

As Introduced

**127th General Assembly
Regular Session
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H. B. No. 243

Representative Brinkman

Cosponsors: Representatives Adams, Wachtmann, Goodwin

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A B I L L

To amend sections 121.08, 164.07, 166.02, 176.011, 1
307.022, 307.671, 307.673, 307.674, 307.696, 2
351.06, 1311.25, 1509.071, 1521.26, 1551.33, 3
1710.02, 1728.07, 3383.07, 4116.01, 4582.12, 4
5540.03, and 6117.012 and to repeal sections 5
122.0818, 122.452, 165.031, 176.05, 1551.13, 6
3706.042, 4115.03, 4115.031, 4115.032, 4115.033, 7
4115.034, 4115.04, 4115.05, 4115.06, 4115.07, 8
4115.071, 4115.08, 4115.09, 4115.10, 4115.101, 9
4115.11, 4115.12, 4115.13, 4115.131, 4115.132, 10
4115.133, 4115.14, 4115.15, 4115.16, 4115.21, 11
4115.99, 4582.37, 4981.23, and 6121.061 of the 12
Revised Code to repeal the Prevailing Wage Law. 13

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

Section 1. That sections 121.08, 164.07, 166.02, 176.011, 14
307.022, 307.671, 307.673, 307.674, 307.696, 351.06, 1311.25, 15
1509.071, 1521.26, 1551.33, 1710.02, 1728.07, 3383.07, 4116.01, 16
4582.12, 5540.03, and 6117.012 of the Revised Code be amended to 17
read as follows: 18

Sec. 121.08. (A) There is hereby created in the department of 19

commerce the position of deputy director of administration. This 20
officer shall be appointed by the director of commerce, serve 21
under the director's direction, supervision, and control, perform 22
the duties the director prescribes, and hold office during the 23
director's pleasure. The director of commerce may designate an 24
assistant director of commerce to serve as the deputy director of 25
administration. The deputy director of administration shall 26
perform the duties prescribed by the director of commerce in 27
supervising the activities of the division of administration of 28
the department of commerce. 29

(B) Except as provided in section 121.07 of the Revised Code, 30
the department of commerce shall have all powers and perform all 31
duties vested in the deputy director of administration, the state 32
fire marshal, the superintendent of financial institutions, the 33
superintendent of real estate and professional licensing, the 34
superintendent of liquor control, the superintendent of industrial 35
compliance, the superintendent of labor and worker safety, the 36
superintendent of unclaimed funds, and the commissioner of 37
securities, and shall have all powers and perform all duties 38
vested by law in all officers, deputies, and employees of those 39
offices. Except as provided in section 121.07 of the Revised Code, 40
wherever powers are conferred or duties imposed upon any of those 41
officers, the powers and duties shall be construed as vested in 42
the department of commerce. 43

(C)(1) There is hereby created in the department of commerce 44
a division of financial institutions, which shall have all powers 45
and perform all duties vested by law in the superintendent of 46
financial institutions. Wherever powers are conferred or duties 47
imposed upon the superintendent of financial institutions, those 48
powers and duties shall be construed as vested in the division of 49
financial institutions. The division of financial institutions 50
shall be administered by the superintendent of financial 51

institutions. 52

(2) All provisions of law governing the superintendent of 53
financial institutions shall apply to and govern the 54
superintendent of financial institutions provided for in this 55
section; all authority vested by law in the superintendent of 56
financial institutions with respect to the management of the 57
division of financial institutions shall be construed as vested in 58
the superintendent of financial institutions created by this 59
section with respect to the division of financial institutions 60
provided for in this section; and all rights, privileges, and 61
emoluments conferred by law upon the superintendent of financial 62
institutions shall be construed as conferred upon the 63
superintendent of financial institutions as head of the division 64
of financial institutions. The director of commerce shall not 65
transfer from the division of financial institutions any of the 66
functions specified in division (C)(2) of this section. 67

(D) There is hereby created in the department of commerce a 68
division of liquor control, which shall have all powers and 69
perform all duties vested by law in the superintendent of liquor 70
control. Wherever powers are conferred or duties are imposed upon 71
the superintendent of liquor control, those powers and duties 72
shall be construed as vested in the division of liquor control. 73
The division of liquor control shall be administered by the 74
superintendent of liquor control. 75

(E) The director of commerce shall not be interested, 76
directly or indirectly, in any firm or corporation which is a 77
dealer in securities as defined in sections 1707.01 and 1707.14 of 78
the Revised Code, or in any firm or corporation licensed under 79
sections 1321.01 to 1321.19 of the Revised Code. 80

(F) The director of commerce shall not have any official 81
connection with a savings and loan association, a savings bank, a 82
bank, a bank holding company, a savings and loan association 83

holding company, a consumer finance company, or a credit union 84
that is under the supervision of the division of financial 85
institutions, or a subsidiary of any of the preceding entities, or 86
be interested in the business thereof. 87

(G) There is hereby created in the state treasury the 88
division of administration fund. The fund shall receive 89
assessments on the operating funds of the department of commerce 90
in accordance with procedures prescribed by the director of 91
commerce and approved by the director of budget and management. 92
All operating expenses of the division of administration shall be 93
paid from the division of administration fund. 94

(H) There is hereby created in the department of commerce a 95
division of real estate and professional licensing, which shall be 96
under the control and supervision of the director of commerce. The 97
division of real estate and professional licensing shall be 98
administered by the superintendent of real estate and professional 99
licensing. The superintendent of real estate and professional 100
licensing shall exercise the powers and perform the functions and 101
duties delegated to the superintendent under Chapters 4735., 102
4763., and 4767. of the Revised Code. 103

(I) There is hereby created in the department of commerce a 104
division of labor and worker safety, which shall have all powers 105
and perform all duties vested by law in the superintendent of 106
labor and worker safety. Wherever powers are conferred or duties 107
imposed upon the superintendent of labor and worker safety, those 108
powers and duties shall be construed as vested in the division of 109
labor and worker safety. The division of labor and worker safety 110
shall be under the control and supervision of the director of 111
commerce and be administered by the superintendent of labor and 112
worker safety. The superintendent of labor and worker safety shall 113
exercise the powers and perform the duties delegated to the 114
superintendent by the director under Chapters 4109.7 and 4111.7 115

and ~~4115~~ of the Revised Code. 116

(J) There is hereby created in the department of commerce a 117
division of unclaimed funds, which shall have all powers and 118
perform all duties delegated to or vested by law in the 119
superintendent of unclaimed funds. Wherever powers are conferred 120
or duties imposed upon the superintendent of unclaimed funds, 121
those powers and duties shall be construed as vested in the 122
division of unclaimed funds. The division of unclaimed funds shall 123
be under the control and supervision of the director of commerce 124
and shall be administered by the superintendent of unclaimed 125
funds. The superintendent of unclaimed funds shall exercise the 126
powers and perform the functions and duties delegated to the 127
superintendent by the director of commerce under section 121.07 128
and Chapter 169. of the Revised Code, and as may otherwise be 129
provided by law. 130

(K) The department of commerce or a division of the 131
department created by the Revised Code that is acting with 132
authorization on the department's behalf may request from the 133
bureau of criminal identification and investigation pursuant to 134
section 109.572 of the Revised Code, or coordinate with 135
appropriate federal, state, and local government agencies to 136
accomplish, criminal records checks for the persons whose 137
identities are required to be disclosed by an applicant for the 138
issuance or transfer of a permit, license, certificate of 139
registration, or certification issued or transferred by the 140
department or division. At or before the time of making a request 141
for a criminal records check, the department or division may 142
require any person whose identity is required to be disclosed by 143
an applicant for the issuance or transfer of such a license, 144
permit, certificate of registration, or certification to submit to 145
the department or division valid fingerprint impressions in a 146
format and by any media or means acceptable to the bureau of 147

criminal identification and investigation and, when applicable, 148
the federal bureau of investigation. The department or division 149
may cause the bureau of criminal identification and investigation 150
to conduct a criminal records check through the federal bureau of 151
investigation only if the person for whom the criminal records 152
check would be conducted resides or works outside of this state or 153
has resided or worked outside of this state during the preceding 154
five years, or if a criminal records check conducted by the bureau 155
of criminal identification and investigation within this state 156
indicates that the person may have a criminal record outside of 157
this state. 158

In the case of a criminal records check under section 109.572 159
of the Revised Code, the department or division shall forward to 160
the bureau of criminal identification and investigation the 161
requisite form, fingerprint impressions, and fee described in 162
division (C) of that section. When requested by the department or 163
division in accordance with this section, the bureau of criminal 164
identification and investigation shall request from the federal 165
bureau of investigation any information it has with respect to the 166
person who is the subject of the requested criminal records check 167
and shall forward the requisite fingerprint impressions and 168
information to the federal bureau of investigation for that 169
criminal records check. After conducting a criminal records check 170
or receiving the results of a criminal records check from the 171
federal bureau of investigation, the bureau of criminal 172
identification and investigation shall provide the results to the 173
department or division. 174

The department or division may require any person about whom 175
a criminal records check is requested to pay to the department or 176
division the amount necessary to cover the fee charged to the 177
department or division by the bureau of criminal identification 178
and investigation under division (C)(3) of section 109.572 of the 179

Revised Code, including, when applicable, any fee for a criminal records check conducted by the federal bureau of investigation. 180
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Sec. 164.07. ~~(A)~~ In awarding contracts for capital improvement projects to be financed in whole or in part under this chapter, a local subdivision shall comply with the percentage requirements of section 125.081 of the Revised Code. 182
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~~(B) A capital improvement that is financed in whole or in part under this chapter is a public improvement, and a subdivision undertaking a capital improvement is a public authority, for purposes of section 4115.03 of the Revised Code. All contractors and subcontractors working on a capital improvement financed in whole or in part under this chapter shall comply with sections 4115.03 to 4115.16 of the Revised Code.~~ 186
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Sec. 166.02. (A) The general assembly finds that many local areas throughout the state are experiencing economic stagnation or decline, and that the economic development program provided for in sections 166.01 to 166.11 of the Revised Code will constitute a deserved, necessary reinvestment by the state in those areas, materially contribute to their economic revitalization, and result in improving the economic welfare of all the people of the state. Accordingly, it is declared to be the public policy of the state, through the operations under sections 166.01 to 166.11 of the Revised Code and other applicable laws adopted pursuant to Section 13 of Article VIII, Ohio Constitution, and other authority vested in the general assembly, to assist in and facilitate the establishment or development of eligible projects or assist and cooperate with any governmental agency in achieving such purpose. 193
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(B) In furtherance of such public policy and to implement such purpose, the director of development may: 207
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(1) After consultation with appropriate governmental 209

agencies, enter into agreements with persons engaged in industry, 210
commerce, distribution, or research and with governmental agencies 211
to induce such persons to acquire, construct, reconstruct, 212
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 213
otherwise develop, eligible projects and make provision therein 214
for project facilities and governmental actions, as authorized by 215
this chapter and other applicable laws, subject to any required 216
actions by the general assembly or the controlling board and 217
subject to applicable local government laws and regulations; 218

(2) Provide for the guarantees and loans as provided for in 219
sections 166.06 and 166.07 of the Revised Code; 220

(3) Subject to release of such moneys by the controlling 221
board, contract for labor and materials needed for, or contract 222
with others, including governmental agencies, to provide, project 223
facilities the allowable costs of which are to be paid for or 224
reimbursed from moneys in the facilities establishment fund, and 225
contract for the operation of such project facilities; 226

(4) Subject to release thereof by the controlling board, from 227
moneys in the facilities establishment fund acquire or contract to 228
acquire by gift, exchange, or purchase, including the obtaining 229
and exercise of purchase options, property, and convey or 230
otherwise dispose of, or provide for the conveyance or disposition 231
of, property so acquired or contracted to be acquired by sale, 232
exchange, lease, lease purchase, conditional or installment sale, 233
transfer, or other disposition, including the grant of an option 234
to purchase, to any governmental agency or to any other person 235
without necessity for competitive bidding and upon such terms and 236
conditions and manner of consideration pursuant to and as the 237
director determines to be appropriate to satisfy the objectives of 238
sections 166.01 to 166.11 of the Revised Code; 239

(5) Retain the services of or employ financial consultants, 240
appraisers, consulting engineers, superintendents, managers, 241

construction and accounting experts, attorneys, and employees,	242
agents, and independent contractors as are necessary in the	243
director's judgment and fix the compensation for their services;	244
(6) Receive and accept from any person grants, gifts, and	245
contributions of money, property, labor, and other things of	246
value, to be held, used and applied only for the purpose for which	247
such grants, gifts, and contributions are made;	248
(7) Enter into appropriate arrangements and agreements with	249
any governmental agency for the taking or provision by that	250
governmental agency of any governmental action;	251
(8) Do all other acts and enter into contracts and execute	252
all instruments necessary or appropriate to carry out the	253
provisions of Chapter 166. of the Revised Code;	254
(9) Adopt rules to implement any of the provisions of Chapter	255
166. of the Revised Code applicable to the director.	256
(C) The determinations by the director that facilities	257
constitute eligible projects, that facilities are project	258
facilities, that costs of such facilities are allowable costs, and	259
all other determinations relevant thereto or to an action taken or	260
agreement entered into shall be conclusive for purposes of the	261
validity and enforceability of rights of parties arising from	262
actions taken and agreements entered into under this chapter.	263
(D) Except as otherwise prescribed in Chapter 166. of the	264
Revised Code, all expenses and obligations incurred by the	265
director in carrying out the director's powers and in exercising	266
the director's duties under Chapter 166. of the Revised Code,	267
shall be payable solely from, as appropriate, moneys in the	268
facilities establishment fund, the loan guarantee fund, the	269
innovation Ohio loan guarantee fund, the innovation Ohio loan	270
fund, the research and development loan fund, or moneys	271
appropriated for such purpose by the general assembly. Chapter	272

166. of the Revised Code does not authorize the director or the 273
issuing authority under section 166.08 of the Revised Code to 274
incur bonded indebtedness of the state or any political 275
subdivision thereof, or to obligate or pledge moneys raised by 276
taxation for the payment of any bonds or notes issued or 277
guarantees made pursuant to Chapter 166. of the Revised Code. 278

~~(E) No financial assistance for project facilities shall be 279
provided under this chapter unless the provisions of the agreement 280
providing for such assistance specify that all wages paid to 281
laborers and mechanics employed on such project facilities for 282
which the assistance is granted shall be paid at the prevailing 283
rates of wages of laborers and mechanics for the class of work 284
called for by such project facilities, which wages shall be 285
determined in accordance with the requirements of Chapter 4115. of 286
the Revised Code for determination of prevailing wage rates, 287
provided that the requirements of this division do not apply where 288
the federal government or any of its agencies provides financing 289
assistance as to all or any part of the funds used in connection 290
with such project facilities and prescribes predetermined minimum 291
wages to be paid to such laborers and mechanics; and provided 292
further that should a nonpublic user beneficiary of the eligible 293
project undertake, as part of the eligible project, construction 294
to be performed by its regular bargaining unit employees who are 295
covered under a collective bargaining agreement which was in 296
existence prior to the date of the document authorizing such 297
assistance then, in that event, the rate of pay provided under the 298
collective bargaining agreement may be paid to such employees. 299~~

~~(F) Any governmental agency may enter into an agreement with 300
the director, any other governmental agency, or a person to be 301
assisted under this chapter, to take or provide for the purposes 302
of this chapter any governmental action it is authorized to take 303
or provide, and to undertake on behalf and at the request of the 304~~

director any action which the director is authorized to undertake 305
pursuant to divisions (B)(3), (4), and (5) of this section or 306
divisions (B)(3), (4), and (5) of section 166.12 of the Revised 307
Code. Governmental agencies of the state shall cooperate with and 308
provide assistance to the director of development and the 309
controlling board in the exercise of their respective functions 310
under this chapter. 311

Sec. 176.011. This section does not apply to any county 312
having a population exceeding one million persons, according to 313
the United States bureau of the census, on ~~the effective date of~~ 314
~~this section~~ May 15, 1992, or to any township or municipal 315
corporation located within such a county. 316

(A) A board of county commissioners, a board of township 317
trustees, the chief executive officer of a municipal corporation 318
with the consent of the legislative authority of the municipal 319
corporation, or any combination of these, may do one or both of 320
the following: 321

(1) Create and participate in a nonprofit corporation 322
incorporated under Chapter 1702. of the Revised Code for the 323
purpose of receiving funds from any person to be expended, 324
granted, loaned, or invested for housing purposes, to ensure the 325
efficient use of these funds, and for the coordination of the use 326
of the funds with other local governments. A nonprofit corporation 327
created under division (A)(1) of this section shall not have among 328
its purposes the acquisition, construction, or rehabilitation of 329
housing. All funds received by the nonprofit corporation shall be 330
expended for housing purposes under Section 16 of Article VIII, 331
Ohio Constitution, and section 176.04 of the Revised Code. 332

(2) Create and participate in a nonprofit corporation 333
incorporated under Chapter 1702. of the Revised Code for the 334
purpose of acquiring, constructing, or rehabilitating housing 335

under Section 16 of Article VIII, Ohio Constitution, and section 336
176.04 of the Revised Code, or participate in an existing 337
nonprofit corporation whose purpose includes the acquisition, 338
construction, or rehabilitation of housing. A nonprofit 339
corporation created under division (A)(2) of this section shall 340
not have among its purposes any of the purposes for which a 341
nonprofit corporation created under division (A)(1) of this 342
section may be created. The governing board of a nonprofit 343
corporation created under division (A)(2) of this section or in 344
which a county, township, or municipal corporation participates 345
under division (A)(2) of this section shall consist of not more 346
than one-third elected officials or appointees thereof of the 347
county, township, or municipal corporation, or combination 348
thereof, that through the governing boards or chief executive 349
officers create or participate in such corporation. 350

~~Housing acquired, constructed, or rehabilitated by a 351
nonprofit corporation created under division (A)(2) of this 352
section is a project for purposes of section 176.05 of the Revised 353
Code and shall be considered a project undertaken by a county, 354
township, or municipal corporation for purposes of section 176.05 355
of the Revised Code. 356~~

Not more than fifteen per cent of the funds received by a 357
nonprofit corporation created under division (A)(1) or (2) of this 358
section from any county, township, or municipal corporation shall 359
be used for administration and salaries of the nonprofit 360
organization. Funds distributed to the nonprofit corporation from 361
any board of county commissioners, board of township trustees, or 362
municipal corporation shall be considered an expenditure for 363
housing purposes under Section 16 of Article VIII, Ohio 364
Constitution. A nonprofit corporation created under division 365
(A)(1) or (2) of this section is a public body for purposes of 366
section 121.22 of the Revised Code, and is subject to that 367

section. 368

(B) A county, township, or municipal corporation may 369
distribute funds to a nonprofit corporation created under division 370
(A)(1) or (2) of this section that its board or chief executive 371
officer created or in which the board or chief executive officer 372
participates, and no such distribution constitutes a conflict of 373
interest. 374

(C) Service as a member, trustee, officer, employee, or agent 375
of a nonprofit corporation created under division (A) of this 376
section does not constitute a conflict of interest with the 377
following: 378

(1) Employment by or membership on a board of county 379
commissioners or a board of township trustees from which the 380
nonprofit corporation receives funds; 381

(2) Service as the chief executive officer or as a member of 382
the legislative authority of, or employment by, a municipal 383
corporation from which the nonprofit corporation receives funds; 384

(3) Service on a housing advisory board serving any of the 385
political subdivisions named in division (C) of this section. 386

(D) A housing advisory board established or designated by any 387
municipal corporation, county, or township, alone or jointly, 388
shall advise the nonprofit corporation created under division 389
(A)(1) or (2) or both of this section in accordance with sections 390
176.01 and 176.04 of the Revised Code. 391

Sec. 307.022. (A) The board of county commissioners of any 392
county may do both of the following without following the 393
competitive bidding requirements of section 307.86 of the Revised 394
Code: 395

(1) Enter into a lease, including a lease with an option to 396
purchase, of correctional facilities for a term not in excess of 397

forty years. Before entering into the lease, the board shall 398
publish, once a week for three consecutive weeks in a newspaper of 399
general circulation in the county, a notice that the board is 400
accepting proposals for a lease pursuant to this division. The 401
notice shall state the date before which the proposals are 402
required to be submitted in order to be considered by the board. 403

(2) Subject to compliance with this section, grant leases, 404
easements, and licenses with respect to, or sell, real property 405
owned by the county if the real property is to be leased back by 406
the county for use as correctional facilities. 407

The lease under division (A)(1) of this section shall require 408
the county to contract, in accordance with Chapter 153.7 and 409
sections 307.86 to 307.92, ~~and Chapter 4115.~~ of the Revised Code, 410
for the construction, improvement, furnishing, and equipping of 411
correctional facilities to be leased pursuant to this section. 412
Prior to the board's execution of the lease, it may require the 413
lessor under the lease to cause sufficient money to be made 414
available to the county to enable the county to comply with the 415
certification requirements of division (D) of section 5705.41 of 416
the Revised Code. 417

A lease entered into pursuant to division (A)(1) of this 418
section by a board may provide for the county to maintain and 419
repair the correctional facility during the term of the leasehold, 420
may provide for the county to make rental payments prior to or 421
after occupation of the correctional facilities by the county, and 422
may provide for the board to obtain and maintain any insurance 423
that the lessor may require, including, but not limited to, public 424
liability, casualty, builder's risk, and business interruption 425
insurance. The obligations incurred under a lease entered into 426
pursuant to division (A)(1) of this section shall not be 427
considered to be within the debt limitations of section 133.07 of 428
the Revised Code. 429

(B) The correctional facilities leased under division (A)(1) 430
of this section may include any or all of the following: 431

(1) Facilities in which one or more other governmental 432
entities are participating or in which other facilities of the 433
county are included; 434

(2) Facilities acquired, constructed, renovated, or financed 435
by the Ohio building authority and leased to the county pursuant 436
to section 307.021 of the Revised Code; 437

(3) Correctional facilities that are under construction or 438
have been completed and for which no permanent financing has been 439
arranged. 440

(C) As used in this section: 441

(1) "Correctional facilities" includes, but is not limited 442
to, jails, detention facilities, workhouses, community-based 443
correctional facilities, and family court centers. 444

(2) "~~Construction~~" ~~has the same meaning as in division (B) of~~ 445
~~section 4115.03 of the Revised Code~~ means any construction, 446
reconstruction, improvement, enlargement, alteration, repair, 447
painting, or decorating, of any public improvement performed by 448
other than full-time employees who have completed their 449
probationary periods in the classified service of a public 450
authority. 451

As used in this division: 452

(a) "Public improvement" means all buildings, roads, streets, 453
alleys, sewers, ditches, and other structures or works constructed 454
by a public authority or by any person who, pursuant to a contract 455
with a public authority, constructs any structure or work for a 456
public authority. When a public authority rents or leases a newly 457
constructed structure within six months after completion of its 458
construction, any work performed on that structure to suit it for 459

occupancy is a "public improvement." 460

(b) "Public authority" means any officer, board, or 461
commission of the state, or any political subdivision of the 462
state, or any institution supported in whole or in part by public 463
funds, authorized to enter into a contract for the construction of 464
a public improvement or to construct a public improvement by the 465
direct employment of labor. 466

Sec. 307.671. (A) As used in this section: 467

(1) "Bonds" means, as the context requires: general 468
obligation bonds of the county, or notes in anticipation thereof, 469
described in division (B)(1)(b) of this section; revenue bonds of 470
the port authority described in division (B)(2)(a) of this 471
section; and urban renewal bonds, or notes in anticipation 472
thereof, of the host municipal corporation described in division 473
(B)(3)(a) of this section. 474

(2) "Corporation" means a nonprofit corporation that is 475
organized under the laws of this state and that includes within 476
the purposes for which it is incorporated the authorization to 477
lease and operate facilities such as a port authority educational 478
and cultural facility. 479

(3) "Debt service charges" means, for any period or payable 480
at any time, the principal of and interest and any premium due on 481
bonds for that period or payable at that time whether due at 482
maturity or upon mandatory redemption, together with any required 483
deposits to reserves for the payment of principal of and interest 484
on such bonds, and includes any payments required by the port 485
authority to satisfy any of its obligations arising from any 486
guaranty agreements, reimbursement agreements, or other credit 487
enhancement agreements described in division (C) of this section. 488

(4) "Host municipal corporation" means the municipal 489

corporation within the boundaries of which the port authority 490
educational and cultural facility is located. 491

(5) "Port authority" means a port authority created pursuant 492
to the authority of section 4582.02 of the Revised Code by a 493
county and a host municipal corporation. 494

(6) "Port authority educational and cultural facility" means 495
a facility located within an urban renewal area that may consist 496
of a museum, archives, library, hall of fame, center for 497
contemporary music, or other facilities necessary to provide 498
programs of an educational and cultural nature, together with all 499
parking facilities, walkways, and other auxiliary facilities, real 500
and personal property, property rights, easements, and interests 501
that may be appropriate for, or used in connection with, the 502
operation of the facility. 503

(7) "Urban renewal area" means an area of a host municipal 504
corporation that the legislative authority of the host municipal 505
corporation has designated as appropriate for an urban renewal 506
project pursuant to Chapter 725. of the Revised Code. 507

(B) The board of county commissioners of a county, a port 508
authority, and a host municipal corporation may enter into a 509
cooperative agreement with a corporation, under which: 510

(1) The board of county commissioners agrees to do all of the 511
following: 512

(a) Levy a tax under division (D) of section 5739.09 of the 513
Revised Code exclusively for the purposes described in divisions 514
(B)(1)(c) and (d) of this section; 515

(b) Issue general obligation bonds of the county, or notes in 516
anticipation thereof, pursuant to Chapter 133. of the Revised 517
Code, for the purpose of acquiring, constructing, and equipping 518
the port authority educational and cultural facility and 519
contribute the proceeds from the issuance to the port authority 520

for such purpose. The cooperative agreement may provide that such 521
proceeds be deposited with and administered by the trustee 522
pursuant to the trust agreement provided for in division (C) of 523
this section. 524

(c) Following the issuance, sale, and delivery of the port 525
authority revenue bonds provided for in division (B)(2)(a) of this 526
section, and prior to the date certain stated in the cooperative 527
agreement which shall be the date estimated for the completion of 528
construction of the port authority educational and cultural 529
facility, pledge and contribute to the port authority revenue from 530
the tax levied pursuant to division (B)(1)(a) of this section, 531
together with any investment earnings on that revenue, to pay a 532
portion of the costs of acquiring, constructing, and equipping the 533
port authority educational and cultural facility; 534

(d) Following such date certain, pledge and contribute to the 535
corporation all or such portion as provided for in the cooperative 536
agreement of the revenue from the tax, together with any 537
investment earnings on that revenue, to pay a portion of the costs 538
of the corporation of leasing the port authority educational and 539
cultural facility from the port authority. 540

(2) The port authority agrees to do all of the following: 541

(a) Issue revenue bonds of the port authority pursuant to 542
Chapter 4582. of the Revised Code for the purpose of acquiring, 543
constructing, and equipping the port authority educational and 544
cultural facility; 545

(b) Construct the port authority educational and cultural 546
facility; 547

(c) Lease the port authority educational and cultural 548
facility to the corporation; 549

(d) To the extent provided for in the cooperative agreement 550
or the lease to the corporation, authorize the corporation to 551

administer on behalf of the port authority the contracts for 552
acquiring, constructing, or equipping a port authority educational 553
and cultural facility; 554

(e) Use the revenue derived from the lease of the port 555
authority educational and cultural facility to the corporation 556
solely to pay debt service charges on the revenue bonds of the 557
port authority described in division (B)(2)(a) of this section. 558

(3) The host municipal corporation agrees to do both of the 559
following: 560

(a) Issue urban renewal bonds of the host municipal 561
corporation, or notes in anticipation thereof, pursuant to Chapter 562
725. of the Revised Code for the purpose of acquiring and 563
constructing the port authority educational and cultural facility 564
and contribute the proceeds from the issuance to the port 565
authority for such purpose. The cooperative agreement may provide 566
that such proceeds be deposited with and administered by the 567
trustee pursuant to the trust agreement provided for in division 568
(C) of this section. 569

(b) To the extent provided for in the cooperative agreement, 570
contribute to the county, for use by the county to pay debt 571
service charges on the bonds of the county, or notes in 572
anticipation thereof, described in division (B)(1)(b) of this 573
section, any excess urban renewal service payments pledged by the 574
host municipal corporation to the urban renewal bonds described in 575
division (B)(3)(a) of this section and not required on an annual 576
basis to pay debt service charges on the urban renewal bonds. 577

(4) The corporation agrees to do all of the following: 578

(a) Lease the port authority educational and cultural 579
facility from the port authority; 580

(b) Operate and maintain the port authority educational and 581
cultural facility pursuant to the lease; 582

(c) To the extent provided for in the cooperative agreement 583
or the lease from the port authority, administer on behalf of the 584
port authority the contracts for acquiring, constructing, or 585
equipping a port authority educational and cultural facility. 586

(C) The pledges and contributions described in divisions 587
(B)(1)(c) and (d) of this section and provided for in the 588
cooperative agreement shall be for the period stated in the 589
cooperative agreement, but shall not be in excess of the period 590
necessary to provide for the final retirement of the port 591
authority revenue bonds provided for in division (B)(2)(a) of this 592
section and any bonds issued by the port authority to refund such 593
bonds, and for the satisfaction by the port authority of any of 594
its obligations arising from any guaranty agreements, 595
reimbursement agreements, or other credit enhancement agreements 596
relating to such bonds or to the revenues pledged to such bonds. 597
The cooperative agreement shall provide for the termination of the 598
cooperative agreement including the pledges and contributions 599
described in divisions (B)(1)(c) and (d) of this section if the 600
port authority revenue bonds provided for in division (B)(2)(a) of 601
this section have not been issued, sold, and delivered within two 602
years of the effective date of the cooperative agreement. 603

The cooperative agreement shall provide that any revenue 604
bonds of the port authority shall be secured by a trust agreement 605
between the port authority and a corporate trustee that is a trust 606
company or bank having the powers of a trust company within or 607
outside the state. The county may be a party to such trust 608
agreement for the purpose of securing the pledge by the county of 609
its contribution to the corporation pursuant to division (B)(1)(d) 610
of this section. A tax levied pursuant to division (B)(1)(a) of 611
this section is not subject to diminution by initiative or 612
referendum or diminution by statute, unless provision is made 613
therein for an adequate substitute therefor reasonably 614

satisfactory to the trustee under the trust agreement that secures 615
the revenue bonds of the port authority. 616

(D) A pledge of money by a county under this section shall 617
not be net indebtedness of the county for purposes of section 618
133.07 of the Revised Code. 619

(E) If the terms of the cooperative agreement so provide, any 620
contract for the acquisition, construction, or equipping of a port 621
authority educational and cultural facility shall be made in such 622
manner as is determined by the board of directors of the port 623
authority, and unless the cooperative agreement provides 624
otherwise, such a contract is not subject to division (A) of 625
section 4582.12 of the Revised Code. The port authority may take 626
the assignment of and assume any contracts for the acquisition, 627
construction, and equipping of a port authority educational and 628
cultural facility that previously have been authorized by either 629
or both the host municipal corporation or the corporation. Such 630
contracts likewise are not subject to division (A) of section 631
4582.12 of the Revised Code. 632

~~Any contract for the acquisition, construction, or equipping 633
of a port authority educational and cultural facility entered 634
into, assigned, or assumed pursuant to this division shall provide 635
that all laborers and mechanics employed for the acquisition, 636
construction, or equipping of the port authority educational and 637
cultural facility shall be paid at the prevailing rates of wages 638
of laborers and mechanics for the class of work called for by the 639
port authority educational and cultural facility, which wages 640
shall be determined in accordance with the requirements of Chapter 641
4115. of the Revised Code for the determination of prevailing wage 642
rates. 643~~

Sec. 307.673. This section applies only in a county in which 644
a tax is levied under section 307.697, 4301.421, 5743.024, or 645

5743.323 of the Revised Code on ~~the effective date of this~~ 646
~~amendment~~ July 19, 1995. 647

(A) As used in this section: 648

(1) "County taxes" means taxes levied by a board of county 649
commissioners under division (D) of section 307.697, division (B) 650
of section 4301.421, division (C) of section 5743.024, and section 651
5743.323 of the Revised Code. 652

(2) "Corporation" means a nonprofit corporation organized 653
under the laws of this state and that includes among the purposes 654
for which it is incorporated the authority to acquire, construct, 655
renovate, equip, lease, manage, or operate a sports facility. 656

(3) "Cooperative agreement" means an agreement entered into 657
pursuant to this section. 658

(4) "Cost of a sports facility" means the cost of acquiring, 659
constructing, renovating, equipping, or improving one or more 660
sports facilities, including reconstructing, rehabilitating, 661
remodeling, and enlarging; the cost of equipping and furnishing 662
such a facility; and all financing costs pertaining thereto, 663
including the cost of engineering, architectural, and other 664
professional services, designs, plans, specifications and surveys, 665
and estimates of costs; the costs of refinancing obligations 666
issued by, or reimbursement of money advanced by, the parties to 667
the cooperative agreement or other persons, the proceeds of which 668
obligations were used to pay the costs of the sports facility; the 669
cost of tests and inspections; the cost of any indemnity or surety 670
bonds and premiums on insurance, all related direct and 671
administrative costs pertaining thereto, fees and expenses of 672
trustees, depositories, and paying agents for the obligations, 673
capitalized interest on the obligations, amounts necessary to 674
establish reserves as required by the obligation proceedings, the 675
reimbursement of money advanced or applied by the parties to the 676

cooperative agreement or other persons for the payment of any item 677
of costs of the sports facility, and all other expenses necessary 678
or incident to planning or determining the feasibility or 679
practicability with respect to the sports facility; and any other 680
such expenses as may be necessary or incident to the acquisition, 681
construction, reconstruction, rehabilitation, remodeling, 682
renovation, enlargement, improvement, equipping, and furnishing of 683
the sports facility, the financing of the sports facility, placing 684
the sports facility in use and operation, including any one, part 685
of, or combination of such classes of costs and expenses. 686

(5) "Financing costs" has the same meaning as in section 687
133.01 of the Revised Code. 688

(6) "Obligations" means obligations issued or incurred to pay 689
the cost of a sports facility, including bonds, notes, 690
certificates of indebtedness, commercial paper, and other 691
instruments in writing, anticipatory securities as defined in 692
section 133.01 of the Revised Code, issued or incurred by an 693
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 694
this section, or otherwise, to evidence the issuer's obligation to 695
repay borrowed money, or to pay interest, by, or to pay at any 696
future time other money obligations of, the issuer of the 697
obligations, including obligations of an issuer or lessee to make 698
payments under an installment sale, lease, lease-purchase, or 699
similar agreement. 700

(7) "Owner" means any person that owns or operates a 701
professional athletic or sports team, that is party to a 702
cooperative agreement, or that has a lease or other agreement with 703
a party to a cooperative agreement, and that commits to use the 704
sports facility that is the subject of the cooperative agreement 705
for all of the team's home games for the period specified in that 706
agreement. 707

(8) "Payments," when used with reference to obligations, 708

means payments of the principal, including any mandatory sinking 709
fund deposits and mandatory redemption payments, interest and any 710
redemption premium, and lease rentals, lease-purchase payments and 711
other amounts payable under obligations in the form of installment 712
sale, lease, lease-purchase, or similar agreements. 713

(9) "Person" has the same meaning as defined in section 714
133.01 of the Revised Code. 715

(10) "Port authority" means a port authority created under 716
Chapter 4582. of the Revised Code. 717

(11) "Sports facility" means a facility, including a stadium, 718
that is intended to house or provide a site for one or more major 719
league professional athletic or sports teams or activities, 720
together with all spectator facilities, parking facilities, 721
walkways, and auxiliary facilities, real and personal property, 722
property rights, easements, leasehold estates, and interests that 723
may be appropriate for, or used in connection with, the operation 724
of the sports facility. 725

(B) The board of county commissioners of a county, the 726
legislative authority of a municipal corporation, a port 727
authority, a corporation, and an owner, or any combination 728
thereof, may enter into one or more cooperative agreements under 729
which the parties enter into one or more of the agreements 730
described in divisions (B)(1) to (5) of this section. 731

(1) The board of county commissioners agrees to do one or 732
more of the following: 733

(a) Levy a tax under division (D) of section 307.697, 734
division (B) of section 4301.421, division (C) of section 735
5743.024, and section 5743.323 of the Revised Code and make 736
available all or a portion of the revenue from those taxes for the 737
payment of the cost of the sports facility or to make payments on 738
obligations; 739

(b) Issue or incur obligations of the county pursuant to Chapter 133. of the Revised Code or this section;	740 741
(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;	742 743 744 745 746
(d) 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;	747 748 749
(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.	750 751 752 753 754
(2) The port authority agrees to do one or more of the following:	755 756
(a) Issue or incur obligations of the port authority pursuant to Chapter 133. or 4582. of the Revised Code or this section;	757 758
(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;	759 760 761 762
(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;	763 764 765
(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	766 767 768 769

equipping a sports facility.	770
(3) The legislative authority of the municipal corporation	771
agrees to do one or more of the following:	772
(a) Make available the revenue from taxes levied by the	773
legislative authority for the payment of the cost of a sports	774
facility or to make payments on obligations;	775
(b) Issue or incur obligations of the municipal corporation	776
pursuant to Chapter 133. of the Revised Code or otherwise;	777
(c) Make available all or a portion of the proceeds from the	778
issuance of those obligations to the county, port authority,	779
corporation, or otherwise for the payment of the cost of a sports	780
facility or the payment of obligations;	781
(d) Acquire, construct, renovate, equip, lease to or from	782
another person, and operate, directly or by a lease or management	783
contract with another person, one or more sports facilities;	784
(e) To the extent provided in the cooperative agreement or a	785
lease with respect to a sports facility, authorize the county,	786
port authority, corporation, or owner to administer contracts for	787
designing, planning, acquiring, constructing, renovating, or	788
equipping a sports facility.	789
(4) The corporation agrees to do one or more of the	790
following:	791
(a) Issue or incur obligations;	792
(b) Make available all or a portion of the proceeds from the	793
issuance of those obligations to the county, port authority,	794
municipal corporation, or otherwise for the payment of the cost of	795
a sports facility or the payment of obligations;	796
(c) Acquire, construct, renovate, equip, lease to or from	797
another person, and operate, directly or by a lease or management	798
contract with another person, one or more sports facilities;	799

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

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

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

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

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

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

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

(1) "Bonds" means:

(a) Revenue bonds of the port authority described in division

(B)(2)(a) of this section; 830

(b) Securities as defined in division (KK) of section 133.01 831
of the Revised Code issued by the host municipal corporation, 832
described in division (B)(3)(a) of this section; 833

(c) Any bonds issued to refund any of those revenue bonds or 834
securities. 835

(2) "Corporation" means a nonprofit corporation that is 836
organized under the laws of this state and that includes within 837
the purposes for which it is incorporated the authorization to 838
lease and operate facilities such as a port authority educational 839
and cultural performing arts facility. 840

(3) "Cost," as applied to a port authority educational and 841
cultural performing arts facility, means the cost of acquiring, 842
constructing, renovating, rehabilitating, equipping, or improving 843
the facility, or any combination of those purposes, collectively 844
referred to in this section as "construction," and the cost of 845
acquisition of all land, rights of way, property rights, 846
easements, franchise rights, and interests required for those 847
purposes, the cost of demolishing or removing any buildings or 848
structures on land so acquired, including the cost of acquiring 849
any land to which those buildings or structures may be moved, the 850
cost of public utility and common carrier relocation or 851
duplication, the cost of all machinery, furnishings, and 852
equipment, financing charges, interest prior to and during 853
construction and for not more than three years after completion of 854
construction, costs arising under guaranty agreements, 855
reimbursement agreements, or other credit enhancement agreements 856
relating to bonds, engineering, expenses of research and 857
development with respect to such facility, legal expenses, plans, 858
specifications, surveys, studies, estimates of costs and revenues, 859
other expenses necessary or incident to determining the 860
feasibility or practicability of acquiring or constructing the 861

facility, administrative expense, and other expenses as may be 862
necessary or incident to that acquisition or construction and the 863
financing of such acquisition or construction, including, with 864
respect to the revenue bonds of a port authority, amounts to be 865
paid into any special funds from the proceeds of those bonds, and 866
repayments to the port authority, host county, host municipal 867
corporation, or corporation of any amounts advanced for the 868
foregoing purposes. 869

(4) "Debt service charges" means, for any period or payable 870
at any time, the principal of and interest and any premium due on 871
bonds for that period or payable at that time whether due at 872
maturity or upon mandatory redemption, together with any required 873
deposits to reserves for the payment of principal of and interest 874
on those bonds, and includes any payments required by the port 875
authority to satisfy any of its obligations under or arising from 876
any guaranty agreements, reimbursement agreements, or other credit 877
enhancement agreements described in division (C) of this section. 878

(5) "Host county" means the county within the boundaries of 879
which the port authority educational and cultural performing arts 880
facility is or will be located. 881

(6) "Host municipal corporation" means the municipal 882
corporation within the boundaries of which the port authority 883
educational and cultural performing arts facility is or will be 884
located. 885

(7) "Port authority" means a port authority created pursuant 886
to section 4582.22 of the Revised Code. 887

(8) "Port authority educational and cultural performing arts 888
facility" means a facility that consists of a center for music or 889
other performing arts, a theater or other facilities to provide 890
programs of an educational, recreational, or cultural nature, or 891
any combination of those purposes as determined by the parties to 892

the cooperative agreement for which provision is made in division 893
(B) of this section to fulfill the public educational, 894
recreational, and cultural purposes set forth therein, together 895
with all parking facilities, walkways, and other auxiliary 896
facilities, real and personal property, property rights, 897
easements, and interests that may be appropriate for, or used in 898
connection with, the operation of the facility. 899

(B) A host county, a host municipal corporation, and a port 900
authority may enter into a cooperative agreement with a 901
corporation under which, as further provided for in that 902
agreement: 903

(1) The host county may agree to do any or all of the 904
following: 905

(a) Levy and collect a tax under division (E) and division 906
(F) of section 5739.09 of the Revised Code for the purposes, and 907
in an amount sufficient for those purposes, described in divisions 908
(B)(1)(b) and (c) of this section; 909

(b) Pay to the port authority all or such portion as provided 910
for in the cooperative agreement of the revenue from the tax, 911
together with any investment earnings on that revenue, to be used 912
to pay a portion of the costs of acquiring, constructing, 913
renovating, rehabilitating, equipping, or improving the port 914
authority educational and cultural performing arts facility; 915

(c) Pledge and pay to the corporation all or such portion as 916
provided for in the cooperative agreement of the revenue from the 917
tax, together with any investment earnings on that revenue, to be 918
used to pay a portion of the costs to the corporation of leasing 919
the port authority educational and cultural performing arts 920
facility from the port authority. 921

(2) The port authority may agree to do any or all of the 922
following: 923

(a) Issue its revenue bonds pursuant to section 4582.48 of 924
the Revised Code for the purpose of paying all or a portion of the 925
costs of the port authority educational and cultural performing 926
arts facility; 927

(b) Acquire, construct, renovate, rehabilitate, equip, and 928
improve the port authority educational and cultural performing 929
arts facility; 930

(c) Lease the port authority educational and cultural 931
performing arts facility to the corporation; 932

(d) To the extent provided for in the cooperative agreement 933
or the lease to the corporation, authorize the corporation to 934
administer on behalf of the port authority the contracts for 935
acquiring, constructing, renovating, rehabilitating, or equipping 936
the port authority educational and cultural performing arts 937
facility; 938

(e) Use the revenue derived from the lease of the port 939
authority educational and cultural performing arts facility to the 940
corporation solely to pay debt service charges on revenue bonds of 941
the port authority issued pursuant to division (B)(2)(a) of this 942
section and to pay its obligations under or arising from any 943
guaranty agreements, reimbursement agreements, or other credit 944
enhancement agreements provided for in this section. 945

(3) The host municipal corporation may agree to do either or 946
both of the following: 947

(a) Issue its bonds for the purpose of paying all or a 948
portion of the costs of the port authority educational and 949
cultural performing arts facility, and pay the proceeds from the 950
issuance to the port authority for that purpose; 951

(b) Enter into a guaranty agreement, a reimbursement 952
agreement, or other credit enhancement agreement with the port 953
authority to provide a guaranty or other credit enhancement of the 954

port authority revenue bonds referred to in division (B)(2)(a) of 955
this section pledging taxes, other than ad valorem property taxes, 956
or other revenues for the purpose of providing the funds required 957
to satisfy the host municipal corporation's obligations under that 958
agreement. 959

The cooperative agreement may provide that the proceeds of 960
such securities or of such guaranty agreement, reimbursement 961
agreement, or other credit enhancement agreement be deposited with 962
and administered by the trustee pursuant to the trust agreement 963
authorized in division (C) of this section. 964

(4) The corporation may agree to do any or all of the 965
following: 966

(a) Lease the port authority educational and cultural 967
performing arts facility from the port authority; 968

(b) Operate and maintain the port authority educational and 969
cultural performing arts facility pursuant to the lease; 970

(c) To the extent provided for in the cooperative agreement 971
or the lease from the port authority, administer on behalf of the 972
port authority the contracts for acquiring, constructing, 973
renovating, rehabilitating, or equipping the port authority 974
educational and cultural performing arts facility. 975

(C) The pledge and payments referred to in divisions 976
(B)(1)(b) and (c) of this section and provided for in the 977
cooperative agreement shall be for the period stated in the 978
cooperative agreement but shall not extend longer than the period 979
necessary to provide for the final retirement of the port 980
authority revenue bonds referred to in division (B)(2)(a) of this 981
section, and for the satisfaction by the port authority of any of 982
its obligations under or arising from any guaranty agreements, 983
reimbursement agreements, or other credit enhancement agreements 984
relating to those bonds or to the revenues pledged to them. The 985

cooperative agreement shall provide for the termination of the 986
cooperative agreement, including the pledge and payment referred 987
to in division (B)(1)(c) of this section, if the port authority 988
revenue bonds referred to in division (B)(2)(a) of this section 989
have not been issued, sold, and delivered within five years of the 990
effective date of the cooperative agreement. 991

The cooperative agreement shall provide that any port 992
authority revenue bonds shall be secured by a trust agreement 993
between the port authority and a corporate trustee that is a trust 994
company or bank having the powers of a trust company within or 995
outside the state but authorized to exercise trust powers within 996
the state. The host county may be a party to that trust agreement 997
for the purpose of better securing the pledge by the host county 998
of its payment to the corporation pursuant to division (B)(1)(c) 999
of this section. A tax levied pursuant to section 5739.09 of the 1000
Revised Code for the purposes specified in division (B)(1)(b) or 1001
(c) of this section is not subject to diminution by initiative or 1002
referendum or diminution by statute, unless provision is made for 1003
an adequate substitute reasonably satisfactory to the trustee 1004
under the trust agreement that secures the port authority revenue 1005
bonds. 1006

(D) A pledge of money by a host county under this section 1007
shall not be net indebtedness of the host county for purposes of 1008
section 133.07 of the Revised Code. A guaranty or other credit 1009
enhancement by a host municipal corporation under this section 1010
shall not be net indebtedness of the host municipal corporation 1011
for purposes of section 133.05 of the Revised Code. 1012

(E) If the terms of the cooperative agreement so provide, any 1013
contract for the acquisition, construction, renovation, 1014
rehabilitation, equipping, or improving of a port authority 1015
educational and cultural performing arts facility shall be made in 1016
such manner as is determined by the board of directors of the port 1017

authority, and unless the cooperative agreement provides 1018
otherwise, such a contract is not subject to division (R)(2) of 1019
section 4582.31 of the Revised Code. The port authority may take 1020
the assignment of and assume any contracts for the acquisition, 1021
construction, renovation, rehabilitation, equipping, or improving 1022
of a port authority educational and cultural performing arts 1023
facility that had previously been authorized by any of the host 1024
county, the host municipality, or the corporation. Such contracts 1025
are not subject to division (R)(2) of section 4582.31 of the 1026
Revised Code. 1027

~~Any contract for the acquisition, construction, renovation, 1028
rehabilitation, equipping, or improving of a port authority 1029
educational and cultural performing arts facility entered into, 1030
assigned, or assumed pursuant to this division shall provide that 1031
all laborers and mechanics employed for the acquisition, 1032
construction, renovation, rehabilitation, equipping, or improving 1033
of that facility shall be paid at the prevailing rates of wages of 1034
laborers and mechanics for the class of work called for by the 1035
port authority educational and cultural performing arts facility, 1036
which wages shall be determined in accordance with the 1037
requirements of Chapter 4115. of the Revised Code for the 1038
determination of prevailing wage rates. 1039~~

Notwithstanding any provisions to the contrary in section 1040
3383.07 of the Revised Code, construction services and general 1041
building services for a port authority educational and cultural 1042
performing arts facility funded completely or in part with money 1043
appropriated by the state to the Ohio cultural facilities 1044
commission may be provided by a port authority or a corporation 1045
that occupies, will occupy, or is responsible for that facility, 1046
as determined by the commission. The construction services and 1047
general building services to be provided by the port authority or 1048
the corporation shall be specified in an agreement between the 1049

commission and the port authority or corporation. That agreement, 1050
or any actions taken under it, are not subject to Chapters 123. or 1051
153. of the Revised Code, ~~but are subject to Chapter 4115. of the~~ 1052
~~Revised Code.~~ 1053

Sec. 307.696. (A) As used in this section: 1054

(1) "County taxes" means taxes levied by the county pursuant 1055
to sections 307.697, 4301.421, 5743.024, and 5743.323 of the 1056
Revised Code. 1057

(2) "Corporation" means a nonprofit corporation that is 1058
organized under the laws of this state for the purposes of 1059
operating or constructing and operating a sports facility in the 1060
county and that may also be organized under the laws of this state 1061
for the additional purposes of conducting redevelopment and 1062
economic development activities within the host municipal 1063
corporation. 1064

(3) "Sports facility" means a sports facility that is 1065
intended to house major league professional athletic teams, 1066
including a stadium, together with all parking facilities, 1067
walkways, and other auxiliary facilities, real and personal 1068
property, property rights, easements, and interests that may be 1069
appropriate for, or used in connection with, the operation of the 1070
facility. 1071

(4) "Construction" includes, but is not limited to, providing 1072
fixtures, furnishings, and equipment. 1073

(5) "Debt service charges" means the interest, principal, 1074
premium, if any, carrying and redemption charges, and expenses on 1075
bonds issued by either the county or the corporation to: 1076

(a) Construct a sports facility or provide for related 1077
redevelopment or economic development as provided in this section; 1078

(b) Acquire real and personal property, property rights, 1079

easements, or interests that may be appropriate for, or used in 1080
connection with, the operation of the facility; and 1081

(c) Make site improvements to real property, including, but 1082
not limited to, demolition, excavation, and installation of 1083
footers, pilings, and foundations. 1084

(6) "Host municipal corporation" means the municipal 1085
corporation within the boundaries of which the sports facility is 1086
located, and with which a national football league, major league 1087
baseball, or national basketball association sports franchise is 1088
associated on ~~the effective date of this amendment~~ March 20, 1990. 1089

(B) A board of county commissioners of a county that levies a 1090
tax under section 307.697, 4301.421, or 5743.024 of the Revised 1091
Code may enter into an agreement with a corporation operating in 1092
the county, and, if there is a host municipal corporation all or a 1093
part of which is located in the county, shall enter into an 1094
agreement with a corporation operating in the county and the host 1095
municipal corporation, under which: 1096

(1)(a) The corporation agrees to construct and operate a 1097
sports facility in the county and to pledge and contribute all or 1098
any part of the revenues derived from its operation, as specified 1099
in the agreement, for the purposes described in division (C)(1) of 1100
this section; and 1101

(b) The board agrees to levy county taxes and pledge and 1102
contribute any part or all of the revenues therefrom, as specified 1103
in the agreement, for the purposes described in division (C)(1) of 1104
this section; or 1105

(2)(a) The corporation agrees to operate a sports facility 1106
constructed by the county and to pledge and contribute all or any 1107
part of the revenues derived from its operation, as specified in 1108
the agreement, for the purposes described in division (C)(2) of 1109
this section; and 1110

(b) The board agrees to issue revenue bonds of the county, 1111
use the proceeds from the sale of the bonds to construct a sports 1112
facility in the county, and to levy county taxes and pledge and 1113
contribute all or any part of the revenues therefrom, as specified 1114
in the agreement, for the purposes described in division (C)(2) of 1115
this section; and, if applicable 1116

(3) The host municipal corporation agrees to expend the 1117
unused pledges and contributions and surplus revenues as described 1118
in divisions (C)(1) and (2) of this section for redevelopment and 1119
economic development purposes related to the sports facility. 1120

(C)(1) The primary purpose of the pledges and contributions 1121
described in division (B)(1) of this section is payment of debt 1122
service charges. To the extent the pledges and contributions are 1123
not used by the county or corporation for payment of debt service 1124
charges, the county or corporation, pursuant to the agreement 1125
provided for in division (B) of this section, shall provide the 1126
unused pledges and contributions, together with surplus revenues 1127
of the sports facility not needed for debt service charges or the 1128
operation and maintenance of the sports facility, to the host 1129
municipal corporation, or a nonprofit corporation, which may be 1130
the corporation acting on behalf of the host municipal 1131
corporation, for redevelopment and economic development purposes 1132
related to the sports facility. If the county taxes are also 1133
levied for the purpose of making permanent improvements, the 1134
agreement shall include a schedule of annual pledges and 1135
contributions by the county for the payment of debt service 1136
charges. The county's pledge and contribution provided for in the 1137
agreement shall be for the period stated in the agreement but not 1138
to exceed twenty years. The agreement shall provide that any such 1139
bonds and notes shall be secured by a trust agreement between the 1140
corporation or other bond issuer and a corporate trustee that is a 1141
trust company or bank having the powers of a trust company within 1142

or without the state, and the trust agreement shall pledge or 1143
assign to the retirement of the bonds or notes, all moneys paid by 1144
the county for that purpose under this section. A county tax, all 1145
or any part of the revenues from which are pledged under an 1146
agreement entered into by a board of county commissioners under 1147
this section shall not be subject to diminution by initiative or 1148
referendum, or diminution by statute, unless provision is made 1149
therein for an adequate substitute therefor reasonably 1150
satisfactory to the trustee under the trust agreement that secures 1151
the bonds and notes. 1152

(2) The primary purpose of the pledges and contributions 1153
described in division (B)(2) of this section is payment of debt 1154
service charges. To the extent the pledges and contributions are 1155
not used by the county for payment of debt service charges, the 1156
county or corporation, pursuant to the agreement provided for in 1157
division (B) of this section, shall provide the unused pledges and 1158
contributions, together with surplus revenues of the sports 1159
facility not needed for debt service charges or the operation and 1160
maintenance of the sports facility, to the host municipal 1161
corporation, or a nonprofit corporation, which may be the 1162
corporation, acting on behalf of the host municipal corporation, 1163
for redevelopment and economic development purposes related to the 1164
sports facility. The corporation's pledge and contribution 1165
provided for in the agreement shall be until all of the bonds 1166
issued for the construction of the facility have been retired. 1167

(D) A pledge of money by a county under this section shall 1168
not be indebtedness of the county for purposes of Chapter 133. of 1169
the Revised Code. 1170

(E) If the terms of the agreement so provide, the board of 1171
county commissioners may acquire, make site improvements to, 1172
including, but not limited to, demolition, excavation, and 1173
installation of footers, pilings, and foundations, and lease real 1174

property for the sports facility to a corporation that constructs 1175
a sports facility under division (B)(1) of this section. The 1176
agreement shall specify the term, which shall not exceed thirty 1177
years and shall be on such terms as are set forth in the 1178
agreement. The purchase, improvement, and lease may be the subject 1179
of an agreement between the county and a municipal corporation 1180
located within the county pursuant to section 153.61 or 307.15 of 1181
the Revised Code, and are not subject to the limitations of 1182
sections 307.02 and 307.09 of the Revised Code. 1183

(F) The corporation shall not enter into any construction 1184
contract or contract for the purchase of services for use in 1185
connection with the construction of a sports facility prior to the 1186
corporation's adoption and implementation of a policy on the set 1187
aside of contracts for bidding by or award to minority business 1188
enterprises, as defined in division (E)(1) of section 122.71 of 1189
the Revised Code. ~~Sections 4115.03 to 4115.16 of the Revised Code~~ 1190
~~apply to a sports facility constructed under this section.~~ 1191

(G) Not more than one-half of the total costs, including debt 1192
service charges and cost of operation, of a project undertaken 1193
pursuant to an agreement entered into under division (B) of this 1194
section shall be paid from county taxes. Nothing in this section 1195
authorizes the use of revenues from county taxes or proceeds from 1196
the sale of bonds issued by the board of county commissioners for 1197
payment of costs of operation of a sports facility. 1198

Sec. 351.06. ~~A facility to be constructed pursuant to this~~ 1199
~~chapter is a public improvement and a convention facilities~~ 1200
~~authority is a public authority for purposes of section 4115.03 of~~ 1201
~~the Revised Code. All contractors and subcontractors working on~~ 1202
~~such facilities are subject to and shall comply with sections~~ 1203
~~4115.03 to 4115.16 of the Revised Code. A convention facilities~~ 1204
authority is a contracting authority for purposes of sections 1205

307.86 to 307.91 of the Revised Code.	1206
No convention facilities authority shall construct a facility	1207
under this chapter unless the plans for the facility provide for	1208
parking and transportation determined by the board of county	1209
commissioners as adequate to serve that facility.	1210
A convention facilities authority may do all of the	1211
following:	1212
(A) Adopt bylaws for the regulation of its affairs and the	1213
conduct of its business;	1214
(B) Adopt an official seal;	1215
(C) Maintain a principal office within its territory;	1216
(D) Acquire, purchase, construct, reconstruct, enlarge,	1217
furnish, equip, maintain, repair, sell, exchange, lease or rent	1218
to, lease or rent from, operate, or contract for the operation by	1219
others of, facilities within its territory, and make charges for	1220
the use of the facilities;	1221
(E) Make available the use or services of any facility to	1222
persons or governmental agencies on such terms and conditions as	1223
the authority shall determine;	1224
(F) By resolution of its board of directors, issue convention	1225
facilities authority revenue bonds beyond the limit of bonded	1226
indebtedness provided by law, payable solely from revenues as	1227
provided in section 351.14 of the Revised Code, unless the bonds	1228
are refunded by refunding bonds, for the purpose of providing	1229
funds to pay the costs of any facility or facilities or parts of	1230
any facility or facilities, and, if moneys raised by taxation are	1231
not obligated or pledged for the payment of those revenue bonds,	1232
to pay the costs of any facility or facilities or parts of any	1233
facility or facilities pursuant to Section 13 of Article VIII,	1234
Ohio Constitution, and in order to create or preserve jobs and	1235

employment opportunities and improve the economic welfare of the people of the state;	1236 1237
(G) Maintain such funds as it determines necessary;	1238
(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;	1239 1240 1241 1242 1243 1244 1245
(I) Promote, advertise, and publicize the authority and its facilities;	1246 1247
(J)(1) Adopt rules, not in conflict with general law, governing the use of its property, grounds, buildings, equipment, and facilities, and the conduct of its employees and the public, in order to promote the public safety and convenience in and about its facilities and grounds, and to maintain order. Any such rule shall be posted at a prominent place in each of the buildings or facilities to which it applies.	1248 1249 1250 1251 1252 1253 1254
(2) No person shall violate any lawful rule adopted and posted as provided in this division.	1255 1256
(K) Acquire by gift or purchase, hold, lease, and dispose of real and personal property and interests in the property in the exercise of its powers and the performance of its duties under this chapter;	1257 1258 1259 1260
(L) Acquire, in the name of the authority, by purchase or otherwise, on such terms and in such manner as the authority finds proper, or by the exercise of the right of appropriation in the manner provided by section 351.22 of the Revised Code, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way,	1261 1262 1263 1264 1265 1266

rights, franchises, easements, and interests as it finds necessary 1267
or proper for carrying out this chapter, and compensation shall be 1268
paid for public or private lands so taken; 1269

(M) Make and enter into all contracts and agreements and 1270
execute all instruments necessary or incidental to the performance 1271
of its duties and the execution of its powers under this chapter 1272
provided that no construction contract or contract for the 1273
purchase of goods or services shall be approved or entered into by 1274
the authority prior to the adoption and implementation of a policy 1275
on the set aside of contracts for bidding by or award to minority 1276
business enterprises, as defined in division (E)(1) of section 1277
122.71 of the Revised Code; 1278

(N) Employ managers, superintendents, and other employees and 1279
retain or contract with consulting engineers, financial 1280
consultants, accounting experts, architects, attorneys, and such 1281
other consultants and independent contractors as are necessary in 1282
its judgment to carry out this chapter, and fix their 1283
compensation. All expenses of doing so shall be payable solely 1284
from the proceeds of convention facilities authority bonds and 1285
notes issued under this chapter, or from excise taxes and 1286
revenues. 1287

(O) Receive and accept from any governmental agency grants 1288
for or in aid of the purposes of the authority, and receive and 1289
accept aid or contributions from any source of money, property, 1290
labor, or other things of value, to be held, used, and applied 1291
only for the purposes for which such grants and contributions are 1292
made; 1293

(P) Engage in research and development with respect to 1294
facilities; 1295

(Q) Purchase fire and extended coverage and liability 1296
insurance for any facility and for the offices of the authority, 1297

insurance protecting the authority and its officers and employees 1298
against liability for damage to property or injury to or death of 1299
persons arising from its operations, and any other insurance the 1300
authority may agree to provide under any resolution authorizing 1301
its convention facilities authority revenue bonds or in any trust 1302
agreement securing the same; 1303

(R) Charge, alter, and collect rentals and other charges for 1304
the use or services of any facility as provided in section 351.09 1305
of the Revised Code; 1306

(S) If a tax proposed under section 5739.026 of the Revised 1307
Code is disapproved by the electors, request the board of county 1308
commissioners to dissolve the authority pursuant to section 351.03 1309
of the Revised Code; 1310

(T) By resolution of its board of directors, levy any of the 1311
excise taxes authorized by division (B) or (C) of section 351.021 1312
of the Revised Code if authorized by the county commissioners, and 1313
issue convention facilities authority tax anticipation bonds 1314
beyond any limit of bonded indebtedness provided by law, payable 1315
solely from excise taxes levied pursuant to division (B) or (C) of 1316
section 351.021 of the Revised Code and revenues as provided in 1317
section 351.141 of the Revised Code. 1318

(U) Do all acts necessary or proper to carry out the powers 1319
expressly granted in this chapter. 1320

Sec. 1311.25. As used in sections 1311.25 to 1311.32 of the 1321
Revised Code: 1322

(A) "Public improvement" means any construction, 1323
reconstruction, improvement, enlargement, alteration, demolition, 1324
or repair of a building, highway, drainage system, water system, 1325
road, street, alley, sewer, ditch, sewage disposal plant, water 1326
works, and any other structure or work of any nature by a public 1327

authority. 1328

(B) "Public authority" includes the state, and a county, 1329
township, municipal corporation, school district, or other 1330
political subdivision of the state, and any public agency, 1331
authority, board, commission, instrumentality, or special district 1332
of or in the state or a county, township, municipal corporation, 1333
school district, or other political subdivision of the state, and 1334
any officer or agent thereof. 1335

(C) "Material supplier" includes any person by whom any 1336
materials are furnished in furtherance of a public improvement. 1337

(D) "Laborer" includes any mechanic, worker, artisan, or 1338
other individual who performs labor or work in furtherance of any 1339
public improvement. 1340

(E) "Subcontractor" includes any person who undertakes to 1341
construct, alter, erect, improve, repair, demolish, remove, dig, 1342
or drill any part of any public improvement under a contract with 1343
any person other than the public authority. 1344

(F) "Principal contractor" includes any person who undertakes 1345
to construct, alter, erect, improve, repair, demolish, remove, 1346
dig, or drill any part of any public improvement under a contract 1347
with a public authority. 1348

(G) "Materials" means all products and substances including, 1349
without limitation, any gasoline, lubricating oil, petroleum 1350
products, powder, dynamite, blasting supplies and other 1351
explosives, tools, equipment, or machinery furnished in 1352
furtherance of a public improvement. 1353

(H) "Wages" ~~has the same meaning as "prevailing wage" in~~ 1354
~~division (E) of section 4115.03 of the Revised Code~~ means the sum 1355
of the following: 1356

(1) The basic hourly rate of pay; 1357

(2) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program; 1358
1359
1360

(3) The rate of costs to the contractor or subcontractor, which may be reasonably anticipated in providing the following fringe benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program, which was communicated in writing to the laborers and mechanics affected: 1361
1362
1363
1364
1365
1366

(a) Medical or hospital care or insurance to provide such; 1367

(b) Pensions on retirement or death or insurance to provide such; 1368
1369

(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; 1370
1371
1372

(d) Supplemental unemployment benefits that are in addition to those required by Chapter 4141. of the Revised Code; 1373
1374

(e) Life insurance; 1375

(f) Disability and sickness insurance; 1376

(g) Vacation and holiday pay; 1377

(h) Defraying of costs for apprenticeship or other similar training programs that are beneficial only to the laborers and mechanics affected; 1378
1379
1380

(i) Other bona fide fringe benefits. 1381

(I) "Notice of commencement" means the notice specified in section 1311.252 of the Revised Code. 1382
1383

(J) "Notice of furnishing" means the notice specified in section 1311.261 of the Revised Code. 1384
1385

Sec. 1509.071. (A) When the chief of the division of mineral resources management finds that an owner has failed to comply with the restoration requirements of section 1509.072, plugging requirements of section 1509.12, or permit provisions of section 1509.13 of the Revised Code, or rules and orders relating thereto, the chief shall make a finding of that fact and declare any surety bond filed to ensure compliance with those sections and rules forfeited in the amount set by rule of the chief. The chief thereupon shall certify the total forfeiture to the attorney general, who shall proceed to collect the amount of the forfeiture.

In lieu of total forfeiture, the surety, at its option, may cause the well to be properly plugged and abandoned and the area properly restored or pay to the treasurer of state the cost of plugging and abandonment.

(B) All moneys collected because of forfeitures of bonds as provided in this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code. The fund shall be expended by the chief for the following purposes in addition to the other purposes specified in that section:

(1) In accordance with division (D) of this section, to plug wells or to restore the land surface properly as required in section 1509.072 of the Revised Code for which the bonds have been forfeited, for abandoned wells for which no funds are available to plug the wells in accordance with this chapter, or to use abandoned wells for the injection of oil or gas production wastes;

(2) In accordance with division (E) of this section, to correct conditions that the chief reasonably has determined are causing imminent health or safety risks.

Expenditures from the fund shall be made only for lawful

purposes. 1417

(C)(1) Upon determining that the owner of a well has failed 1418
to properly plug and abandon it or to properly restore the land 1419
surface at the well site in compliance with the applicable 1420
requirements of this chapter and applicable rules adopted and 1421
orders issued under it or that a well is an abandoned well for 1422
which no funds are available to plug the well in accordance with 1423
this chapter, the chief shall do all of the following: 1424

(a) Determine from the records in the office of the county 1425
recorder of the county in which the well is located the identity 1426
of the owner of the land on which the well is located, the 1427
identity of the owner of the oil or gas lease under which the well 1428
was drilled or the identity of each person owning an interest in 1429
the lease, and the identities of the persons having legal title 1430
to, or a lien upon, any of the equipment appurtenant to the well; 1431

(b) Mail notice to the owner of the land on which the well is 1432
located informing the landowner that the well is to be plugged. If 1433
the owner of the oil or gas lease under which the well was drilled 1434
is different from the owner of the well or if any persons other 1435
than the owner of the well own interests in the lease, the chief 1436
also shall mail notice that the well is to be plugged to the owner 1437
of the lease or to each person owning an interest in the lease, as 1438
appropriate. 1439

(c) Mail notice to each person having legal title to, or a 1440
lien upon, any equipment appurtenant to the well, informing the 1441
person that the well is to be plugged and offering the person the 1442
opportunity to plug the well and restore the land surface at the 1443
well site at the person's own expense in order to avoid forfeiture 1444
of the equipment to this state. 1445

(2) If none of the persons described in division (C)(1)(c) of 1446
this section plugs the well within sixty days after the mailing of 1447

the notice required by that division, all equipment appurtenant to 1448
the well is hereby declared to be forfeited to this state without 1449
compensation and without the necessity for any action by the state 1450
for use to defray the cost of plugging and abandoning the well and 1451
restoring the land surface at the well site. 1452

(D) Expenditures from the fund for the purpose of division 1453
(B)(1) of this section shall be made in accordance with either of 1454
the following: 1455

(1) The expenditures may be made pursuant to contracts 1456
entered into by the chief with persons who agree to furnish all of 1457
the materials, equipment, work, and labor as specified and 1458
provided in such a contract. Agents or employees of persons 1459
contracting with the chief for the restoration, plugging, and 1460
injection projects may enter upon any land, public or private, on 1461
which the well is located for the purpose of performing the work. 1462
Prior to such entry, the chief shall give to the following persons 1463
written notice of the existence of a contract for a project to 1464
restore, plug, or inject oil or gas production wastes into a well, 1465
the names of the persons with whom the contract is made, and the 1466
date that the project will commence: the owner of the well, the 1467
owner of the land upon which the well is located, the owner or 1468
agents of adjoining land, and, if the well is located in the same 1469
township as or in a township adjacent to the excavations and 1470
workings of a mine and the owner or lessee of that mine has 1471
provided written notice identifying those townships to the chief 1472
at any time during the immediately preceding three years, the 1473
owner or lessee of the mine. 1474

(2)(a) The owner of the land on which a well is located who 1475
has received notice under division (C)(1)(b) of this section may 1476
plug the well and be reimbursed by the division for the reasonable 1477
cost of plugging the well. In order to plug the well, the 1478
landowner shall submit an application to the chief on a form 1479

prescribed by the chief and approved by the technical advisory 1480
council on oil and gas created in section 1509.38 of the Revised 1481
Code. The application, at a minimum, shall require the landowner 1482
to provide the same information as is required to be included in 1483
the application for a permit to plug and abandon under section 1484
1509.13 of the Revised Code. The application shall be accompanied 1485
by a copy of a proposed contract to plug the well prepared by a 1486
contractor regularly engaged in the business of plugging oil and 1487
gas wells. The proposed contract shall require the contractor to 1488
furnish all of the materials, equipment, work, and labor necessary 1489
to plug the well properly and shall specify the price for doing 1490
the work, including a credit for the equipment appurtenant to the 1491
well that was forfeited to the state through the operation of 1492
division (C)(2) of this section. The application also shall be 1493
accompanied by the permit fee required by section 1509.13 of the 1494
Revised Code unless the chief, in the chief's discretion, waives 1495
payment of the permit fee. The application constitutes an 1496
application for a permit to plug and abandon the well for the 1497
purposes of section 1509.13 of the Revised Code. 1498

(b) Within thirty days after receiving an application and 1499
accompanying proposed contract under division (D)(2)(a) of this 1500
section, the chief shall determine whether the plugging would 1501
comply with the applicable requirements of this chapter and 1502
applicable rules adopted and orders issued under it and whether 1503
the cost of the plugging under the proposed contract is 1504
reasonable. If the chief determines that the proposed plugging 1505
would comply with those requirements and that the proposed cost of 1506
the plugging is reasonable, the chief shall notify the landowner 1507
of that determination and issue to the landowner a permit to plug 1508
and abandon the well under section 1509.13 of the Revised Code. 1509
Upon approval of the application and proposed contract, the chief 1510
shall transfer ownership of the equipment appurtenant to the well 1511
to the landowner. The chief may disapprove an application 1512

submitted under division (D)(2)(a) of this section if the chief 1513
determines that the proposed plugging would not comply with the 1514
applicable requirements of this chapter and applicable rules 1515
adopted and orders issued under it, that the cost of the plugging 1516
under the proposed contract is unreasonable, or that the proposed 1517
contract is not a bona fide, arms length contract. 1518

(c) After receiving the chief's notice of the approval of the 1519
application and permit to plug and abandon a well under division 1520
(D)(2)(b) of this section, the landowner shall enter into the 1521
proposed contract to plug the well. The plugging shall be 1522
completed within one hundred eight days after the landowner 1523
receives the notice of approval and permit. 1524

(d) Upon determining that the plugging has been completed 1525
within the time required by division (D)(2)(c) of this section and 1526
has been completed in compliance with the applicable requirements 1527
of this chapter and applicable rules adopted and orders issued 1528
under it, the chief shall reimburse the landowner for the cost of 1529
the plugging as set forth in the proposed contract approved by the 1530
chief. The reimbursement shall be paid from the oil and gas well 1531
fund. If the chief determines that the plugging was not completed 1532
within the required time or was not completed in accordance with 1533
the applicable requirements, the chief shall not reimburse the 1534
landowner for the cost of the plugging, and the landowner or the 1535
contractor, as applicable, promptly shall transfer back to this 1536
state title to and possession of the equipment appurtenant to the 1537
well that previously was transferred to the landowner under 1538
division (D)(2)(b) of this section. If any such equipment was 1539
removed from the well during the plugging and sold, the landowner 1540
shall pay to the chief the proceeds from the sale of the 1541
equipment, and the chief promptly shall pay the moneys so received 1542
to the treasurer of state for deposit into the oil and gas well 1543
fund. 1544

The chief may establish an annual limit on the number of wells that may be plugged under division (D)(2) of this section or an annual limit on the expenditures to be made under that division.

As used in division (D)(2) of this section, "plug" and "plugging" include the plugging of the well and the restoration of the land surface disturbed by the plugging.

(E) Expenditures from the oil and gas well fund for the purpose of division (B)(2) of this section may be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and provided in such a contract. The competitive bidding requirements of Chapter 153. of the Revised Code do not apply if the chief reasonably determines that correction of the applicable health or safety risk requires immediate action. The chief, designated representatives of the chief, and agents or employees of persons contracting with the chief under this division may enter upon any land, public or private, for the purpose of performing the work.

(F) Contracts entered into by the chief under this section are not subject to ~~either of the following:~~

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

~~(2) Section section 153.54 of the Revised Code, except that the contractor shall obtain and provide to the chief as a bid guaranty a surety bond or letter of credit in an amount equal to ten per cent of the amount of the contract.~~

(G) The owner of land on which a well is located who has received notice under division (C)(1)(b) of this section, in lieu of plugging the well in accordance with division (D)(2) of this section, may cause ownership of the well to be transferred to an owner who is lawfully doing business in this state and who has met

the financial responsibility requirements established under 1576
section 1509.07 of the Revised Code, subject to the approval of 1577
the chief. The transfer of ownership also shall be subject to the 1578
landowner's filing the appropriate forms required under this 1579
chapter and providing to the chief sufficient information to 1580
demonstrate the landowner's or owner's right to produce a 1581
formation or formations. That information may include a deed, a 1582
lease, or other documentation of ownership or property rights. 1583

The chief shall approve or disapprove the transfer of 1584
ownership of the well. If the chief approves the transfer, the 1585
owner is responsible for operating the well in accordance with 1586
this chapter and rules adopted under it, including, without 1587
limitation, all of the following: 1588

(1) Filing an application with the chief under section 1589
1509.06 of the Revised Code if the owner intends to drill deeper 1590
or produce a formation that is not listed in the records of the 1591
division for that well; 1592

(2) Taking title to and possession of the equipment 1593
appurtenant to the well that has been identified by the chief as 1594
having been abandoned by the former owner; 1595

(3) Complying with all applicable requirements that are 1596
necessary to drill deeper, plug the well, or plug back the well. 1597

Sec. 1521.26. (A) A board of county commissioners may use a 1598
loan obtained under division (C) of this section to provide 1599
financial assistance to any person who owns real property in a 1600
coastal erosion area, as defined in section 1506.01 of the Revised 1601
Code, and who has received a permit under section 1521.22 of the 1602
Revised Code to construct an erosion control structure in that 1603
coastal erosion area. The board shall enter into an agreement with 1604
the person that complies with all of the following requirements: 1605

(1) The agreement shall identify the person's real property 1606
for which the erosion control structure is being constructed and 1607
shall include a legal description of that property and a reference 1608
to the volume and page of the deed record in which the title of 1609
that person to that property is recorded. 1610

(2) In accordance with rules adopted by the Ohio water 1611
development authority under division (V) of section 6121.04 of the 1612
Revised Code for the purposes of division (C) of this section and 1613
pursuant to an agreement between the board and the authority under 1614
that division, the board shall agree to cause payments to be made 1615
by the authority to the contractor hired by the person to 1616
construct an erosion control structure in amounts not to exceed 1617
the total amount specified in the agreement between the board and 1618
the person. 1619

(3) The person shall agree to pay to the board, or to the 1620
authority as the assignee pursuant to division (C) of this 1621
section, the total amount of the payments plus administrative or 1622
other costs of the board or the authority at times, in 1623
installments, and bearing interest as specified in the agreement. 1624

The agreement may contain additional provisions that the 1625
board determines necessary to safeguard the interests of the 1626
county or to comply with an agreement entered into under division 1627
(C) of this section. 1628

(B) Upon entering into an agreement under division (A) of 1629
this section, the board shall do all of the following: 1630

(1) Cause the agreement to be recorded in the county deed 1631
records in the office of the county recorder of the county in 1632
which the real property is situated. Failure to record the 1633
agreement does not affect the validity of the agreement or the 1634
collection of any amounts due under the agreement. 1635

(2) Establish by resolution an erosion control repayment fund 1636

into which shall be deposited all amounts collected under division 1637
(B)(3) of this section. Moneys in that fund shall be used by the 1638
board for the repayment of the loan and for administrative or 1639
other costs of the board or the authority as specified in an 1640
agreement entered into under division (C) of this section. If the 1641
amount of money in the fund is inadequate to repay the loan when 1642
due, the board of county commissioners, by resolution, may advance 1643
money from any other fund in order to repay the loan if that use 1644
of the money from the other fund is not in conflict with law. If 1645
the board so advances money in order to repay the loan, the board 1646
subsequently shall reimburse each fund from which the board 1647
advances money with moneys from the erosion control repayment 1648
fund. 1649

(3) Bill and collect all amounts when due under the agreement 1650
entered into under division (A) of this section. The board shall 1651
certify amounts not paid when due to the county auditor, who shall 1652
enter the amounts on the real property tax list and duplicate 1653
against the property identified under division (A)(1) of this 1654
section. The amounts not paid when due shall be a lien on that 1655
property from the date on which the amounts are placed on the tax 1656
list and duplicate and shall be collected in the same manner as 1657
other taxes. 1658

(C) A board may apply to the authority for a loan for the 1659
purpose of entering into agreements under division (A) of this 1660
section. The loan shall be for an amount and on the terms 1661
established in an agreement between the board and the authority. 1662
The board may assign any agreements entered into under division 1663
(A) of this section to the authority in order to provide for the 1664
repayment of the loan and may pledge any lawfully available 1665
revenues to the repayment of the loan, provided that no moneys 1666
raised by taxation shall be obligated or pledged by the board for 1667
the repayment of the loan. Any agreement with the authority 1668

pursuant to this division is not subject to Chapter 133. of the 1669
Revised Code or any requirements or limitations established in 1670
that chapter. 1671

(D) The authority, as assignee of any agreement pursuant to 1672
division (C) of this section, may enforce and compel the board and 1673
the county auditor by mandamus pursuant to Chapter 2731. of the 1674
Revised Code to comply with division (B) of this section in a 1675
timely manner. 1676

(E) The construction of an erosion control structure by a 1677
contractor hired by an individual homeowner, group of individual 1678
homeowners, or homeowners association that enters into an 1679
agreement with a board under division (A) of this section ~~is not a~~ 1680
~~public improvement, as defined in section 4115.03 of the Revised~~ 1681
~~Code, and~~ is not subject to competitive bidding or public bond 1682
laws. 1683

Sec. 1551.33. (A) The Ohio air quality development authority, 1684
by the affirmative vote of a majority of its members, shall 1685
appoint and fix the compensation of the director of the Ohio coal 1686
development office. The director shall serve at the pleasure of 1687
the authority. 1688

(B) The director of the office shall do all of the following: 1689

(1) Biennially prepare and maintain the Ohio coal development 1690
agenda required under section 1551.34 of the Revised Code; 1691

(2) Propose and support policies for the office consistent 1692
with the Ohio coal development agenda and develop means to 1693
implement the agenda; 1694

(3) Initiate, undertake, and support projects to carry out 1695
the office's purposes and ensure that the projects are consistent 1696
with and meet the selection criteria established by the Ohio coal 1697
development agenda; 1698

(4) Actively encourage joint participation in and, when 1699
feasible, joint funding of the office's projects with governmental 1700
agencies, electric utilities, universities and colleges, other 1701
public or private interests, or any other person; 1702

(5) Establish a table of organization for and employ such 1703
employees and agents as are necessary for the administration and 1704
operation of the office. Any such employees shall be in the 1705
unclassified service and shall serve at the pleasure of the 1706
authority. 1707

(6) Appoint specified members of and convene the technical 1708
advisory committee established under section 1551.35 of the 1709
Revised Code; 1710

(7) Review, with the assistance of the technical advisory 1711
committee, proposed coal research and development projects as 1712
defined in section 1555.01 of the Revised Code, and coal 1713
development projects, submitted to the office by public utilities 1714
for the purpose of section 4905.304 of the Revised Code. If the 1715
director and the advisory committee determine that any such 1716
facility or project has as its purpose the enhanced use of Ohio 1717
coal in an environmentally acceptable, cost effective manner, 1718
promotes energy conservation, is cost effective, and is 1719
environmentally sound, the director shall submit to the public 1720
utilities commission a report recommending that the commission 1721
allow the recovery of costs associated with the facility or 1722
project under section 4905.304 of the Revised Code and including 1723
the reasons for the recommendation. 1724

(8) Establish such policies, procedures, and guidelines as 1725
are necessary to achieve the office's purposes. 1726

(C) By the affirmative vote of a majority of the members of 1727
the Ohio air quality development authority, the director of the 1728
office may exercise any of the powers and duties of the director 1729

of development as the authority and the director of the office 1730
consider appropriate or desirable to achieve the office's 1731
purposes, including, but not limited to, the powers and duties 1732
enumerated in sections 1551.11, 1551.12, ~~1551.13~~, and 1551.15 of 1733
the Revised Code. 1734

Additionally, the director of the office may make loans to 1735
governmental agencies or persons for projects to carry out the 1736
office's purposes. Fees, charges, rates of interest, times of 1737
payment of interest and principal, and other terms, conditions, 1738
and provisions of the loans shall be such as the director of the 1739
office determines to be appropriate and in furtherance of the 1740
purposes for which the loans are made. The mortgage lien securing 1741
any moneys lent by the director of the office may be subordinate 1742
to the mortgage lien securing any moneys lent or invested by a 1743
financial institution, but shall be superior to that securing any 1744
moneys lent or expended by any other person. The moneys used in 1745
making the loans shall be disbursed upon order of the director of 1746
the office. 1747

Sec. 1710.02. (A) A special improvement district may be 1748
created within the boundaries of any one municipal corporation, 1749
any one township, or any combination of contiguous municipal 1750
corporations and townships by a petition of the property owners 1751
within the proposed district, for the purpose of developing and 1752
implementing plans for public improvements and public services 1753
that benefit the district. All territory in a district shall be 1754
contiguous. 1755

The district shall be governed by the board of trustees of a 1756
nonprofit corporation. This board shall be known as the board of 1757
directors of the special improvement district. No special 1758
improvement district shall include any church property, or 1759
property of the federal or state government or a county, township, 1760

or municipal corporation, unless the church or the county, 1761
township, or municipal corporation specifically requests in 1762
writing that the property be included within the district. More 1763
than one district may be created within a participating political 1764
subdivision, but no real property may be included within more than 1765
one district unless the owner of the property files a written 1766
consent with the clerk of the legislative authority, the township 1767
fiscal officer, or the village clerk, as appropriate. The area of 1768
each district shall be contiguous. 1769

(B) Except as provided in division (C) of this section, a 1770
district created under this chapter is not a political 1771
subdivision. A district created under this chapter shall be 1772
considered a public agency under section 102.01 ~~and a public~~ 1773
~~authority under section 4115.03 of the Revised Code.~~ Each member 1774
of the board of directors of a district, each member's designee or 1775
proxy, and each officer and employee of a district shall be 1776
considered a public official or employee under section 102.01 of 1777
the Revised Code and a public official and public servant under 1778
section 2921.42 of the Revised Code. Districts created under this 1779
chapter are not subject to section 121.24 of the Revised Code. 1780
Districts created under this chapter are subject to sections 1781
121.22 and 121.23 of the Revised Code. 1782

(C) Each district created under this chapter shall be 1783
considered a political subdivision for purposes of section 4905.34 1784
of the Revised Code. 1785

Membership on the board of directors of the district shall 1786
not be considered as holding a public office. Directors and their 1787
designees shall be entitled to the immunities provided by Chapter 1788
1702. and to the same immunity as an employee under division 1789
(A)(6) of section 2744.03 of the Revised Code, except that 1790
directors and their designees shall not be entitled to the 1791
indemnification provided in section 2744.07 of the Revised Code 1792

unless the director or designee is an employee or official of a 1793
participating political subdivision of the district and is acting 1794
within the scope of the director's or designee's employment or 1795
official responsibilities. 1796

District officers and district members and directors and 1797
their designees or proxies shall not be required to file a 1798
statement with the Ohio ethics commission under section 102.02 of 1799
the Revised Code. All records of the district shall be treated as 1800
public records under section 149.43 of the Revised Code, except 1801
that records of organizations contracting with a district shall 1802
not be considered to be public records under section 149.43 or 1803
section 149.431 of the Revised Code solely by reason of any 1804
contract with a district. 1805

(D) Except as otherwise provided in this section, the 1806
nonprofit corporation that governs a district shall be organized 1807
in the manner described in Chapter 1702. of the Revised Code. The 1808
corporation's articles of incorporation are required to be 1809
approved, as provided in division (E) of this section, by 1810
resolution of the legislative authority of each participating 1811
political subdivision of the district. A copy of that resolution 1812
shall be filed along with the articles of incorporation in the 1813
secretary of state's office. 1814

In addition to meeting the requirements for articles of 1815
incorporation set forth in Chapter 1702. of the Revised Code, the 1816
articles of incorporation for the nonprofit corporation governing 1817
a district formed under this chapter shall provide all the 1818
following: 1819

(1) The name for the district, which shall include the name 1820
of each participating political subdivision of the district; 1821

(2) A description of the territory within the district, which 1822
may be all or part of each participating political subdivision. 1823

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

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

(E) The articles of incorporation for a nonprofit corporation governing a district created under this chapter and amendments to them shall be submitted to the municipal executive, if any, and the legislative authority of each municipal corporation or township in which the proposed district is to be located, accompanied by a petition signed either by the owners of at least sixty per cent of the front footage of all real property located in the proposed district that abuts upon any street, alley, public road, place, boulevard, parkway, park entrance, easement, or other existing public improvement within the proposed district, excluding church property or property owned by the state, county, township, municipal, or federal government, unless a church, county, township, or municipal corporation has specifically requested in writing that the property be included in the district, or by the owners of at least seventy-five per cent of the area of all real property located within the proposed district, excluding church property or property owned by the state, county, township, municipal, or federal government, unless a church, county, township, or municipal corporation has specifically requested in writing that the property be included in

the district. For purposes of determining compliance with these 1856
requirements, the area of the district, or the front footage and 1857
ownership of property, shall be as shown in the most current 1858
records available at the county recorder's office and the county 1859
engineer's office sixty days prior to the date on which the 1860
petition is filed. 1861

Each municipal corporation or township with which the 1862
petition is filed has sixty days to approve or disapprove, by 1863
resolution, the petition, including the articles of incorporation. 1864
This chapter does not prohibit or restrict the rights of municipal 1865
corporations under Article XVIII of the Ohio Constitution or the 1866
right of the municipal legislative authority to impose reasonable 1867
conditions in a resolution of approval. 1868

(F) Persons proposing creation and operation of the district 1869
may propose an initial plan for public services or public 1870
improvements that benefit all or any part of the district. Any 1871
initial plan shall be submitted as part of the petition proposing 1872
creation of the district. 1873

An initial plan may include provisions for the following: 1874

(1) Creation and operation of the district and of the 1875
nonprofit corporation to govern the district under this chapter; 1876

(2) Hiring employees and professional services; 1877

(3) Contracting for insurance; 1878

(4) Purchasing or leasing office space and office equipment; 1879

(5) Other actions necessary initially to form, operate, or 1880
organize the district and the nonprofit corporation to govern the 1881
district; 1882

(6) A plan for public improvements or public services that 1883
benefit all or part of the district, which plan shall comply with 1884
the requirements of division (A) of section 1710.06 of the Revised 1885

Code and may include, but is not limited to, any of the permissive 1886
provisions described in the fourth sentence of that division or 1887
listed in divisions (A)(1) to (5) of that section. 1888

After the initial plan is approved by all municipal 1889
corporations and townships to which it is submitted for approval 1890
and the district is created, each participating subdivision shall 1891
levy a special assessment within its boundaries to pay for the 1892
costs of the initial plan. The levy shall be for no more than ten 1893
years from the date of the approval of the initial plan. For 1894
purposes of levying an assessment for this initial plan, the 1895
services or improvements included in the initial plan shall be 1896
deemed a special benefit to property owners within the district. 1897

(G) Each nonprofit corporation governing a district under 1898
this chapter may do the following: 1899

(1) Exercise all powers of nonprofit corporations granted 1900
under Chapter 1702. of the Revised Code that do not conflict with 1901
this chapter; 1902

(2) Develop, adopt, revise, implement, and repeal plans for 1903
public improvements and public services for all or any part of the 1904
district; 1905

(3) Contract with any person, political subdivision as 1906
defined in section 2744.01 of the Revised Code, or state agency as 1907
defined in section 1.60 of the Revised Code to develop and 1908
implement plans for public improvements or public services within 1909
the district; 1910

(4) Contract and pay for insurance for the district and for 1911
directors, officers, agents, contractors, employees, or members of 1912
the district for any consequences of the implementation of any 1913
plan adopted by the district or any actions of the district. 1914

Sec. 1728.07. Every approved project shall be evidenced by a 1915

financial agreement between the municipal corporation and the 1916
community urban redevelopment corporation. Such agreement shall be 1917
prepared by the community urban redevelopment corporation and 1918
submitted as a separate part of its application for project 1919
approval. 1920

The financial agreement shall be in the form of a contract 1921
requiring full performance within twenty years from the date of 1922
completion of the project and shall, as a minimum, include the 1923
following: 1924

(A) That all improvements in the project to be constructed or 1925
acquired by the corporation shall be exempt from taxation, subject 1926
to section 1728.10 of the Revised Code; 1927

(B) That the corporation shall make payments in lieu of real 1928
estate taxes not less than the amount as provided by section 1929
1728.11 of the Revised Code; or if the municipal corporation is an 1930
impacted city, not less than the amount as provided by section 1931
1728.111 of the Revised Code; 1932

(C) That the corporation, its successors and assigns, shall 1933
use, develop, and redevelop the real property of the project in 1934
accordance with, and for the period of, the community development 1935
plan approved by the governing body of the municipal corporation 1936
for the blighted area in which the project is situated and shall 1937
so bind its successors and assigns by appropriate agreements and 1938
covenants running with the land enforceable by the municipal 1939
corporation-; 1940

(D) If the municipal corporation is an impacted city, the 1941
extent of the undertakings and activities of the corporation for 1942
the elimination and for the prevention of the development or 1943
spread of blight-; 1944

(E) That the corporation or the municipal corporation, or 1945
both, shall provide for carrying out relocation of persons, 1946

families, business concerns, and others displaced by the project, 1947
pursuant to a relocation plan, including the method for the 1948
relocation of residents in decent, safe, and sanitary dwelling 1949
accommodations, and reasonable moving costs, determined to be 1950
feasible by the governing body of the municipal corporation. Where 1951
the relocation plan is carried out by the corporation, its 1952
officers, employees, agents, or lessees, the municipal corporation 1953
shall enforce and supervise the corporation's compliance with the 1954
relocation plan. If the corporation refuses or fails to comply 1955
with the relocation plan and the municipal corporation fails or 1956
refuses to enforce compliance with such plan, the director of 1957
development may request the attorney general to commence a civil 1958
action against the municipality and the corporation to require 1959
compliance with such relocation plan. Prior to requesting action 1960
by the attorney general the director shall give notice of the 1961
proposed action to the municipality and the corporation, provide 1962
an opportunity to such municipality and corporation for 1963
discussions on the matter, and allow a reasonable time in which 1964
the corporation may begin compliance with the relocation plan, or 1965
the municipality may commence enforcement of the relocation plan. 1966

(F) That the corporation shall submit annually, within ninety 1967
days after the close of its fiscal year, its auditor's reports to 1968
the mayor and governing body of the municipal corporation; 1969

(G) That the corporation shall, upon request, permit 1970
inspection of property, equipment, buildings, and other facilities 1971
of the corporation, and also permit examination and audit of its 1972
books, contracts, records, documents, and papers by authorized 1973
representatives of the municipal corporation; 1974

(H) That in the event of any dispute between the parties the 1975
matters in controversy shall be resolved by arbitration in the 1976
manner provided therein; 1977

(I) That operation under the financial agreement is 1978

terminable by the corporation in the manner provided by Chapter 1979
1728. of the Revised Code; 1980

(J) That the corporation shall, at all times prior to the 1981
expiration or other termination of the financial agreement, remain 1982
bound by Chapter 1728. of the Revised Code+ 1983

~~(K) That all wages paid to laborers and mechanics employed 1984
for work on such projects, other than for residential structures 1985
containing seven or less family units, shall be paid at the 1986
prevailing rates of wages of laborers and mechanics for the class 1987
of work called for by the project, which wages shall be determined 1988
in accordance with the requirements of Chapter 4115. of the 1989
Revised Code for determination of prevailing wage rates, provided 1990
that the requirements of this division do not apply where the 1991
federal government or any of its agencies furnishes by law or 1992
grant all or any part of the funds used in connection with such 1993
project and prescribes predetermined minimum wages to be paid to 1994
such laborers and mechanics. 1995~~

Modifications of the financial agreement may from time to 1996
time be made by agreement between the governing body of the 1997
municipal corporation and the community urban redevelopment 1998
corporation. 1999

Sec. 3383.07. (A) The department of administrative services 2000
shall provide for the construction of a cultural project in 2001
conformity with Chapter 153. of the Revised Code, except as 2002
follows: 2003

(1) For a cultural project other than a state historical 2004
facility, construction services may be provided on behalf of the 2005
state by the Ohio cultural facilities commission, or by a 2006
governmental agency or a cultural organization that occupies, will 2007
occupy, or is responsible for the Ohio cultural facility, as 2008
determined by the commission. For a project receiving a state 2009

appropriation of fifty thousand dollars or less, the commission 2010
may delegate to its executive director the authority to approve 2011
the provision of construction services by such an agency or 2012
organization, but not the authority to disapprove that provision. 2013
Construction services to be provided by a governmental agency or a 2014
cultural organization shall be specified in an agreement between 2015
the commission and the governmental agency or cultural 2016
organization. The agreement, or any actions taken under it, are 2017
not subject to Chapter 123. or 153. of the Revised Code, except 2018
for sections 123.081 and 153.011 of the Revised Code, ~~and shall be~~ 2019
~~subject to Chapter 4115. of the Revised Code.~~ 2020

(2) For a cultural project that is a state historical 2021
facility, construction services may be provided by the Ohio 2022
cultural facilities commission or by a cultural organization that 2023
occupies, will occupy, or is responsible for the facility, as 2024
determined by the commission. For a facility receiving a state 2025
appropriation of fifty thousand dollars or less, the commission 2026
may delegate to its executive director the authority to approve 2027
the provision of construction services by such an organization, 2028
but not the authority to disapprove that provision. The 2029
construction services to be provided by the cultural organization 2030
shall be specified in an agreement between the commission and the 2031
cultural organization. That agreement, and any actions taken under 2032
it, are not subject to Chapter 123. or 153. ~~or 4115.~~ of the 2033
Revised Code. 2034

(B) For an Ohio sports facility that is financed in part by 2035
obligations issued pursuant to Chapter 154. of the Revised Code, 2036
construction services shall be provided on behalf of the state by 2037
or at the direction of the governmental agency or nonprofit 2038
corporation that will own or be responsible for the management of 2039
the facility, all as determined by the Ohio cultural facilities 2040
commission. For a facility receiving a state appropriation of 2041

fifty thousand dollars or less, the commission may delegate to its executive director the authority to approve the provision of construction services by or at the direction of the agency or corporation, but not the authority to disapprove that provision. 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. That agreement, and any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.081 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 cultural facility shall be provided by the Ohio cultural facilities commission or by a cultural organization that occupies, will occupy, or is responsible for the facility, as determined by the commission. For a facility receiving a state appropriation of fifty thousand dollars or less, the commission may delegate to its executive director the authority to approve the provision of general building services by such an organization, but not the authority to disapprove that provision. Alternatively, the Ohio building authority may elect to provide those services for Ohio cultural facilities financed with proceeds of state bonds issued by the authority. The costs of management and general building services shall be paid by the cultural organization that occupies, will occupy, or is responsible for the facility as provided in an agreement between the commission and the cultural organization, except that the state may pay for general building services for state-owned cultural facilities constructed on state-owned land.

General building services for an Ohio sports facility shall be provided by or at the direction of the governmental agency or nonprofit corporation that will be responsible for the management of the facility, all as determined by the commission. For a

facility receiving a state appropriation of fifty thousand dollars 2074
or less, the commission may delegate to its executive director the 2075
authority to approve the provision of general building services by 2076
or at the direction of the agency or corporation, but not the 2077
authority to disapprove that provision. Any general building 2078
services to be provided by a governmental agency or nonprofit 2079
corporation for an Ohio sports facility shall be specified in an 2080
agreement between the commission and the governmental agency or 2081
nonprofit corporation. That agreement, and any actions taken under 2082
it, are not subject to Chapter 123. or 153. of the Revised Code, 2083
except for sections 123.081 and 153.011 of the Revised Code, ~~and~~ 2084
~~shall be subject to Chapter 4115. of the Revised Code.~~ 2085

(D) This division does not apply to a state historical 2086
facility. No state funds, including any state bond proceeds, shall 2087
be spent on the construction of any cultural project under this 2088
chapter unless, with respect to the cultural project and to the 2089
Ohio cultural facility related to the project, all of the 2090
following apply: 2091

(1) The Ohio cultural facilities commission has determined 2092
that there is a need for the cultural project and the Ohio 2093
cultural facility related to the project in the region of the 2094
state in which the Ohio cultural facility is located or for which 2095
the facility is proposed. For a project receiving a state 2096
appropriation of fifty thousand dollars or less, the commission 2097
may delegate to its executive director the authority to determine 2098
need but only in the affirmative. 2099

(2) The commission has determined that, as an indication of 2100
substantial regional support for the cultural project, the 2101
cultural organization has made provision satisfactory to the 2102
commission, in its sole discretion, for local contributions 2103
amounting to not less than fifty per cent of the total state 2104
funding for the cultural project. For a project receiving a state 2105

appropriation of fifty thousand dollars or less, the commission 2106
may delegate to its executive director the authority to determine 2107
the adequacy of the regional support but only in the affirmative. 2108

(3) The general assembly has specifically authorized the 2109
spending of money on, or made an appropriation for, the 2110
construction of the cultural project, or for rental payments 2111
relating to the financing of the construction of the cultural 2112
project. Authorization to spend money, or an appropriation, for 2113
planning the cultural project does not constitute authorization to 2114
spend money on, or an appropriation for, construction of the 2115
cultural project. 2116

(E) No state funds, including any state bond proceeds, shall 2117
be spent on the construction of any state historical facility 2118
under this chapter unless the general assembly has specifically 2119
authorized the spending of money on, or made an appropriation for, 2120
the construction of the state historical project related to the 2121
facility, or for rental payments relating to the financing of the 2122
construction of the state historical project. Authorization to 2123
spend money, or an appropriation, for planning the state 2124
historical project does not constitute authorization to spend 2125
money on, or an appropriation for, the construction of the state 2126
historical project. 2127

(F) State funds shall not be used to pay or reimburse more 2128
than fifteen per cent of the initial estimated construction cost 2129
of an Ohio sports facility, excluding any site acquisition cost, 2130
and no state funds, including any state bond proceeds, shall be 2131
spent on any Ohio sports facility under this chapter unless, with 2132
respect to that facility, all of the following apply: 2133

(1) The Ohio cultural facilities commission has determined 2134
that there is a need for the facility in the region of the state 2135
for which the facility is proposed to provide the function of an 2136
Ohio sports facility as provided for in this chapter. For a 2137

facility receiving a state appropriation of fifty thousand dollars 2138
or less, the commission may delegate to its executive director the 2139
authority to determine need but only in the affirmative. 2140

(2) As an indication of substantial local support for the 2141
facility, the commission has received a financial and development 2142
plan satisfactory to it, and provision has been made, by agreement 2143
or otherwise, satisfactory to the commission, for a contribution 2144
amounting to not less than eighty-five per cent of the total 2145
estimated construction cost of the facility, excluding any site 2146
acquisition cost, from sources other than the state. For a 2147
facility receiving a state appropriation of fifty thousand dollars 2148
or less, the commission may delegate to its executive director the 2149
authority to evaluate the financial and development plan and the 2150
contribution and to determine their adequacy but only in the 2151
affirmative. 2152

(3) The general assembly has specifically authorized the 2153
spending of money on, or made an appropriation for, the 2154
construction of the facility, or for rental payments relating to 2155
state financing of all or a portion of the costs of constructing 2156
the facility. Authorization to spend money, or an appropriation, 2157
for planning or determining the feasibility of or need for the 2158
facility does not constitute authorization to spend money on, or 2159
an appropriation for, costs of constructing the facility. 2160

(4) If state bond proceeds are being used for the Ohio sports 2161
facility, the state or a governmental agency owns or has 2162
sufficient property interests in the facility or in the site of 2163
the facility or in the portion or portions of the facility 2164
financed from proceeds of state bonds, which may include, but is 2165
not limited to, the right to use or to require the use of the 2166
facility for the presentation of sport and athletic events to the 2167
public at the facility. 2168

(G) In addition to the requirements of division (F) of this 2169

section, no state funds, including any state bond proceeds, shall 2170
be spent on any Ohio sports facility that is a motorsports 2171
complex, unless, with respect to that facility, both of the 2172
following apply: 2173

(1) Motorsports events shall be presented at the facility 2174
pursuant to a lease entered into with the owner of the facility. 2175
The term of the lease shall be for a period of not less than the 2176
greater of the useful life of the portion of the facility financed 2177
from proceeds of state bonds as determined using the guidelines 2178
for maximum maturities as provided under divisions (B) and (C) of 2179
section 133.20 of the Revised Code, or the period of time 2180
remaining to the date of payment or provision for payment of 2181
outstanding state bonds allocable to costs of the facility, all as 2182
determined by the director of budget and management and certified 2183
by the director to the Ohio cultural facilities commission and to 2184
the treasurer of state. 2185

(2) Any motorsports organization that commits to using the 2186
facility for an established period of time shall give the 2187
political subdivision in which the facility is located not less 2188
than six months' advance notice if the organization intends to 2189
cease utilizing the facility prior to the expiration of that 2190
established period. Such a motorsports organization shall be 2191
liable to the state for any state funds used on the construction 2192
costs of the facility. 2193

(H) In addition to the requirements of division (F) of this 2194
section, no state bond proceeds shall be spent on any Ohio sports 2195
facility that is a tennis facility, unless the owner or manager of 2196
the facility provides contractual commitments from a national or 2197
international professional tennis organization in a form 2198
acceptable to the cultural facilities commission that assures that 2199
one or more sanctioned professional tennis events will be 2200
presented at the facility during each year that the bonds remain 2201

outstanding. 2202

Sec. 4116.01. As used in sections 4116.01 to 4116.04 of the 2203
Revised Code: 2204

(A) "Public authority" means any officer, board, or 2205
commission of the state, or any political subdivision of the 2206
state, or any institution supported in whole or in part by public 2207
funds, authorized to enter into a contract for the construction of 2208
a public improvement or to construct a public improvement by the 2209
direct employment of labor. "Public authority" shall not mean any 2210
municipal corporation that has adopted a charter under sections 2211
three and seven of article XVIII of the Ohio ~~constitution~~ 2212
Constitution, unless the specific contract for a public 2213
improvement includes state funds appropriated for the purposes of 2214
that public improvement. 2215

(B) "Construction" means all of the following: 2216

(1) Any new construction of any public improvement performed 2217
by other than full-time employees who have completed their 2218
probationary periods in the classified service of a public 2219
authority; 2220

(2) Any reconstruction, enlargement, alteration, repair, 2221
remodeling, renovation, or painting of any public improvement 2222
performed by other than full-time employees who have completed 2223
their probationary period in the classified civil service of a 2224
public authority; 2225

(3) Construction on any project, facility, or project 2226
facility to which section ~~122.452~~, 122.80, ~~165.031~~, 166.02, 2227
~~1551.13~~, or 1728.07, ~~or 3706.042~~ of the Revised Code applies. 2228

(C) "Public improvement" means all buildings, roads, streets, 2229
alleys, sewers, ditches, sewage disposal plants, water works, and 2230
other structures or works constructed by a public authority or by 2231

any person who, pursuant to a contract with a public authority, 2232
constructs any structure or work for a public authority. When a 2233
public authority rents or leases a newly constructed structure 2234
within six months after completion of its construction, all work 2235
performed on that structure to suit it for occupancy by a public 2236
authority is a "public improvement." 2237

(D) "Interested party," with respect to a particular public 2238
improvement, means all of the following: 2239

(1) Any person who submits a bid for the purpose of securing 2240
the award of a contract for the public improvement; 2241

(2) Any person acting as a subcontractor of a person 2242
mentioned in division (D)(1) of this section; 2243

(3) Any association having as members any of the persons 2244
mentioned in division (D)(1) or (2) of this section; 2245

(4) Any employee of a person mentioned in division (D)(1), 2246
(2), or (3) of this section; 2247

(5) Any individual who is a resident of the jurisdiction of 2248
the public authority for whom products or services for a public 2249
improvement are being procured or for whom work on a public 2250
improvement is being performed. 2251

Sec. 4582.12. (A) Except as otherwise provided in division 2252
(E) of section 307.671 of the Revised Code, division (A) of this 2253
section does not apply to a port authority educational and 2254
cultural facility acquired, constructed, and equipped pursuant to 2255
a cooperative agreement entered into under section 307.671 of the 2256
Revised Code. 2257

Except as provided in division (C) of this section, when the 2258
cost of a contract for the construction of any building, 2259
structure, or other improvement undertaken by a port authority 2260
involves an expenditure exceeding twenty-five thousand dollars and 2261

the port authority is the contracting entity, the port authority 2262
shall make a written contract after notice calling for bids for 2263
the award of the contract has been given by publication twice, 2264
with at least seven days between publications, in a newspaper of 2265
general circulation in the area of the jurisdiction of the port 2266
authority. Each such contract shall be let to the lowest 2267
responsive and responsible bidder in accordance with section 9.312 2268
of the Revised Code. Every contract let shall be in writing and if 2269
the contract involves work or construction, it shall be 2270
accompanied by or shall refer to plans and specifications for the 2271
work to be done, prepared for and approved by the port authority, 2272
signed by an authorized officer of the port authority and by the 2273
contractor, and shall be executed in triplicate. 2274

Each bid shall be awarded in accordance with sections 153.54, 2275
153.57, and 153.571 of the Revised Code. 2276

The port authority may reject any and all bids. 2277

(B) The board of directors of a port authority by rule may 2278
provide criteria for the negotiation and award without competitive 2279
bidding of any contract as to which the port authority is the 2280
contracting entity for the construction of any building, 2281
structure, or other improvement under any of the following 2282
circumstances: 2283

(1) There exists a real and present emergency that threatens 2284
damage or injury to persons or property of the port authority or 2285
other persons, provided that a statement specifying the nature of 2286
the emergency that is the basis for the negotiation and award of a 2287
contract without competitive bidding shall be signed by the 2288
officer of the port authority that executes that contract at the 2289
time of the contract's execution and shall be attached to the 2290
contract. 2291

(2) A commonly recognized industry or other standard or 2292

specification does not exist and cannot objectively be articulated 2293
for the improvement. 2294

(3) The contract is for any energy conservation measure as 2295
defined in section 307.041 of the Revised Code. 2296

(4) With respect to material to be incorporated into the 2297
improvement, only a single source or supplier exists for the 2298
material. 2299

(5) A single bid is received by the port authority after 2300
complying with the provisions of division (A) of this section. 2301

(C)(1) If a contract is to be negotiated and awarded without 2302
competitive bidding for the reason set forth in division (B)(2) of 2303
this section, the port authority shall publish a notice calling 2304
for technical proposals at least twice, with at least seven days 2305
between publications, in a newspaper of general circulation in the 2306
area of the port authority. After receipt of the technical 2307
proposals, the port authority may negotiate with and award a 2308
contract for the improvement to the proposer making the proposal 2309
considered to be the most advantageous to the port authority. 2310

(2) If a contract is to be negotiated and awarded without 2311
competitive bidding for the reason set forth in division (B)(4) of 2312
this section, any construction activities related to the 2313
incorporation of the material into the improvement also may be 2314
provided without competitive bidding by the source or supplier of 2315
that material. 2316

~~(D) No contract for the construction or repair of any 2317
building, structure, or other improvement and no loan agreement 2318
for the borrowing of funds for any such improvement undertaken by 2319
a port authority, where the port authority is the contracting 2320
entity, shall be executed unless laborers and mechanics employed 2321
on such improvements are paid at the prevailing rates of wages of 2322
laborers and mechanics for the class of work called for by the 2323~~

~~improvement. The wages shall be determined in accordance with the 2324
requirements of Chapter 4115. of the Revised Code for the 2325
determination of prevailing wage rates, provided that the 2326
requirements of this section do not apply where the federal 2327
government or any of its agencies furnishes by loan or grant all 2328
or any part of the funds used in connection with such project and 2329
prescribes predetermined minimum wages to be paid to the laborers 2330
and mechanics. 2331~~

Sec. 5540.03. (A) A transportation improvement district may: 2332

(1) Adopt bylaws for the regulation of its affairs and the 2333
conduct of its business; 2334

(2) Adopt an official seal; 2335

(3) Sue and be sued in its own name, plead and be impleaded, 2336
provided any actions against the district shall be brought in the 2337
court of common pleas of the county in which the principal office 2338
of the district is located, or in the court of common pleas of the 2339
county in which the cause of action arose, and all summonses, 2340
exceptions, and notices of every kind shall be served on the 2341
district by leaving a copy thereof at its principal office with 2342
the secretary-treasurer; 2343

(4) Purchase, construct, maintain, repair, sell, exchange, 2344
police, operate, or lease projects; 2345

(5) Issue either or both of the following for the purpose of 2346
providing funds to pay the costs of any project or part thereof: 2347

(a) Transportation improvement district revenue bonds; 2348

(b) Bonds pursuant to Section 13 of Article VIII, Ohio 2349
Constitution; 2350

(6) Maintain such funds as it considers necessary; 2351

(7) Direct its agents or employees, when properly identified 2352

in writing and after at least five days' written notice, to enter 2353
upon lands within its jurisdiction to make surveys and 2354
examinations preliminary to the location and construction of 2355
projects for the district, without liability of the district or 2356
its agents or employees except for actual damage done; 2357

(8) Make and enter into all contracts and agreements 2358
necessary or incidental to the performance of its functions and 2359
the execution of its powers under this chapter; 2360

(9) Employ or retain or contract for the services of 2361
consulting engineers, superintendents, managers, and such other 2362
engineers, construction and accounting experts, financial 2363
advisers, trustees, marketing, remarketing, and administrative 2364
agents, attorneys, and other employees, independent contractors, 2365
or agents as are necessary in its judgment and fix their 2366
compensation, provided all such expenses shall be payable solely 2367
from the proceeds of bonds or from revenues; 2368

(10) Receive and accept from the federal or any state or 2369
local government, including, but not limited to, any agency, 2370
entity, or instrumentality of any of the foregoing, loans and 2371
grants for or in aid of the construction, maintenance, or repair 2372
of any project, and receive and accept aid or contributions from 2373
any source or person of money, property, labor, or other things of 2374
value, to be held, used, and applied only for the purposes for 2375
which such loans, grants, and contributions are made. Nothing in 2376
division (A)(10) of this section shall be construed as imposing 2377
any liability on this state for any loan received by a 2378
transportation improvement district from a third party unless this 2379
state has entered into an agreement to accept such liability. 2380

(11) Acquire, hold, and dispose of property in the exercise 2381
of its powers and the performance of its duties under this 2382
chapter; 2383

(12) Establish and collect tolls or user charges for its projects;	2384 2385
(13) Do all acts necessary and proper to carry out the powers expressly granted in this chapter.	2386 2387
(B) Chapters 123., 124., 125., <u>and</u> 153., and 4115.7 , and sections 9.331, 9.332, 9.333, and 307.86 of the Revised Code do not apply to contracts or projects of a transportation improvement district.	2388 2389 2390 2391
Sec. 6117.012. (A) A board of county commissioners may adopt rules requiring owners of property within the district whose property is served by a connection to sewers maintained and operated by the board or to sewers that are connected to interceptor sewers maintained and operated by the board to do any of the following:	2392 2393 2394 2395 2396 2397
(1) Disconnect stormwater inflows to sanitary sewers maintained and operated by the board and not operated as a combined sewer, or to connections with those sewers;	2398 2399 2400
(2) Disconnect non-stormwater inflows to stormwater sewers maintained and operated by the board and not operated as a combined sewer, or to connections with those sewers;	2401 2402 2403
(3) Reconnect or relocate any such disconnected inflows in compliance with board rules and applicable building codes, health codes, or other relevant codes;	2404 2405 2406
(4) Prevent sewer back-ups into properties that have experienced one or more overflows of sanitary or combined sewers maintained and operated by the board.	2407 2408 2409
(B) Any inflow required to be disconnected or any sewer back-up required to be prevented under a rule adopted pursuant to division (A) of this section constitutes a nuisance subject to injunctive relief and abatement pursuant to Chapter 3767. of the	2410 2411 2412 2413

Revised Code or as otherwise permitted by law. 2414

(C) A board of county commissioners may use sewer district 2415
funds; county general fund moneys; and, to the extent permitted by 2416
their terms, loans, grants, or other moneys from appropriate state 2417
or federal funds, for either of the following: 2418

(1) The cost of disconnections, reconnections, relocations, 2419
or sewer back-up prevention required by rules adopted pursuant to 2420
division (A) of this section, performed by the county or under 2421
contract with the county; 2422

(2) Payments to the property owner or a contractor hired by 2423
the property owner pursuant to a competitive process established 2424
by district rules, for the cost of disconnections, reconnections, 2425
relocations, or sewer back-up prevention required by rules adopted 2426
pursuant to division (A) of this section after the board, pursuant 2427
to its rules, has approved the work to be performed and after the 2428
county has received from the property owner a statement releasing 2429
the county from all liability in connection with the 2430
disconnections, reconnections, relocations, or sewer back-up 2431
prevention. 2432

(D) Except as provided in division (E) of this section, the 2433
board of county commissioners shall require in its rules regarding 2434
disconnections, reconnections, or relocations of sewers or sewer 2435
back-up prevention the reimbursement of moneys expended pursuant 2436
to division (C) of this section by either of the following 2437
methods: 2438

(1) A charge to the property owner in the amount of the 2439
payment made pursuant to division (C) of this section for 2440
immediate payment or payment in installments with interest as 2441
determined by the board not to exceed ten per cent, which payments 2442
may be billed as a separate item with the rents charged to that 2443
owner for use of the sewers. The board may approve installment 2444

payments for a period of not more than fifteen years. If charges 2445
are to be paid in installments, the board shall certify to the 2446
county auditor information sufficient to identify each subject 2447
parcel of property, the total of the charges to be paid in 2448
installments, and the total number of installments to be paid. The 2449
auditor shall record the information in the sewer improvement 2450
record until these charges are paid in full. Charges not paid when 2451
due shall be certified to the county auditor, who shall place the 2452
charges upon the real property tax list and duplicate against that 2453
property. Those charges shall be a lien on the property from the 2454
date they are placed on the tax list and duplicate and shall be 2455
collected in the same manner as other taxes. 2456

(2) A special assessment levied against the property, payable 2457
in the number of years the board determines, not to exceed fifteen 2458
years, with interest as determined by the board not to exceed ten 2459
per cent. The board shall certify the assessments to the county 2460
auditor, stating the amount and time of payment. The auditor shall 2461
record the information in the county sewer improvement record, 2462
showing separately the assessments to be collected, and shall 2463
place the assessments upon the real property tax list and 2464
duplicate for collection. The assessments shall be a lien on the 2465
property from the date they are placed on the tax list and 2466
duplicate and shall be collected in the same manner as other 2467
taxes. 2468

(E) The county may adopt a resolution specifying a maximum 2469
amount of the cost of any disconnection, reconnection, relocation, 2470
or sewer back-up prevention required pursuant to division (A) of 2471
this section that may be paid by the county for each affected 2472
parcel of property without requiring reimbursement. That amount 2473
may be allowed only if there is a building code, health code, or 2474
other relevant code, or a federally imposed or state-imposed 2475
consent decree that is filed or otherwise recorded in a court of 2476

competent jurisdiction, applicable to the affected parcel that 2477
prohibits in the future any inflows or sewer back-ups not allowed 2478
under rules adopted pursuant to division (A)(1) or (4) of this 2479
section. The board, by rule, shall establish criteria for 2480
determining how much of the maximum amount for each qualifying 2481
parcel need not be reimbursed. 2482

(F) ~~Disconnections, reconnections, relocations, or sewer 2483
back up prevention required under this section and performed by a 2484
contractor under contract with the property owner shall not be 2485
considered a public improvement, and those performed by the county 2486
shall be considered a public improvement as defined in section 2487
4115.03 of the Revised Code. 2488~~

Disconnections, reconnections, relocations, or sewer back-up 2489
prevention required under this section performed by a contractor 2490
under contract with the property owner shall not be subject to 2491
competitive bidding or public bond laws. 2492

(G) Property owners shall be responsible for maintaining any 2493
improvements made on private property to reconnect or relocate 2494
disconnected inflows or for sewer back-up prevention pursuant to 2495
this section unless a public easement exists for the county to 2496
maintain that improvement. 2497

Section 2. That existing sections 121.08, 164.07, 166.02, 2498
176.011, 307.022, 307.671, 307.673, 307.674, 307.696, 351.06, 2499
1311.25, 1509.071, 1521.26, 1551.33, 1710.02, 1728.07, 3383.07, 2500
4116.01, 4582.12, 5540.03, and 6117.012 and sections 122.0818, 2501
122.452, 165.031, 176.05, 1551.13, 3706.042, 4115.03, 4115.031, 2502
4115.032, 4115.033, 4115.034, 4115.04, 4115.05, 4115.06, 4115.07, 2503
4115.071, 4115.08, 4115.09, 4115.10, 4115.101, 4115.11, 4115.12, 2504
4115.13, 4115.131, 4115.132, 4115.133, 4115.14, 4115.15, 4115.16, 2505
4115.21, 4115.99, 4582.37, 4981.23, and 6121.061 of the Revised 2506
Code are hereby repealed. 2507

Section 3. Sections 1 and 2 of this act do not apply to	2508
contracts governed by the sections being amended and repealed by	2509
Sections 1 and 2 of this act that are entered into before the	2510
effective date of this act.	2511