the contracts for acquiring, constructing, or 483  
equipping a port authority educational and cultural facility. 484

(C) The pledges and contributions described in divisions 485  
(B)(1)(c) and (d) of this section and provided for in the 486  
cooperative agreement shall be for the period stated in the 487  
cooperative agreement but shall not be in excess of the period 488



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

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

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

(E) If the terms of the cooperative agreement so provide, any  
contract for the acquisition, construction, or equipping of a port  
authority educational and cultural facility shall be made in such

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manner as is determined by the board of directors of the port authority, and unless the cooperative agreement provides otherwise, such a contract is not subject to division (A) of section 4582.12 of the Revised Code. The port authority may take the assignment of and assume any contracts for the acquisition, construction, and equipping of a port authority educational and cultural facility that previously have been authorized by either or both the host municipal corporation or the corporation. Such contracts likewise are not subject to division (A) of section 4582.12 of the Revised Code.

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

**Sec. 307.673.** This section applies only in a county in which a tax is levied under section 307.697, 4301.421, 5743.024, or 5743.323 of the Revised Code on the effective date of this amendment.

(A) As used in this section:

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

(2) "Corporation" means a nonprofit corporation organized

under the laws of this state and that includes among the purposes 552  
for which it is incorporated the authority to acquire, construct, 553  
renovate, equip, lease, manage, or operate a sports facility. 554

(3) "Cooperative agreement" means an agreement entered into 555  
pursuant to this section. 556

(4) "Cost of a sports facility" means the cost of acquiring, 557  
constructing, renovating, equipping, or improving one or more 558  
sports facilities, including reconstructing, rehabilitating, 559  
remodeling, and enlarging; the cost of equipping and furnishing 560  
such a facility; and all financing costs pertaining thereto, 561  
including the cost of engineering, architectural, and other 562  
professional services, designs, plans, specifications and surveys, 563  
and estimates of costs; the costs of refinancing obligations 564  
issued by, or reimbursement of money advanced by, the parties to 565  
the cooperative agreement or other persons, the proceeds of which 566  
obligations were used to pay the costs of the sports facility; the 567  
cost of tests and inspections; the cost of any indemnity or surety 568  
bonds and premiums on insurance, all related direct and 569  
administrative costs pertaining thereto, fees and expenses of 570  
trustees, depositories, and paying agents for the obligations, 571  
capitalized interest on the obligations, amounts necessary to 572  
establish reserves as required by the obligation proceedings, the 573  
reimbursement of money advanced or applied by the parties to the 574  
cooperative agreement or other persons for the payment of any item 575  
of costs of the sports facility, and all other expenses necessary 576  
or incident to planning or determining the feasibility or 577  
practicability with respect to the sports facility; and any other 578  
such expenses as may be necessary or incident to the acquisition, 579  
construction, reconstruction, rehabilitation, remodeling, 580  
renovation, enlargement, improvement, equipping, and furnishing of 581  
the sports facility, the financing of the sports facility, placing 582  
the sports facility in use and operation, including any one, part 583

of, or combination of such classes of costs and expenses.	584
(5) "Financing costs" has the same meaning as in section 133.01 of the Revised Code.	585 586
(6) "Obligations" means obligations issued or incurred to pay the cost of a sports facility, including bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, anticipatory securities as defined in section 133.01 of the Revised Code, issued or incurred by an issuer pursuant to Chapter 133. or 4582. of the Revised Code or this section, or otherwise, to evidence the issuer's obligation to repay borrowed money, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the obligations, including obligations of an issuer or lessee to make payments under an installment sale, lease, lease-purchase, or similar agreement.	587 588 589 590 591 592 593 594 595 596 597 598
(7) "Owner" means any person that owns or operates a professional athletic or sports team, that is party to a cooperative agreement, or that has a lease or other agreement with a party to a cooperative agreement, and that commits to use the sports facility that is the subject of the cooperative agreement for all of the team's home games for the period specified in that agreement.	599 600 601 602 603 604 605
(8) "Payments," when used with reference to obligations, means payments of the principal, including any mandatory sinking fund deposits and mandatory redemption payments, interest and any redemption premium, and lease rentals, lease-purchase payments and other amounts payable under obligations in the form of installment sale, lease, lease-purchase, or similar agreements.	606 607 608 609 610 611
(9) "Person" has the same meaning as defined in section 133.01 of the Revised Code.	612 613
(10) "Port authority" means a port authority created under	614

Chapter 4582. of the Revised Code.

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

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

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

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

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

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

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(d) Acquire, construct, renovate, equip, lease to or from

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another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities;

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

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

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

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

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

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

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

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

(b) Issue or incur obligations of the municipal corporation

pursuant to Chapter 133. of the Revised Code or otherwise; 676

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

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

(e) To the extent provided in the cooperative agreement or a 684  
lease with respect to a sports facility, authorize the county, 685  
port authority, corporation, or owner to administer contracts for 686  
designing, planning, acquiring, constructing, renovating, or 687  
equipping a sports facility. 688

(4) The corporation agrees to do one or more of the 689  
following: 690

(a) Issue or incur obligations; 691

(b) Make available all or a portion of the proceeds from the 692  
issuance of those obligations to the county, port authority, 693  
municipal corporation, or otherwise for the payment of the cost of 694  
a sports facility or the payment of obligations; 695

(c) Acquire, construct, renovate, equip, lease to or from 696  
another person, and operate, directly or by a lease or management 697  
contract with another person, one or more sports facilities; 698

(d) To the extent provided in the cooperative agreement or a 699  
lease with respect to a sports facility, agree that the 700  
corporation will administer contracts for designing, planning, 701  
acquiring, constructing, renovating, or equipping a sports 702  
facility. 703

(5) The owner agrees to do one or more of the following: 704

(a) Use the sports facility that is the subject of the 705

cooperative agreement for all of the home games of the owner's 706  
professional athletic or sports team for a specified period; 707

(b) Administer contracts for designing, planning, acquiring, 708  
constructing, renovating, or equipping a sports facility. 709

(C) Any obligations may be secured by a trust agreement 710  
between the issuer of obligations and a corporate trustee that is 711  
a trust company or bank having the powers of a trust company in or 712  
outside this state and authorized to exercise corporate trust 713  
powers in this state. Proceeds from the issuance of any 714  
obligations or the taxes levied and collected by any party to the 715  
cooperative agreement may be deposited with and administered by a 716  
trustee pursuant to the trust agreement. 717

~~(D) Any contract for the acquisition, construction, 718  
renovation, or equipping of a sports facility entered into, 719  
assigned, or assumed under this section shall provide that all 720  
laborers and mechanics employed in the acquisition, construction, 721  
renovation, or equipping of the sports facility shall be paid at 722  
the prevailing rates of wages of laborers and mechanics for the 723  
class of work called for, as those wages are determined in 724  
accordance with Chapter 4115. of the Revised Code. 725~~

**Sec. 307.696.** (A) As used in this section: 726

(1) "County taxes" means taxes levied by the county pursuant 727  
to sections 307.697, 4301.421, 5743.024, and 5743.323 of the 728  
Revised Code. 729

(2) "Corporation" means a nonprofit corporation that is 730  
organized under the laws of this state for the purposes of 731  
operating or constructing and operating a sports facility in the 732  
county and that may also be organized under the laws of this state 733  
for the additional purposes of conducting redevelopment and 734  
economic development activities within the host municipal 735



corporation. 736

(3) "Sports facility" means a sports facility that is 737  
intended to house major league professional athletic teams, 738  
including a stadium, together with all parking facilities, 739  
walkways, and other auxiliary facilities, real and personal 740  
property, property rights, easements, and interests that may be 741  
appropriate for, or used in connection with, the operation of the 742  
facility. 743

(4) "Construction" includes, but is not limited to, providing 744  
fixtures, furnishings, and equipment. 745

(5) "Debt service charges" means the interest, principal, 746  
premium, if any, carrying and redemption charges, and expenses on 747  
bonds issued by either the county or the corporation to: 748

(a) Construct a sports facility or provide for related 749  
redevelopment or economic development as provided in this section; 750

(b) Acquire real and personal property, property rights, 751  
easements, or interests that may be appropriate for, or used in 752  
connection with, the operation of the facility; and 753

(c) Make site improvements to real property, including, but 754  
not limited to, demolition, excavation, and installation of 755  
footers, pilings, and foundations. 756

(6) "Host municipal corporation" means the municipal 757  
corporation within the boundaries of which the sports facility is 758  
located, and with which a national football league, major league 759  
baseball, or national basketball association sports franchise is 760  
associated on ~~the effective date of this amendment~~ March 20, 1990. 761

(B) A board of county commissioners of a county that levies a 762  
tax under section 307.697, 4301.421, or 5743.024 of the Revised 763  
Code may enter into an agreement with a corporation operating in 764  
the county, and, if there is a host municipal corporation all or a 765

part of which is located in the county, shall enter into an  
agreement with a corporation operating in the county and the host  
municipal corporation, under which:

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

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

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

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

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

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(C)(1) The primary purpose of the pledges and contributions  
described in division (B)(1) of this section is payment of debt  
service charges. To the extent the pledges and contributions are  
not used by the county or corporation for payment of debt service

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charges, the county or corporation, pursuant to the agreement 797  
provided for in division (B) of this section, shall provide the 798  
unused pledges and contributions, together with surplus revenues 799  
of the sports facility not needed for debt service charges or the 800  
operation and maintenance of the sports facility, to the host 801  
municipal corporation, or a nonprofit corporation, which may be 802  
the corporation acting on behalf of the host municipal 803  
corporation, for redevelopment and economic development purposes 804  
related to the sports facility. If the county taxes are also 805  
levied for the purpose of making permanent improvements, the 806  
agreement shall include a schedule of annual pledges and 807  
contributions by the county for the payment of debt service 808  
charges. The county's pledge and contribution provided for in the 809  
agreement shall be for the period stated in the agreement but not 810  
to exceed twenty years. The agreement shall provide that any such 811  
bonds and notes shall be secured by a trust agreement between the 812  
corporation or other bond issuer and a corporate trustee that is a 813  
trust company or bank having the powers of a trust company within 814  
or without the state, and the trust agreement shall pledge or 815  
assign to the retirement of the bonds or notes, all moneys paid by 816  
the county for that purpose under this section. A county tax, all 817  
or any part of the revenues from which are pledged under an 818  
agreement entered into by a board of county commissioners under 819  
this section shall not be subject to diminution by initiative or 820  
referendum, or diminution by statute, unless provision is made 821  
therein for an adequate substitute therefor reasonably 822  
satisfactory to the trustee under the trust agreement that secures 823  
the bonds and notes. 824

(2) The primary purpose of the pledges and contributions 825  
described in division (B)(2) of this section is payment of debt 826  
service charges. To the extent the pledges and contributions are 827  
not used by the county for payment of debt service charges, the 828

county or corporation, pursuant to the agreement provided for in 829  
division (B) of this section, shall provide the unused pledges and 830  
contributions, together with surplus revenues of the sports 831  
facility not needed for debt service charges or the operation and 832  
maintenance of the sports facility, to the host municipal 833  
corporation, or a nonprofit corporation, which may be the 834  
corporation, acting on behalf of the host municipal corporation, 835  
for redevelopment and economic development purposes related to the 836  
sports facility. The corporation's pledge and contribution 837  
provided for in the agreement shall be until all of the bonds 838  
issued for the construction of the facility have been retired. 839

(D) A pledge of money by a county under this section shall 840  
not be indebtedness of the county for purposes of Chapter 133. of 841  
the Revised Code. 842

(E) If the terms of the agreement so provide, the board of 843  
county commissioners may acquire, make site improvements to, 844  
including, but not limited to, demolition, excavation, and 845  
installation of footers, pilings, and foundations, and lease real 846  
property for the sports facility to a corporation that constructs 847  
a sports facility under division (B)(1) of this section. The 848  
agreement shall specify the term, which shall not exceed thirty 849  
years and shall be on such terms as are set forth in the 850  
agreement. The purchase, improvement, and lease may be the subject 851  
of an agreement between the county and a municipal corporation 852  
located within the county pursuant to section 153.61 or 307.15 of 853  
the Revised Code, and are not subject to the limitations of 854  
sections 307.02 and 307.09 of the Revised Code. 855

(F) The corporation shall not enter into any construction 856  
contract or contract for the purchase of services for use in 857  
connection with the construction of a sports facility prior to the 858  
corporation's adoption and implementation of a policy on the set 859  
aside of contracts for bidding by or award to minority business 860

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

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

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

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

A convention facilities authority may do all of the  
following:

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

(B) Adopt an official seal;

(C) Maintain a principal office within its territory;

(D) Acquire, purchase, construct, reconstruct, enlarge,

furnish, equip, maintain, repair, sell, exchange, lease or rent  
to, lease or rent from, operate, or contract for the operation by  
others of, facilities within its territory, and make charges for  
the use of the facilities;

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

(F) By resolution of its board of directors, issue convention  
facilities authority revenue bonds beyond the limit of bonded  
indebtedness provided by law, payable solely from revenues as  
provided in section 351.14 of the Revised Code, unless the bonds  
are refunded by refunding bonds, for the purpose of providing  
funds to pay the costs of any facility or facilities or parts of  
any facility or facilities, and, if moneys raised by taxation are  
not obligated or pledged for the payment of those revenue bonds,  
to pay the costs of any facility or facilities or parts of any  
facility or facilities pursuant to Section 13 of Article VIII,  
Ohio Constitution, and in order to create or preserve jobs and  
employment opportunities and improve the economic welfare of the  
people of the state;

(G) Maintain such funds as it determines necessary;

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

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

(J)(1) Adopt rules, not in conflict with general law,

governing the use of its property, grounds, buildings, equipment, 922  
and facilities, and the conduct of its employees and the public, 923  
in order to promote the public safety and convenience in and about 924  
its facilities and grounds, and to maintain order. Any such rule 925  
shall be posted at a prominent place in each of the buildings or 926  
facilities to which it applies. 927

(2) No person shall violate any lawful rule adopted and 928  
posted as provided in this division. 929

(K) Acquire by gift or purchase, hold, lease, and dispose of 930  
real and personal property and interests in the property in the 931  
exercise of its powers and the performance of its duties under 932  
this chapter; 933

(L) Acquire, in the name of the authority, by purchase or 934  
otherwise, on such terms and in such manner as the authority finds 935  
proper, or by the exercise of the right of appropriation in the 936  
manner provided by section 351.22 of the Revised Code, such public 937  
or private lands, including public parks, playgrounds, or 938  
reservations, or parts thereof or rights therein, rights-of-way, 939  
rights, franchises, easements, and interests as it finds necessary 940  
or proper for carrying out this chapter, and compensation shall be 941  
paid for public or private lands so taken; 942

(M) Make and enter into all contracts and agreements and 943  
execute all instruments necessary or incidental to the performance 944  
of its duties and the execution of its powers under this chapter 945  
provided that no construction contract or contract for the 946  
purchase of goods or services shall be approved or entered into by 947  
the authority prior to the adoption and implementation of a policy 948  
on the set aside of contracts for bidding by or award to minority 949  
business enterprises, as defined in division (E)(1) of section 950  
122.71 of the Revised Code; 951

(N) Employ managers, superintendents, and other employees and 952

retain or contract with consulting engineers, financial 953  
consultants, accounting experts, architects, attorneys, and such 954  
other consultants and independent contractors as are necessary in 955  
its judgment to carry out this chapter, and fix their 956  
compensation. All expenses of doing so shall be payable solely 957  
from the proceeds of convention facilities authority bonds and 958  
notes issued under this chapter, or from excise taxes and 959  
revenues. 960

(O) Receive and accept from any governmental agency grants 961  
for or in aid of the purposes of the authority, and receive and 962  
accept aid or contributions from any source of money, property, 963  
labor, or other things of value, to be held, used, and applied 964  
only for the purposes for which such grants and contributions are 965  
made; 966

(P) Engage in research and development with respect to 967  
facilities; 968

(Q) Purchase fire and extended coverage and liability 969  
insurance for any facility and for the offices of the authority, 970  
insurance protecting the authority and its officers and employees 971  
against liability for damage to property or injury to or death of 972  
persons arising from its operations, and any other insurance the 973  
authority may agree to provide under any resolution authorizing 974  
its convention facilities authority revenue bonds or in any trust 975  
agreement securing the same; 976

(R) Charge, alter, and collect rentals and other charges for 977  
the use or services of any facility as provided in section 351.09 978  
of the Revised Code; 979

(S) If a tax proposed under section 5739.026 of the Revised 980  
Code is disapproved by the electors, request the board of county 981  
commissioners to dissolve the authority pursuant to section 351.03 982  
of the Revised Code; 983



(T) By resolution of its board of directors, levy one or both 984  
of the excise taxes authorized by division (B) of section 351.021 985  
of the Revised Code if authorized by the county commissioners, and 986  
issue convention facilities authority tax anticipation bonds 987  
beyond any limit of bonded indebtedness provided by law, payable 988  
solely from excise taxes levied pursuant to division (B) of 989  
section 351.021 of the Revised Code and revenues as provided in 990  
section 351.141 of the Revised Code. 991

(U) Do all acts necessary or proper to carry out the powers 992  
expressly granted in this chapter. 993

**Sec. 1551.33.** (A) The director of development shall appoint 994  
and fix the compensation of the director of the Ohio coal 995  
development office established under section 1551.32 of the 996  
Revised Code. The director of the office shall serve at the 997  
pleasure of the director of development. 998

(B) The director of the office shall do all of the following: 999  
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(1) Biennially prepare and maintain the Ohio coal development 1001  
agenda required under section 1551.34 of the Revised Code; 1002  
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(2) Propose and support policies for the office consistent 1004  
with the Ohio coal development agenda and develop means to 1005  
implement the agenda; 1006

(3) Initiate, undertake, and support projects to carry out 1007  
the office's purposes and ensure that the projects are consistent 1008  
with and meet the selection criteria established by the Ohio coal 1009  
development agenda; 1010

(4) Actively encourage joint participation in and, when 1011  
feasible, joint funding of the office's projects with governmental 1012  
agencies, electric utilities, universities and colleges, other 1013

public or private interests, or any other person; 1014

(5) Establish a table of organization for and employ such 1015  
employees and agents as are necessary for the administration and 1016  
operation of the office; 1017

(6) Appoint specified members of and convene the technical 1018  
advisory committee established under section 1551.35 of the 1019  
Revised Code; 1020

(7) Review, with the assistance of the technical advisory 1021  
committee, proposed coal research and development projects as 1022  
defined in section 1555.01 of the Revised Code, and coal 1023  
development projects, submitted to the office by public utilities 1024  
for the purpose of section 4905.304 of the Revised Code. If the 1025  
director and the advisory committee determine that any such 1026  
facility or project has as its purpose the enhanced use of Ohio 1027  
coal in an environmentally acceptable, cost effective manner, 1028  
promotes energy conservation, is cost effective, and is 1029  
environmentally sound, the director shall submit to the public 1030  
utilities commission a report recommending that the commission 1031  
allow the recovery of costs associated with the facility or 1032  
project under section 4905.304 of the Revised Code and including 1033  
the reasons for the recommendation. 1034

(8) Establish such policies, procedures, and guidelines as 1035  
are necessary to achieve the office's purposes. 1036

(C) With the approval of the director of development, the 1037  
director of the office may exercise any of the powers and duties 1038  
of the director of development as the directors consider 1039  
appropriate or desirable to achieve the office's purposes, 1040  
including, but not limited to, the powers and duties enumerated in 1041  
sections 1551.11, 1551.12, ~~1551.13~~, and 1551.15 of the Revised 1042  
Code. 1043

Additionally, the director of the office may make loans to 1044

governmental agencies or persons for projects to carry out the  
office's purposes. Fees, charges, rates of interest, times of  
payment of interest and principal, and other terms, conditions,  
and provisions of the loans shall be such as the director of the  
office determines to be appropriate and in furtherance of the  
purposes for which the loans are made. The mortgage lien securing  
any moneys lent by the director of the office may be subordinate  
to the mortgage lien securing any moneys lent or invested by a  
financial institution, but shall be superior to that securing any  
moneys lent or expended by any other person. The moneys used in  
making the loans shall be disbursed upon order of the director of  
the office.

**Sec. 1710.02.** (A) A special improvement district may be  
created within the boundaries of any one municipal corporation,  
any one township, or any combination of contiguous municipal  
corporations and townships by a petition of the property owners  
within the proposed district, for the purpose of developing and  
implementing plans for public improvements and public services  
that benefit the district. All territory in a district shall be  
contiguous.

The district shall be governed by the board of trustees of a  
nonprofit corporation. This board shall be known as the board of  
directors of the special improvement district. No special  
improvement district shall include any church property, or  
property of the federal or state government or a county, township,  
or municipal corporation, unless the church or the county,  
township, or municipal corporation specifically requests in  
writing that the property be included within the district. More  
than one district may be created within a participating political  
subdivision, but no real property may be included within more than  
one district unless the owner of the property files a written  
consent with the clerk of the legislative authority or the village

clerk, as appropriate. The area of each district shall be 1077  
contiguous. 1078

(B) Except as provided in division (C) of this section, a 1079  
district created under this chapter is not a political 1080  
subdivision. A district created under this chapter shall be 1081  
considered a public agency under section 102.01 ~~and a public~~ 1082  
~~authority under section 4115.03~~ of the Revised Code. Each member 1083  
of the board of directors of a district, each member's designee or 1084  
proxy, and each officer and employee of a district shall be 1085  
considered a public official or employee under section 102.01 of 1086  
the Revised Code and a public official and public servant under 1087  
section 2921.42 of the Revised Code. Districts created under this 1088  
chapter are not subject to section 121.24 of the Revised Code. 1089  
Districts created under this chapter are subject to sections 1090  
121.22 and 121.23 of the Revised Code. 1091

(C) Each district created under this chapter shall be 1092  
considered a political subdivision for purposes of section 4905.34 1093  
of the Revised Code. 1094

Membership on the board of directors of the district shall 1095  
not be considered as holding a public office. Directors and their 1096  
designees shall be entitled to the immunities provided by Chapter 1097  
1702. and to the same immunity as an employee under division 1098  
(A)(6) of section 2744.03 of the Revised Code, except that 1099  
directors and their designees shall not be entitled to the 1100  
indemnification provided in section 2744.07 of the Revised Code 1101  
unless the director or designee is an employee or official of a 1102  
participating political subdivision of the district and is acting 1103  
within the scope of the director's or designee's employment or 1104  
official responsibilities. 1105

District officers and district members and directors and 1106  
their designees or proxies shall not be required to file a 1107  
statement with the Ohio ethics commission under section 102.02 of 1108

the Revised Code. All records of the district shall be treated as  
public records under section 149.43 of the Revised Code, except  
that records of organizations contracting with a district shall  
not be considered to be public records under section 149.43 or  
section 149.431 of the Revised Code solely by reason of any  
contract with a district.

(D) Except as otherwise provided in this section, the  
nonprofit corporation that governs a district shall be organized  
in the manner described in Chapter 1702. of the Revised Code. The  
corporation's articles of incorporation are required to be  
approved, as provided in division (E) of this section, by  
resolution of the legislative authority of each participating  
political subdivision of the district. A copy of that resolution  
shall be filed along with the articles of incorporation in the  
secretary of state's office.

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

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

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

(3) A description of the procedure by which the articles of  
incorporation may be amended. The procedure shall include  
receiving approval of the amendment, by resolution, from the  
legislative authority of each participating political subdivision

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and filing the approved amendment and resolution with the 1140  
secretary of state. 1141

(4) The reasons for creating the district, plus an 1142  
explanation of how the district will be conducive to the public 1143  
health, safety, peace, convenience, and welfare of the district. 1144

(E) The articles of incorporation for a nonprofit corporation 1145  
governing a district created under this chapter and amendments to 1146  
them shall be submitted to the municipal executive, if any, and 1147  
the legislative authority of each municipal corporation or 1148  
township in which the proposed district is to be located, 1149  
accompanied by a petition signed either by the owners of at least 1150  
sixty per cent of the front footage of all real property located 1151  
in the proposed district that abuts upon any street, alley, public 1152  
road, place, boulevard, parkway, park entrance, easement, or other 1153  
existing public improvement within the proposed district, 1154  
excluding church property or property owned by the state, county, 1155  
township, municipal, or federal government, unless a church, 1156  
county, township, or municipal corporation has specifically 1157  
requested in writing that the property be included in the 1158  
district, or by the owners of at least seventy-five per cent of 1159  
the area of all real property located within the proposed 1160  
district, excluding church property or property owned by the 1161  
state, county, township, municipal, or federal government, unless 1162  
a church, county, township, or municipal corporation has 1163  
specifically requested in writing that the property be included in 1164  
the district. For purposes of determining compliance with these 1165  
requirements, the area of the district, or the front footage and 1166  
ownership of property, shall be as shown in the most current 1167  
records available at the county recorder's office and the county 1168  
engineer's office sixty days prior to the date on which the 1169  
petition is filed. 1170

Each municipal corporation or township with which the 1171

petition is filed has sixty days to approve or disapprove, by 1172  
resolution, the petition, including the articles of incorporation. 1173  
This chapter does not prohibit or restrict the rights of municipal 1174  
corporations under Article XVIII of the Ohio Constitution or the 1175  
right of the municipal legislative authority to impose reasonable 1176  
conditions in a resolution of approval. 1177

(F) Persons proposing creation and operation of the district 1178  
may propose an initial plan for public services or public 1179  
improvements that benefit all or any part of the district. Any 1180  
initial plan shall be submitted as part of the petition proposing 1181  
creation of the district. 1182

An initial plan may include provisions for the following: 1183

(1) Creation and operation of the district and of the 1184  
nonprofit corporation to govern the district under this chapter; 1185

(2) Hiring employees and professional services; 1186

(3) Contracting for insurance; 1187

(4) Purchasing or leasing office space and office equipment; 1188

(5) Other actions necessary initially to form, operate, or 1189  
organize the district and the nonprofit corporation to govern the 1190  
district; 1191

(6) A plan for public improvements or public services that 1192  
benefit all or part of the district, which plan shall comply with 1193  
the requirements of division (A) of section 1710.06 of the Revised 1194  
Code and may include, but is not limited to, any of the permissive 1195  
provisions described in the fourth sentence of that division or 1196  
listed in divisions (A)(1) to (5) of that section. 1197

After the initial plan is approved by all municipal 1198  
corporations and townships to which it is submitted for approval 1199  
and the district is created, each participating subdivision shall 1200  
levy a special assessment within its boundaries to pay for the 1201

costs of the initial plan. The levy shall be for no more than ten 1202  
years from the date of the approval of the initial plan. For 1203  
purposes of levying an assessment for this initial plan, the 1204  
services or improvements included in the initial plan shall be 1205  
deemed a special benefit to property owners within the district. 1206

(G) Each nonprofit corporation governing a district under 1207  
this chapter may do the following: 1208

(1) Exercise all powers of nonprofit corporations granted 1209  
under Chapter 1702. of the Revised Code that do not conflict with 1210  
this chapter; 1211

(2) Develop, adopt, revise, implement, and repeal plans for 1212  
public improvements and public services for all or any part of the 1213  
district; 1214

(3) Contract with any person, political subdivision as 1215  
defined in section 2744.01 of the Revised Code, or state agency as 1216  
defined in section 1.60 of the Revised Code to develop and 1217  
implement plans for public improvements or public services within 1218  
the district; 1219

(4) Contract and pay for insurance for the district and for 1220  
directors, officers, agents, contractors, employees, or members of 1221  
the district for any consequences of the implementation of any 1222  
plan adopted by the district or any actions of the district. 1223

**Sec. 1728.07.** Every approved project shall be evidenced by a 1224  
financial agreement between the municipal corporation and the 1225  
community urban redevelopment corporation. Such agreement shall be 1226  
prepared by the community urban redevelopment corporation and 1227  
submitted as a separate part of its application for project 1228  
approval. 1229

The financial agreement shall be in the form of a contract 1230  
requiring full performance within twenty years from the date of 1231



completion of the project and shall, as a minimum, include the 1232  
following: 1233

(A) That all improvements in the project to be constructed or 1234  
acquired by the corporation shall be exempt from taxation, subject 1235  
to section 1728.10 of the Revised Code; 1236

(B) That the corporation shall make payments in lieu of real 1237  
estate taxes not less than the amount as provided by section 1238  
1728.11 of the Revised Code; or if the municipal corporation is an 1239  
impacted city, not less than the amount as provided by section 1240  
1728.111 of the Revised Code; 1241

(C) That the corporation, its successors and assigns, shall 1242  
use, develop, and redevelop the real property of the project in 1243  
accordance with, and for the period of, the community development 1244  
plan approved by the governing body of the municipal corporation 1245  
for the blighted area in which the project is situated and shall 1246  
so bind its successors and assigns by appropriate agreements and 1247  
covenants running with the land enforceable by the municipal 1248  
corporation. 1249

(D) If the municipal corporation is an impacted city, the 1250  
extent of the undertakings and activities of the corporation for 1251  
the elimination and for the prevention of the development or 1252  
spread of blight. 1253

(E) That the corporation or the municipal corporation, or 1254  
both, shall provide for carrying out relocation of persons, 1255  
families, business concerns, and others displaced by the project, 1256  
pursuant to a relocation plan, including the method for the 1257  
relocation of residents in decent, safe, and sanitary dwelling 1258  
accommodations, and reasonable moving costs, determined to be 1259  
feasible by the governing body of the municipal corporation. Where 1260  
the relocation plan is carried out by the corporation, its 1261  
officers, employees, agents, or lessees, the municipal corporation 1262

shall enforce and supervise the corporation's compliance with the 1263  
relocation plan. If the corporation refuses or fails to comply 1264  
with the relocation plan and the municipal corporation fails or 1265  
refuses to enforce compliance with such plan, the director of 1266  
development may request the attorney general to commence a civil 1267  
action against the municipality and the corporation to require 1268  
compliance with such relocation plan. Prior to requesting action 1269  
by the attorney general the director shall give notice of the 1270  
proposed action to the municipality and the corporation, provide 1271  
an opportunity to such municipality and corporation for 1272  
discussions on the matter, and allow a reasonable time in which 1273  
the corporation may begin compliance with the relocation plan, or 1274  
the municipality may commence enforcement of the relocation plan. 1275

(F) That the corporation shall submit annually, within ninety 1276  
days after the close of its fiscal year, its auditor's reports to 1277  
the mayor and governing body of the municipal corporation; 1278  
1279

(G) That the corporation shall, upon request, permit 1280  
inspection of property, equipment, buildings, and other facilities 1281  
of the corporation, and also permit examination and audit of its 1282  
books, contracts, records, documents, and papers by authorized 1283  
representatives of the municipal corporation; 1284

(H) That in the event of any dispute between the parties the 1285  
matters in controversy shall be resolved by arbitration in the 1286  
manner provided therein; 1287

(I) That operation under the financial agreement is 1288  
terminable by the corporation in the manner provided by Chapter 1289  
1728. of the Revised Code; 1290

(J) That the corporation shall, at all times prior to the 1291  
expiration or other termination of the financial agreement, remain 1292  
bound by Chapter 1728. of the Revised Code+ 1293

~~(K) That all wages paid to laborers and mechanics employed for work on such projects, other than for residential structures containing seven or less family units, shall be paid at the prevailing rates of wages of laborers and mechanics for the class of work called for by the project, which wages shall be determined in accordance with the requirements of Chapter 4115. of the Revised Code for determination of prevailing wage rates, provided that the requirements of this division do not apply where the federal government or any of its agencies furnishes by law or grant all or any part of the funds used in connection with such project and prescribes predetermined minimum wages to be paid to such laborers and mechanics.~~

Modifications of the financial agreement may from time to time be made by agreement between the governing body of the municipal corporation and the community urban redevelopment corporation.

**Sec. 3383.07.** (A) The department of administrative services shall provide for the construction of an arts project in conformity with Chapter 153. of the Revised Code, except as follows:

(1) For an arts project that has an estimated construction cost, excluding the cost of acquisition, of twenty-five million dollars or more, and that is financed by the Ohio building authority, construction services may be provided by the authority if the authority determines it should provide those services.

(2) For an arts project other than a state historical facility, construction services may be provided on behalf of the state by the Ohio arts and sports facilities commission, or by a governmental agency or an arts organization that occupies, will occupy, or is responsible for the Ohio arts facility, as determined by the department of administrative services.

Construction services to be provided by a governmental agency or  
an arts organization shall be specified in an agreement between  
the commission and the governmental agency or arts organization.  
The agreement, or any actions taken under it, are not subject to  
Chapter 123. or 153. of the Revised Code, except for sections  
123.151 and 153.011 of the Revised Code, ~~and shall be subject to~~  
~~Chapter 4115. of the Revised Code.~~

(3) For an arts project that is a state historical facility,  
construction services may be provided by the Ohio arts and sports  
facilities commission or by an arts organization that occupies,  
will occupy, or is responsible for the facility, as determined by  
the commission. The construction services to be provided by the  
arts organization shall be specified in an agreement between the  
commission and the arts organization, and the agreement, and any  
actions taken under it, are not subject to Chapter 123., 153., or  
4115. of the Revised Code.

(B) For an Ohio sports facility that is financed in part by  
the Ohio building authority, construction services shall be  
provided on behalf of the state by or at the direction of the  
governmental agency or nonprofit corporation that will own or be  
responsible for the management of the facility, all as determined  
by the commission. Any construction services to be provided by a  
governmental agency or nonprofit corporation shall be specified in  
an agreement between the commission and the governmental agency or  
nonprofit corporation, and the agreement, and any actions taken  
under it, are not subject to Chapter 123. or 153. of the Revised  
Code, except for sections 123.151 and 153.011 of the Revised Code,  
~~and shall be subject to Chapter 4115. of the Revised Code.~~

(C) General building services for an Ohio arts facility shall  
be provided by the department of administrative services in  
conformity with Chapter 123. of the Revised Code, except that the  
Ohio building authority may elect to provide such services for

Ohio arts facilities it financed and such services may be provided 1357  
by the Ohio arts and sports facilities commission or by an arts 1358  
organization that occupies, will occupy, or is responsible for the 1359  
facility, as determined by the commission. The costs of management 1360  
and general building services shall be paid by the arts 1361  
organization that occupies, will occupy, or is responsible for the 1362  
facility as provided in an agreement between the commission and 1363  
the arts organization, except that the state may pay for general 1364  
building services for state-owned arts facilities constructed on 1365  
state-owned land. General building services for an Ohio sports 1366  
facility shall be provided by or at the direction of the 1367  
governmental agency or nonprofit corporation that will be 1368  
responsible for the management of the facility, all as determined 1369  
by the commission. Any general building services to be provided by 1370  
a governmental agency or nonprofit corporation shall be specified 1371  
in an agreement between the commission and the governmental agency 1372  
or nonprofit corporation, and that agreement, and any actions 1373  
taken under it, are not subject to Chapter 123. or 153. of the 1374  
Revised Code, except for sections 123.151 and 153.011 of the 1375  
Revised Code, ~~and shall be subject to Chapter 4115. of the Revised~~ 1376  
~~Code.~~ 1377

(D) This division does not apply to a state historical 1378  
facility. No state funds, including any state bond proceeds, shall 1379  
be spent on the construction of any arts project under this 1380  
chapter unless, with respect to the arts project and to the Ohio 1381  
arts facility related to the project, all of the following apply: 1382

(1) The Ohio arts and sports facilities commission has 1383  
determined that there is a need for the arts project and the Ohio 1384  
arts facility related to the project in the region of the state 1385  
for which the Ohio arts facility is proposed to be located; 1386

(2) The commission has determined that, as an indication of 1387  
substantial regional support for the arts project, the arts 1388

organization has made provision satisfactory to the commission, in 1389  
its sole discretion, for local contributions amounting to not less 1390  
than fifty per cent of the total state funding for the arts 1391  
project; 1392

(3) The general assembly has specifically authorized the 1393  
spending of money on, or made an appropriation for, the 1394  
construction of the arts project, or for rental payments relating 1395  
to the financing of the construction of the arts project. 1396  
Authorization to spend money, or an appropriation, for planning 1397  
the arts project does not constitute authorization to spend money 1398  
on, or an appropriation for, construction of the arts project. 1399

(E) No state funds, including any state bond proceeds, shall 1400  
be spent on the construction of any state historical facility 1401  
under this chapter unless the general assembly has specifically 1402  
authorized the spending of money on, or made an appropriation for, 1403  
the construction of the arts project related to the facility, or 1404  
for rental payments relating to the financing of the construction 1405  
of the arts project. Authorization to spend money, or an 1406  
appropriation, for planning the arts project does not constitute 1407  
authorization to spend money on, or an appropriation for, the 1408  
construction of the arts project. 1409

(F) State funds shall not be used to pay or reimburse more 1410  
than fifteen per cent of the initial estimated construction cost 1411  
of an Ohio sports facility, excluding any site acquisition cost, 1412  
and no state funds, including any state bond proceeds, shall be 1413  
spent on any Ohio sports facility under this chapter unless, with 1414  
respect to that facility, all of the following apply: 1415

(1) The Ohio arts and sports facilities commission has 1416  
determined that there is a need for the facility in the region of 1417  
the state for which the facility is proposed to provide the 1418  
function of an Ohio sports facility as provided for in this 1419  
chapter. 1420

(2) As an indication of substantial local support for the 1421  
facility, the commission has received a financial and development 1422  
plan satisfactory to it, and provision has been made, by agreement 1423  
or otherwise, satisfactory to the commission, for a contribution 1424  
amounting to not less than eighty-five per cent of the total 1425  
estimated construction cost of the facility, excluding any site 1426  
acquisition cost, from sources other than the state. 1427

(3) The general assembly has specifically authorized the 1428  
spending of money on, or made an appropriation for, the 1429  
construction of the facility, or for rental payments relating to 1430  
state financing of all or a portion of the costs of constructing 1431  
the facility. Authorization to spend money, or an appropriation, 1432  
for planning or determining the feasibility of or need for the 1433  
facility does not constitute authorization to spend money on, or 1434  
an appropriation for, costs of constructing the facility. 1435

(4) If state bond proceeds are being used for the Ohio sports 1436  
facility, the state or a governmental agency owns or has 1437  
sufficient property interests in the facility or in the site of 1438  
the facility or in the portion or portions of the facility 1439  
financed from proceeds of state bonds, which may include, but is 1440  
not limited to, the right to use or to require the use of the 1441  
facility for the presentation of sport and athletic events to the 1442  
public at the facility, extending for a period of not less than 1443  
the greater of the useful life of the portion of the facility 1444  
financed from proceeds of those bonds as determined using the 1445  
guidelines for maximum maturities as provided under divisions (B), 1446  
(C), and (D) of section 133.20 of the Revised Code, or the period 1447  
of time remaining to the date of payment or provision for payment 1448  
of outstanding state bonds allocable to costs of the facility, all 1449  
as determined by the director of budget and management and 1450  
certified by the director to the Ohio arts and sports facilities 1451  
commission and to the Ohio building authority. 1452

Sec. 4115.03. As used in sections 4115.03 to 4115.16 of the Revised Code:

(A) "Public authority" means any officer, board, or commission of the state, ~~or any political subdivision of the state,~~ authorized to enter into a contract for the construction of a public improvement or to construct the same by the direct employment of labor, ~~or~~ but does not include any state institution supported in whole or in part by public funds and said sections apply to expenditures of such institutions made in whole or in part from public funds of higher education, as defined in section 3345.011 of the Revised Code.

(B) "Construction" means either of the following:

(1) Any new construction of any public improvement, the total overall project cost of which is fairly estimated to be more than fifty thousand dollars adjusted biennially by the director of commerce pursuant to section 4115.034 of the Revised Code and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority;

(2) Any reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting of any public improvement, the total overall project cost of which is fairly estimated to be more than fifteen thousand dollars adjusted biennially by the ~~administrator~~ director pursuant to section 4115.034 of the Revised Code and performed by other than full-time employees who have completed their probationary period in the classified civil service of a public authority.

(C) "Public improvement" ~~includes~~ means all state-owned buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, water works, and all other state-owned structures or works constructed by a public authority ~~of the state or any~~



~~political subdivision thereof or by any person who, pursuant to a~~ 1484  
~~contract with a public authority, constructs any state-owned~~ 1485  
~~structure for a public authority of the state or a political~~ 1486  
~~subdivision thereof. When a public authority rents or leases a~~ 1487  
~~newly constructed structure within six months after completion of~~ 1488  
~~such construction, all work performed on such structure to suit it~~ 1489  
~~for occupancy by a public authority is a "public improvement."~~ 1490  
~~"Public improvement" does not include an improvement authorized by~~ 1491  
~~section 1515.08 of the Revised Code that is constructed pursuant~~ 1492  
~~to a contract with a soil and water conservation district, as~~ 1493  
~~defined in section 1515.01 of the Revised Code, or performed as a~~ 1494  
~~result of a petition filed pursuant to Chapter 6131., 6133., or~~ 1495  
~~6135. of the Revised Code, wherein no less than seventy-five per~~ 1496  
~~cent of the project is located on private land and no less than~~ 1497  
~~seventy-five per cent of the cost of the improvement is paid for~~ 1498  
~~by private property owners pursuant to Chapter 1515., 6131.,~~ 1499  
~~6133., or 6135. of the Revised Code.~~ 1500

(D) "Locality" means the county wherein the physical work 1501  
upon any public improvement is being performed. 1502

(E) "Prevailing wages" means the sum of the following: 1503

(1) The basic hourly rate of pay; 1504

(2) The rate of contribution irrevocably made by a contractor 1505  
or subcontractor to a trustee or to a third person pursuant to a 1506  
fund, plan, or program; 1507

(3) The rate of costs to the contractor or subcontractor 1508  
which may be reasonably anticipated in providing the following 1509  
fringe benefits to laborers and mechanics pursuant to an 1510  
enforceable commitment to carry out a financially responsible plan 1511  
or program which was communicated in writing to the laborers and 1512  
mechanics affected: 1513

(a) Medical or hospital care or insurance to provide such; 1514

(b) Pensions on retirement or death or insurance to provide such;	1515 1516
(c) Compensation for injuries or illnesses resulting from occupational activities if it is in addition to that coverage required by Chapters 4121. and 4123. of the Revised Code;	1517 1518 1519
(d) Supplemental unemployment benefits that are in addition to those required by Chapter 4141. of the Revised Code;	1520 1521
(e) Life insurance;	1522
(f) Disability and sickness insurance;	1523
(g) Accident insurance;	1524
(h) Vacation and holiday pay;	1525
(i) Defraying of costs for apprenticeship or other similar training programs which are beneficial only to the laborers and mechanics affected;	1526 1527 1528
(j) Other bona fide fringe benefits.	1529
None of the benefits enumerated in division (E)(3) of this section may be considered in the determination of prevailing wages if federal, state, or local law requires contractors or subcontractors to provide any of such benefits.	1530 1531 1532 1533
(F) "Interested party," with respect to a particular public improvement, means:	1534 1535
(1) Any person who submits a bid for the purpose of securing the award of a contract for construction of the public improvement;	1536 1537 1538
(2) Any person acting as a subcontractor of a person mentioned in division (F)(1) of this section;	1539 1540
(3) Any bona fide organization of labor which has as members or is authorized to represent employees of a person mentioned in division (F)(1) or (2) of this section and which exists, in whole	1541 1542 1543

or in part, for the purpose of negotiating with employers 1544  
concerning the wages, hours, or terms and conditions of employment 1545  
of employees; 1546

(4) Any association having as members any of the persons 1547  
mentioned in division (F)(1) or (2) of this section. 1548

~~(G) Except as used in division (A) of this section, "officer"~~ 1549  
~~means an individual who has an ownership interest or holds an~~ 1550  
~~office of trust, command, or authority in a corporation, business~~ 1551  
~~trust, partnership, or association.~~ 1552

**Sec. 4115.04.** (A) Every public authority authorized to 1553  
contract for or construct with its own forces a public 1554  
improvement, before advertising for bids or undertaking such 1555  
construction with its own forces, shall have the director of 1556  
commerce determine the prevailing rates of wages of mechanics and 1557  
laborers in accordance with section 4115.05 of the Revised Code 1558  
for the class of work called for by the public improvement, in the 1559  
locality where the work is to be performed. Such schedule of wages 1560  
shall be attached to and made part of the specifications for the 1561  
work, and shall be printed on the bidding blanks where the work is 1562  
done by contract. A copy of the bidding blank shall be filed with 1563  
the director before such contract is awarded. A minimum rate of 1564  
wages for common laborers, on work coming under the jurisdiction 1565  
of the department of transportation, shall be fixed in each county 1566  
of the state by said department of transportation, in accordance 1567  
with section 4115.05 of the Revised Code. 1568

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 1569  
apply to: 1570

(1) Public improvements in any case where the federal 1571  
government or any of its agencies furnishes by loan or grant all 1572  
or any part of the funds used in constructing such improvements, 1573  
provided the federal government or any of its agencies prescribes 1574

predetermined minimum wages to be paid to mechanics and laborers 1575  
employed in the construction of such improvements; 1576

(2) A participant in a work activity, developmental activity, 1577  
or an alternative work activity under sections 5107.40 to 5107.69 1578  
of the Revised Code when a public authority directly uses the 1579  
labor of the participant to construct a public improvement if the 1580  
participant is not engaged in paid employment or subsidized 1581  
employment pursuant to the activity; 1582

~~(3) Public improvements undertaken by, or under contract for, 1583  
the board of education of any school district or the governing 1584  
board of any educational service center; 1585~~

~~(4) Public improvements undertaken by, or under contract for, 1586  
a county hospital operated pursuant to Chapter 339. of the Revised 1587  
Code if none of the funds used in constructing the improvements 1588  
are the proceeds of bonds or other obligations which are secured 1589  
by the full faith and credit of the state, the county, a township, 1590  
or a municipal corporation and none of the funds used in 1591  
constructing the improvements, including funds used to repay any 1592  
amounts borrowed to construct the improvements, are funds that 1593  
have been appropriated for that purpose by the board of county 1594  
commissioners, the state, a township, or a municipal corporation 1595  
from funds generated by the levy of a tax; provided, however, that 1596  
a county hospital may elect to apply sections 4115.03 to 4115.16 1597  
of the Revised Code to a public improvement undertaken by, or 1598  
under contract for, the county hospital. 1599~~

**Sec. 4115.06.** In all cases where any public authority fixes a 1600  
prevailing rate of wages under section 4115.04 of the Revised 1601  
Code, and the work is done by contract, the contract executed 1602  
between the public authority and the successful bidder shall 1603  
contain a provision requiring the successful bidder and all his 1604  
subcontractors to pay a rate of wages which shall not be less than 1605

the rate of wages so fixed. The successful bidder and all his 1606  
subcontractors shall comply strictly with the wage provisions of 1607  
the contract. 1608

Where a public authority constructs a public improvement with 1609  
its own forces, such public authority shall pay a rate of wages 1610  
which shall not be less than the rate of wages fixed as provided 1611  
in section 4115.04 of the Revised Code, except in those instances 1612  
provided for in ~~sections 723.52, section 5517.02, 5575.01, and~~ 1613  
~~5543.19~~ of the Revised Code. 1614

**Sec. 4115.10.** (A) No person, firm, corporation, or public 1615  
authority that constructs a public improvement with its own 1616  
forces, the total overall project cost of which is fairly 1617  
estimated to be more than the amounts set forth in division (B)(1) 1618  
or (2) of section 4115.03 of the Revised Code, adjusted biennially 1619  
by the director of commerce pursuant to section 4115.034 of the 1620  
Revised Code, shall violate the wage provisions of sections 1621  
4115.03 to 4115.16 of the Revised Code, or suffer, permit, or 1622  
require any employee to work for less than the rate of wages so 1623  
fixed, or violate the provisions of section 4115.07 of the Revised 1624  
Code. Any employee upon any public improvement, except an employee 1625  
to whom or on behalf of whom restitution is made pursuant to 1626  
division (C) of section 4115.13 of the Revised Code, who is paid 1627  
less than the fixed rate of wages applicable thereto may recover 1628  
from such person, firm, corporation, or public authority that 1629  
constructs a public improvement with its own forces the difference 1630  
between the fixed rate of wages and the amount paid to the 1631  
employee and in addition thereto a sum equal to twenty-five per 1632  
cent of that difference. The person, firm, corporation, or public 1633  
authority who fails to pay the rate of wages so fixed also shall 1634  
pay a penalty to the director of seventy-five per cent of the 1635  
difference between the fixed rate of wages and the amount paid to 1636  
the employees on the public improvement. The director shall 1637

deposit all moneys received from penalties paid to the director 1638  
pursuant to this section into the penalty enforcement fund, which 1639  
is hereby created. The penalty enforcement fund shall be in the 1640  
custody of the treasurer of state but shall not be part of the 1641  
state treasury. The director shall use the fund for the 1642  
enforcement of sections 4115.03 to 4115.16 of the Revised Code. 1643  
The employee may file suit for recovery within sixty days of the 1644  
director's determination of a violation of sections 4115.03 to 1645  
4115.16 of the Revised Code or is barred from further action under 1646  
this division, except that, if the director has not issued a 1647  
determination within sixty days after the employee files a 1648  
complaint under division (B) of this section, the employee may 1649  
file a complaint in the court of common pleas of the county in 1650  
which the alleged violation occurred, on the condition that the 1651  
employee files the complaint within two years after the alleged 1652  
violation occurred. Where the employee prevails in a suit, the 1653  
employer shall pay the costs and reasonable attorney's fees 1654  
allowed by the court. 1655

(B) Any employee upon any public improvement who is paid less 1656  
than the prevailing rate of wages applicable thereto may file a 1657  
complaint in writing with the director upon a form furnished by 1658  
the director. The complaint must be filed within one year after 1659  
the alleged violation that is the subject of the complaint 1660  
occurred. At the written request of any employee paid less than 1661  
the prevailing rate of wages applicable, the director shall take 1662  
an assignment of a claim in trust for the assigning employee and, 1663  
within one year after the assigning employee filed the complaint, 1664  
bring any legal action necessary to collect the claim. The 1665  
employer shall pay the costs and reasonable attorney's fees 1666  
allowed by the court if the employer is found in violation of 1667  
sections 4115.03 to 4115.16 of the Revised Code. 1668

(C) If after investigation pursuant to section 4115.13 of the 1669

Revised Code, the director determines there is a violation of 1670  
sections 4115.03 to 4115.16 of the Revised Code and a period of 1671  
sixty days has elapsed from the date of the determination, and if: 1672

(1) No employee has brought suit pursuant to division (A) of 1673  
this section; 1674

(2) No employee has requested that the director take an 1675  
assignment of a wage claim pursuant to division (B) of this 1676  
section; 1677

The director, within two years after the violation occurred, 1678  
shall bring any legal action necessary to collect any amounts owed 1679  
to employees and the ~~bureau~~ department of commerce. The director 1680  
shall pay over to the affected employees the amounts collected to 1681  
which the affected employees are entitled under division (A) of 1682  
this section. In any action in which the director prevails, the 1683  
employer shall pay the costs and reasonable attorney's fees 1684  
allowed by the court. 1685

(D) Where persons are employed and their rate of wages has 1686  
been determined as provided in section 4115.04 of the Revised 1687  
Code, no person, either for self or any other person, shall 1688  
request, demand, or receive, either before or after the person is 1689  
engaged, that the person so engaged pay back, return, donate, 1690  
contribute, or give any part or all of the person's wages, salary, 1691  
or thing of value, to any person, upon the statement, 1692  
representation, or understanding that failure to comply with such 1693  
request or demand will prevent the procuring or retaining of 1694  
employment, and no person shall, directly or indirectly, aid, 1695  
request, or authorize any other person to violate this section. 1696  
This division does not apply to any agent or representative of a 1697  
duly constituted labor organization acting in the collection of 1698  
dues or assessments of such organization. 1699

(E) The director shall enforce sections 4115.03 to 4115.16 of 1700

the Revised Code.

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(F) For the purpose of supplementing existing resources and to assist in enforcing division (E) of this section, the director may contract with a person registered as a public accountant under Chapter 4701. of the Revised Code to conduct an audit of a person, firm, corporation, or public authority.

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**Sec. 4115.14.** If it is found that a person, public authority, or prevailing wage coordinator has not complied with sections 4115.03 to 4115.16 of the Revised Code, the director of commerce shall give notice thereof in writing to such person or public authority pursuant to section 4115.15 of the Revised Code. Sufficient time shall be allowed for compliance therewith as the director deems necessary not to exceed thirty days from the date of notice.

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At the expiration of the time prescribed in such notice, the director shall in writing inform the attorney general of the fact that such notice has been given and that the person, public authority, or prevailing wage coordinator to whom it was directed has not complied with such notice. On receipt thereof, the attorney general shall bring suit in the name of the state in the court of common pleas of the county in which such person, public authority, or prevailing wage coordinator is located to enjoin the awarding of such contract for a public improvement or if the contract has already been awarded to enjoin further work under the contract until the requirements of such notice are complied with, on the condition that the attorney general brings the suit within two years after the alleged violation that is the subject of the notice occurred.

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The court may issue a temporary restraining order without notice to the defendant in such action. Upon final hearing thereof, if the court is satisfied that the requirements of the

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notice by the director to the defendant was not unreasonable or 1732  
arbitrary, it shall issue an order enjoining the defendant from 1733  
awarding such contract for a public improvement or continuing work 1734  
under the contract until the notice is complied with. 1735

Such injunctions shall continue operative until the court is 1736  
satisfied that the requirements of such notice have been complied 1737  
with and the court shall have and exercise with respect to the 1738  
enforcement of such injunctions all the power invested in it in 1739  
other similar cases. 1740

Both the plaintiff and defendant in such action have the same 1741  
rights of appeal as are provided by law in other injunction cases. 1742

**Sec. 4115.16.** (A) An interested party may file a complaint 1743  
with the director of commerce alleging a violation of sections 1744  
4115.03 to 4115.16 of the Revised Code. The director, upon receipt 1745  
of a complaint, shall investigate pursuant to section 4115.13 of 1746  
the Revised Code. If the director determines that no violation has 1747  
occurred or that the violation was not intentional, the interested 1748  
party may appeal the decision to the court of common pleas of the 1749  
county where the violation is alleged to have occurred, on the 1750  
condition that the interested party files the appeal within two 1751  
years after the alleged violation occurred. 1752

(B) If the director has not ruled on the merits of the 1753  
complaint within sixty days after its filing, the interested party 1754  
may file a complaint in the court of common pleas of the county in 1755  
which the violation is alleged to have occurred, on the condition 1756  
that the interested party files the complaint within two years 1757  
after the alleged violation occurred. The complaint may make the 1758  
contracting public authority a party to the action, but not the 1759  
director. Contemporaneous with service of the complaint, the 1760  
interested party shall deliver a copy of the complaint to the 1761  
director. Upon receipt thereof, the director shall cease 1762

investigating or otherwise acting upon the complaint filed 1763  
pursuant to division (A) of this section. The court in which the 1764  
complaint is filed pursuant to this division shall hear and decide 1765  
the case, and upon finding that a violation has occurred, shall 1766  
make such orders as will prevent further violation and afford to 1767  
injured persons the relief specified under sections 4115.03 to 1768  
4115.16 of the Revised Code. The court's finding that a violation 1769  
has occurred shall have the same consequences as a like 1770  
determination by the director. The court may order the director to 1771  
take such action as will prevent further violation and afford to 1772  
injured persons the remedies specified under sections 4115.03 to 1773  
4115.16 of the Revised Code. Upon receipt of any order of the 1774  
court pursuant to this section, the director shall undertake 1775  
enforcement action without further investigation or hearings. 1776

(C) The director shall make available to the parties to any 1777  
appeal or action pursuant to this section all files, documents, 1778  
affidavits, or other information in the director's possession that 1779  
pertain to the matter. The rules generally applicable to civil 1780  
actions in the courts of this state shall govern all appeals or 1781  
actions under this section. Any determination of a court under 1782  
this section is subject to appellate review. 1783

(D) Where, pursuant to this section, a court finds a 1784  
violation of sections 4115.03 to 4115.16 of the Revised Code, the 1785  
court shall award attorney fees and court costs to the prevailing 1786  
party. In the event the court finds that no violation has 1787  
occurred, the court may award court costs and attorney fees to the 1788  
prevailing party, other than to the director or the public 1789  
authority, where the court finds the action brought was 1790  
unreasonable or without foundation, even though not brought in 1791  
subjective bad faith. 1792

**Sec. 4115.17.** Nothing in this chapter shall be construed to 1793  
require projects undertaken by entities that are not subject to 1794

this chapter to become subject to this chapter when state funds,  
loans, guarantees, or any other financial or technical assistance  
of the state is provided for the project. 1795  
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An entity that undertakes a project that is not subject to  
this chapter but that is subject to a local ordinance or  
regulation that establishes and enforces a type of prevailing wage  
law similar to this chapter shall not use any state funds for that  
project. 1798  
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Enforcement of this chapter is limited to public authorities  
that undertake public improvements. 1803  
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Sec. 4115.18. A person who files an action alleging a  
violation of sections 4115.03 to 4115.16 of the Revised Code shall  
file the action within two years after the alleged violation  
occurred or be barred from further action under this chapter. 1805  
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**Sec. 4116.01.** As used in sections 4116.01 to 4116.04 of the 1809  
Revised Code: 1810

(A) "Public authority" means any officer, board, or 1811  
commission of the state, or any political subdivision of the 1812  
state, or any institution supported in whole or in part by public 1813  
funds, authorized to enter into a contract for the construction of 1814  
a public improvement or to construct a public improvement by the 1815  
direct employment of labor. "Public authority" shall not mean any 1816  
municipal corporation that has adopted a charter under sections 1817  
three and seven of article XVIII of the Ohio ~~constitution~~ 1818  
Constitution, unless the specific contract for a public 1819  
improvement includes state funds appropriated for the purposes of 1820  
that public improvement. 1821

(B) "Construction" means all of the following: 1822

(1) Any new construction of any public improvement performed 1823

by other than full-time employees who have completed their 1824  
probationary periods in the classified service of a public 1825  
authority; 1826

(2) Any reconstruction, enlargement, alteration, repair, 1827  
remodeling, renovation, or painting of any public improvement 1828  
performed by other than full-time employees who have completed 1829  
their probationary period in the classified civil service of a 1830  
public authority; 1831

(3) Construction on any project, facility, or project 1832  
facility to which section ~~122.452~~, 122.80, ~~165.031~~, 166.02, 1833  
~~1551.13~~, or 1728.07, ~~or~~ ~~3706.042~~ of the Revised Code applies. 1834

(C) "Public improvement" means all buildings, roads, streets, 1835  
alleys, sewers, ditches, sewage disposal plants, water works, and 1836  
other structures or works constructed by a public authority or by 1837  
any person who, pursuant to a contract with a public authority, 1838  
constructs any structure or work for a public authority. When a 1839  
public authority rents or leases a newly constructed structure 1840  
within six months after completion of its construction, all work 1841  
performed on that structure to suit it for occupancy by a public 1842  
authority is a "public improvement." 1843

(D) "Interested party," with respect to a particular public 1844  
improvement, means all of the following: 1845

(1) Any person who submits a bid for the purpose of securing 1846  
the award of a contract for the public improvement; 1847

(2) Any person acting as a subcontractor of a person 1848  
mentioned in division (D)(1) of this section; 1849

(3) Any association having as members any of the persons 1850  
mentioned in division (D)(1) or (2) of this section; 1851

(4) Any employee of a person mentioned in division (D)(1), 1852  
(2), or (3) of this section; 1853

(5) Any individual who is a resident of the jurisdiction of the public authority for whom products or services for a public improvement are being procured or for whom work on a public improvement is being performed.

**Sec. 4582.12.** (A) Except as otherwise provided in division (E) of section 307.671 of the Revised Code, division (A) of this section does not apply to a port authority educational and cultural facility acquired, constructed, and equipped pursuant to a cooperative agreement entered into under section 307.671 of the Revised Code.

Except as provided in division (C) of this section, when the cost of a contract for the construction of any building, structure, or other improvement undertaken by a port authority involves an expenditure exceeding twenty-five thousand dollars and the port authority is the contracting entity, the port authority shall make a written contract after complying with section 123.151 of the Revised Code and after notice calling for bids for the award of the contract has been given by publication twice, with at least seven days between publications, in a newspaper of general circulation in the area of the jurisdiction of the port authority. Each such contract shall be let to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. Every contract let shall be in writing and if the contract involves work or construction, it shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared for and approved by the port authority, signed by an authorized officer of the port authority and by the contractor, and shall be executed in triplicate.

Each bid shall be awarded in accordance with sections 153.54, 153.57, and 153.571 of the Revised Code.

The port authority may reject any and all bids.

(B) The board of directors of a port authority by rule may provide criteria for the negotiation and award without competitive bidding of any contract as to which the port authority is the contracting entity for the construction of any building, structure, or other improvement under any of the following circumstances:

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

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

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

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

(5) A single bid is received by the port authority after complying with the provisions of division (A) of this section.

(C)(1) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (B)(2) of this section, the port authority shall publish a notice calling for technical proposals at least twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority. After receipt of the technical proposals, the port authority may negotiate with and award a

contract for the improvement to the proposer making the proposal 1916  
considered to be the most advantageous to the port authority. 1917

(2) If a contract is to be negotiated and awarded without 1918  
competitive bidding for the reason set forth in division (B)(4) of 1919  
this section, any construction activities related to the 1920  
incorporation of the material into the improvement also may be 1921  
provided without competitive bidding by the source or supplier of 1922  
that material. 1923

~~(D) No contract for the construction or repair of any 1924  
building, structure, or other improvement and no loan agreement 1925  
for the borrowing of funds for any such improvement undertaken by 1926  
a port authority, where the port authority is the contracting 1927  
entity, shall be executed unless laborers and mechanics employed 1928  
on such improvements are paid at the prevailing rates of wages of 1929  
laborers and mechanics for the class of work called for by the 1930  
improvement. The wages shall be determined in accordance with the 1931  
requirements of Chapter 4115. of the Revised Code for the 1932  
determination of prevailing wage rates, provided that the 1933  
requirements of this section do not apply where the federal 1934  
government or any of its agencies furnishes by loan or grant all 1935  
or any part of the funds used in connection with such project and 1936  
prescribes predetermined minimum wages to be paid to the laborers 1937  
and mechanics. 1938~~

**Sec. 5122.28.** No patient of a hospital for the mentally ill 1939  
shall be compelled to perform labor which involves the operation, 1940  
support, or maintenance of the hospital or for which the hospital 1941  
is under contract with an outside organization. Privileges or 1942  
release from the hospital shall not be conditional upon the 1943  
performance of such labor. Patients who volunteer to perform such 1944  
labor shall be compensated at a rate derived from the value of 1945  
work performed, having reference to the ~~prevailing wage rate for~~ 1946

~~comparable work or wage rates established under section 4111.06 of~~ 1947  
the Revised Code. 1948

A patient may be required to perform therapeutic tasks which 1949  
do not involve the operation, support, or maintenance of the 1950  
hospital if those tasks are an integrated part of the patient's 1951  
treatment plan and supervised by a person qualified to oversee the 1952  
therapeutic aspects of the activity. 1953

A patient may be required to perform tasks of a personal 1954  
housekeeping nature. 1955

**Sec. 5123.87.** (A) No resident of an institution for the 1956  
mentally retarded shall be compelled to perform labor which 1957  
involves the operation, support, or maintenance of the institution 1958  
or for which the institution is under contract with an outside 1959  
organization. Privileges or release from the institution shall not 1960  
be conditional upon the performance of such labor. Residents who 1961  
volunteer to perform such labor shall be compensated at a rate 1962  
derived from the value of the work performed, having reference to 1963  
the ~~prevailing wage rate for comparable work or wage rates~~ 1964  
established under section 4111.06 of the Revised Code. 1965

(B) A resident may be required to perform habilitative tasks 1966  
which do not involve the operation, support, or maintenance of the 1967  
institution if those tasks are an integrated part of the 1968  
resident's habilitation plan and supervised by a mental 1969  
retardation professional designated by the chief program director. 1970

(C) A resident may be required to perform tasks of a personal 1971  
housekeeping nature. 1972

**Sec. 5540.03.** (A) A transportation improvement district may: 1973  
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(1) Adopt bylaws for the regulation of its affairs and the 1975  
conduct of its business; 1976



(2) Adopt an official seal;	1977
(3) Sue and be sued in its own name, plead and be impleaded, provided any actions against the district shall be brought in the court of common pleas of the county in which the principal office of the district is located, or in the court of common pleas of the county in which the cause of action arose, and all summonses, exceptions, and notices of every kind shall be served on the district by leaving a copy thereof at its principal office with the secretary-treasurer;	1978 1979 1980 1981 1982 1983 1984 1985
(4) Purchase, construct, maintain, repair, sell, exchange, police, operate, or lease projects;	1986 1987
(5) Issue either or both of the following for the purpose of providing funds to pay the costs of any project or part thereof:	1988 1989
(a) Transportation improvement district revenue bonds;	1990
(b) Bonds pursuant to Section 13 of Article VIII, Ohio Constitution;	1991 1992
(6) Maintain such funds as it considers necessary;	1993
(7) Direct its agents or employees, when properly identified in writing and after at least five days' written notice, to enter upon lands within its jurisdiction to make surveys and examinations preliminary to the location and construction of projects for the district, without liability of the district or its agents or employees except for actual damage done;	1994 1995 1996 1997 1998 1999
(8) Make and enter into all contracts and agreements necessary or incidental to the performance of its functions and the execution of its powers under this chapter;	2000 2001 2002
(9) Employ or retain or contract for the services of consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts, financial advisers, trustees, marketing, remarketing, and administrative	2003 2004 2005 2006

agents, attorneys, and other employees, independent contractors, 2007  
or agents as are necessary in its judgment and fix their 2008  
compensation, provided all such expenses shall be payable solely 2009  
from the proceeds of bonds or from revenues; 2010

(10) Receive and accept from the federal or any state or 2011  
local government, including, but not limited to, any agency, 2012  
entity, or instrumentality of any of the foregoing, loans and 2013  
grants for or in aid of the construction, maintenance, or repair 2014  
of any project, and receive and accept aid or contributions from 2015  
any source or person of money, property, labor, or other things of 2016  
value, to be held, used, and applied only for the purposes for 2017  
which such loans, grants, and contributions are made. Nothing in 2018  
division (A)(10) of this section shall be construed as imposing 2019  
any liability on this state for any loan received by a 2020  
transportation improvement district from a third party unless this 2021  
state has entered into an agreement to accept such liability. 2022

(11) Acquire, hold, and dispose of property in the exercise 2023  
of its powers and the performance of its duties under this 2024  
chapter; 2025

(12) Establish and collect tolls or user charges for its 2026  
projects; 2027

(13) Do all acts necessary and proper to carry out the powers 2028  
expressly granted in this chapter. 2029

(B) Chapters 123., 124., 125., and 153., ~~and 4115.~~, and 2030  
sections 9.331, 9.332, 9.333, and 307.86 of the Revised Code do 2031  
not apply to contracts or projects of a transportation improvement 2032  
district. 2033

**Sec. 6117.012.** (A) A board of county commissioners may adopt 2034  
rules requiring owners of property within the district whose 2035  
property is served by a connection to sewers maintained and 2036

operated by the board or to sewers that are connected to	2037
interceptor sewers maintained and operated by the board to:	2038
(1) Disconnect stormwater inflows to sanitary sewers	2039
maintained and operated by the board and not operated as a	2040
combined sewer, or to connections with such sewers;	2041
(2) Disconnect non-stormwater inflows to stormwater sewers	2042
maintained and operated by the board and not operated as a	2043
combined sewer, or to connections with such sewers;	2044
(3) Reconnect or relocate any such disconnected inflows in	2045
compliance with board rules and applicable building codes, health	2046
codes, or other relevant codes.	2047
(B) Any inflow required to be disconnected under a rule	2048
adopted pursuant to division (A) of this section constitutes a	2049
nuisance subject to injunctive relief and abatement pursuant to	2050
Chapter 3767. of the Revised Code or as otherwise permitted by	2051
law.	2052
(C) A board of county commissioners may use sewer district	2053
funds; county general fund moneys; and, to the extent permitted by	2054
their terms, loans, grants, or other moneys from appropriate state	2055
or federal funds, for either of the following:	2056
(1) The cost of disconnections, reconnections, or relocations	2057
required by rules adopted pursuant to division (A) of this	2058
section, performed by the county or under contract with the	2059
county;	2060
(2) Payments to the property owner or a contractor hired by	2061
the property owner pursuant to a competitive process established	2062
by district rules, for the cost of disconnections, reconnections,	2063
or relocations required by rules adopted pursuant to division (A)	2064
of this section after the board, pursuant to its rules, has	2065
approved the work to be performed and after the county has	2066
received from the property owner a statement releasing the county	2067

from all liability in connection with the disconnections, 2068  
reconnections, or relocations. 2069

(D) Except as provided in division (E) of this section, the 2070  
board of county commissioners shall require in its rules regarding 2071  
disconnections, reconnections, or relocations of sewers the 2072  
reimbursement of moneys expended pursuant to division (C) of this 2073  
section by either of the following methods: 2074

(1) A charge to the property owner in the amount of the 2075  
payment made pursuant to division (C) of this section for 2076  
immediate payment or payment in installments with interest as 2077  
determined by the board not to exceed ten per cent, which payments 2078  
may be billed as a separate item with the rents charged to that 2079  
owner for use of the sewers. The board may approve installment 2080  
payments for a period of not more than fifteen years. If charges 2081  
are to be paid in installments, the board shall certify to the 2082  
county auditor information sufficient to identify each subject 2083  
parcel of property, the total of the charges to be paid in 2084  
installments, and the total number of installments to be paid. The 2085  
auditor shall record the information in the sewer improvement 2086  
record until these charges are paid in full. Charges not paid when 2087  
due shall be certified to the county auditor, who shall place the 2088  
charges upon the real property tax list and duplicate against that 2089  
property. Such charges shall be a lien on the property from the 2090  
date they are placed on the tax list and duplicate and shall be 2091  
collected in the same manner as other taxes. 2092

(2) A special assessment levied against the property, payable 2093  
in such number of years as the board determines, not to exceed 2094  
fifteen years, with interest as determined by the board not to 2095  
exceed ten per cent. The board of county commissioners shall 2096  
certify the assessments to the county auditor, stating the amount 2097  
and time of payment. The auditor shall record the information in 2098  
the county sewer improvement record, showing separately the 2099

assessments to be collected, and shall place the assessments upon  
the real property tax list and duplicate for collection. Such  
assessment shall be a lien on the property from the date it is  
placed on the tax list and duplicate and shall be collected in the  
same manner as other taxes.

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(E) The county may adopt a resolution specifying a maximum  
amount of the cost of any disconnection, reconnection, or  
relocation required pursuant to division (A) of this section that  
may be paid by the county for each affected parcel of property  
without requiring reimbursement. Such amount may be allowed only  
if there is a building code, health code, or other relevant code  
applicable to the affected parcel that prohibits in the future any  
inflows not allowed under rules adopted pursuant to division  
(A)(1) of this section. The board, by rule, shall establish  
criteria for determining how much of the maximum amount for each  
qualifying parcel need not be reimbursed.

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~~(F) Disconnections, reconnections, or relocations required  
under this section that are performed by a contractor under  
contract with the property owner shall not be considered a "public  
improvement" and those performed by the county shall be considered  
a "public improvement" as defined in section 4115.03 of the  
Revised Code.~~

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Disconnections, reconnections, or relocations required under  
this section performed by a contractor under contract with the  
property owner shall not be subject to competitive bidding or  
public bond laws.

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(G) Property owners shall be responsible for maintaining any  
improvements made on private property to reconnect or relocate  
disconnected inflows pursuant to this section unless a public  
easement exists for the county to maintain that improvement.

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**Section 2.** That existing sections 164.07, 166.02, 175.06,

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176.011, 307.671, 307.673, 307.696, 351.06, 1551.33, 1710.02,	2131
1728.07, 3383.07, 4115.03, 4115.04, 4115.06, 4115.10, 4115.14,	2132
4115.16, 4116.01, 4582.12, 5122.28, 5123.87, 5540.03, and	2133
6117.012, and sections 122.452, 165.031, 176.05, 1551.13,	2134
3706.042, 4115.032, 4582.37, 4981.23, and 6121.061 of the Revised	2135
Code are hereby repealed.	2136