

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 376

Senator Carey

Cosponsors: Senators Harris, Faber, Amstutz, Schuler, Padgett

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A B I L L

To amend sections 122.0818, 122.452, 165.031, 166.02, 1
307.673, 307.696, 1551.13, 1728.07, 3706.042, 2
4115.032, 4115.033, 4981.23, and 6121.061 of the 3
Revised Code relative to the application of the 4
Prevailing Wage Law to publicly supported, private 5
sector construction projects. 6

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

Section 1. That sections 122.0818, 122.452, 165.031, 166.02, 7
307.673, 307.696, 1551.13, 1728.07, 3706.042, 4115.032, 4115.033, 8
4981.23, and 6121.061 of the Revised Code be amended to read as 9
follows: 10

Sec. 122.0818. Eligible projects that receive a grant 11
pursuant to the job ready site program shall be subject to the 12
conditions set forth in section 4115.032 of the Revised Code. When 13
required by that section, such projects are public improvements 14
pursuant to section 4115.03 of the Revised Code and shall be 15
subject to the prevailing wage requirements of section 4115.04 of 16
the Revised Code. 17

Sec. 122.452. The director of development shall not enter 18

into any agreement for granting a loan or insuring a mortgage 19
unless the agreement specifies that ~~all the payment of wages paid~~ 20
to laborers and mechanics employed for work on such projects ~~shall~~ 21
~~be paid at the prevailing rates of wages of laborers and mechanics~~ 22
~~for the class of work called for by such project, which is subject~~ 23
~~to section 4115.032 of the Revised Code. When required by that~~ 24
~~section, such~~ wages shall be determined in accordance with the 25
requirements of Chapter 4115. of the Revised Code for 26
determination of prevailing wage rates, provided that the 27
requirements of this section do not apply where the federal 28
government or any of its agencies furnishes by loan or grant all 29
or any part of the funds used in connection with such project and 30
prescribes predetermined minimum wages to be paid to such laborers 31
and mechanics; and providing further that should a nonpublic user 32
beneficiary of the project undertake, as part of the project, 33
construction to be performed by its regular bargaining unit, 34
employees who are covered under a collective bargaining agreement 35
which was in existence prior to the date of the commitment 36
instrument undertaking to insure a mortgage or grant a loan then, 37
in that event, the rate of pay provided under the collective 38
bargaining agreement may be paid to such employees. 39

Sec. 165.031. No bonds shall be issued under this chapter 40
unless the resolution or ordinance authorizing such issuance of 41
bonds specifies that ~~all the payment of wages paid~~ to laborers and 42
mechanics employed on such projects for which the bonds are issued 43
~~shall be paid at the prevailing rates of wages of laborers and~~ 44
~~mechanics for the class of work called for by such project, which~~ 45
~~is subject to section 4115.032 of the Revised Code. When required~~ 46
~~by that section, such~~ wages shall be determined in accordance with 47
the requirements of Chapter 4115. of the Revised Code for 48
determination of prevailing wage rates, provided that the 49
requirements of this section do not apply where the federal 50

government or any of its agencies furnished by loan or grant all 51
or any part of the funds used in connection with such project and 52
prescribes predetermined minimum wages to be paid to such laborers 53
and mechanics; and provided further that should a nonpublic user 54
beneficiary of the project undertake, as part of the project, 55
construction to be performed by its regular bargaining unit 56
employees who are covered under a collective bargaining agreement 57
which was in existence prior to the date of the commitment 58
instrument undertaking to issue bonds then, in that event, the 59
rate of pay provided under the collective bargaining agreement may 60
be paid to such employees. 61

Sec. 166.02. (A) The general assembly finds that many local 62
areas throughout the state are experiencing economic stagnation or 63
decline, and that the economic development programs provided for 64
in this chapter will constitute deserved, necessary reinvestment 65
by the state in those areas, materially contribute to their 66
economic revitalization, and result in improving the economic 67
welfare of all the people of the state. Accordingly, it is 68
declared to be the public policy of the state, through the 69
operations of this chapter and other applicable laws adopted 70
pursuant to Section 2p or 13 of Article VIII, Ohio Constitution, 71
and other authority vested in the general assembly, to assist in 72
and facilitate the establishment or development of eligible 73
projects or assist and cooperate with any governmental agency in 74
achieving such purpose. 75

(B) In furtherance of such public policy and to implement 76
such purpose, the director of development may: 77

(1) After consultation with appropriate governmental 78
agencies, enter into agreements with persons engaged in industry, 79
commerce, distribution, or research and with governmental agencies 80
to induce such persons to acquire, construct, reconstruct, 81

rehabilitate, renovate, enlarge, improve, equip, or furnish, or 82
otherwise develop, eligible projects and make provision therein 83
for project facilities and governmental actions, as authorized by 84
this chapter and other applicable laws, subject to any required 85
actions by the general assembly or the controlling board and 86
subject to applicable local government laws and regulations; 87

(2) Provide for the guarantees and loans as provided for in 88
sections 166.06 and 166.07 of the Revised Code; 89

(3) Subject to release of such moneys by the controlling 90
board, contract for labor and materials needed for, or contract 91
with others, including governmental agencies, to provide, project 92
facilities the allowable costs of which are to be paid for or 93
reimbursed from moneys in the facilities establishment fund, and 94
contract for the operation of such project facilities; 95

(4) Subject to release thereof by the controlling board, from 96
moneys in the facilities establishment fund acquire or contract to 97
acquire by gift, exchange, or purchase, including the obtaining 98
and exercise of purchase options, property, and convey or 99
otherwise dispose of, or provide for the conveyance or disposition 100
of, property so acquired or contracted to be acquired by sale, 101
exchange, lease, lease purchase, conditional or installment sale, 102
transfer, or other disposition, including the grant of an option 103
to purchase, to any governmental agency or to any other person 104
without necessity for competitive bidding and upon such terms and 105
conditions and manner of consideration pursuant to and as the 106
director determines to be appropriate to satisfy the objectives of 107
sections 166.01 to 166.11 of the Revised Code; 108

(5) Retain the services of or employ financial consultants, 109
appraisers, consulting engineers, superintendents, managers, 110
construction and accounting experts, attorneys, and employees, 111
agents, and independent contractors as are necessary in the 112
director's judgment and fix the compensation for their services; 113

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| (6) Receive and accept from any person grants, gifts, and | 114 |
| contributions of money, property, labor, and other things of | 115 |
| value, to be held, used and applied only for the purpose for which | 116 |
| such grants, gifts, and contributions are made; | 117 |
| (7) Enter into appropriate arrangements and agreements with | 118 |
| any governmental agency for the taking or provision by that | 119 |
| governmental agency of any governmental action; | 120 |
| (8) Do all other acts and enter into contracts and execute | 121 |
| all instruments necessary or appropriate to carry out the | 122 |
| provisions of this chapter; | 123 |
| (9) Adopt rules to implement any of the provisions of this | 124 |
| chapter applicable to the director. | 125 |
| (C) The determinations by the director that facilities | 126 |
| constitute eligible projects, that facilities are project | 127 |
| facilities, that costs of such facilities are allowable costs, and | 128 |
| all other determinations relevant thereto or to an action taken or | 129 |
| agreement entered into shall be conclusive for purposes of the | 130 |
| validity and enforceability of rights of parties arising from | 131 |
| actions taken and agreements entered into under this chapter. | 132 |
| (D) Except as otherwise prescribed in this chapter, all | 133 |
| expenses and obligations incurred by the director in carrying out | 134 |
| the director's powers and in exercising the director's duties | 135 |
| under this chapter, shall be payable solely from, as appropriate, | 136 |
| moneys in the facilities establishment fund, the loan guarantee | 137 |
| fund, the innovation Ohio loan guarantee fund, the innovation Ohio | 138 |
| loan fund, the research and development loan fund, the logistics | 139 |
| and distribution infrastructure fund, or moneys appropriated for | 140 |
| such purpose by the general assembly. This chapter does not | 141 |
| authorize the director or the issuing authority under section | 142 |
| 166.08 of the Revised Code to incur bonded indebtedness of the | 143 |
| state or any political subdivision thereof, or to obligate or | 144 |

pledge moneys raised by taxation for the payment of any bonds or 145
notes issued or guarantees made pursuant to this chapter. 146

(E) No financial assistance for project facilities shall be 147
provided under this chapter unless the provisions of the agreement 148
providing for such assistance specify that ~~all the payment of~~ 149
wages ~~paid~~ to laborers and mechanics employed on such project 150
facilities for which the assistance is granted ~~shall be paid at~~ 151
~~the prevailing rates of wages of laborers and mechanics for the~~ 152
~~class of work called for by such project facilities, which is~~ 153
subject to section 4115.032 of the Revised Code. When required by 154
that section, such wages shall be determined in accordance with 155
the requirements of Chapter 4115. of the Revised Code for 156
determination of prevailing wage rates, provided that the 157
requirements of this division do not apply where the federal 158
government or any of its agencies provides financing assistance as 159
to all or any part of the funds used in connection with such 160
project facilities and prescribes predetermined minimum wages to 161
be paid to such laborers and mechanics; and provided further that 162
should a nonpublic user beneficiary of the eligible project 163
undertake, as part of the eligible project, construction to be 164
performed by its regular bargaining unit employees who are covered 165
under a collective bargaining agreement which was in existence 166
prior to the date of the document authorizing such assistance 167
then, in that event, the rate of pay provided under the collective 168
bargaining agreement may be paid to such employees. 169

(F) Any governmental agency may enter into an agreement with 170
the director, any other governmental agency, or a person to be 171
assisted under this chapter, to take or provide for the purposes 172
of this chapter any governmental action it is authorized to take 173
or provide, and to undertake on behalf and at the request of the 174
director any action which the director is authorized to undertake 175
pursuant to divisions (B)(3), (4), and (5) of this section or 176

divisions (B)(3), (4), and (5) of section 166.12 of the Revised 177
Code. Governmental agencies of the state shall cooperate with and 178
provide assistance to the director of development and the 179
controlling board in the exercise of their respective functions 180
under this chapter. 181

Sec. 307.673. This section applies only in a county in which 182
a tax is levied under section 307.697, 4301.421, 5743.024, or 183
5743.323 of the Revised Code on ~~the effective date of this~~ 184
~~amendment~~ July 19, 1995. 185

(A) As used in this section: 186

(1) "County taxes" means taxes levied by a board of county 187
commissioners under division (D) of section 307.697, division (B) 188
of section 4301.421, division (C) of section 5743.024, and section 189
5743.323 of the Revised Code. 190

(2) "Corporation" means a nonprofit corporation organized 191
under the laws of this state and that includes among the purposes 192
for which it is incorporated the authority to acquire, construct, 193
renovate, equip, lease, manage, or operate a sports facility. 194

(3) "Cooperative agreement" means an agreement entered into 195
pursuant to this section. 196

(4) "Cost of a sports facility" means the cost of acquiring, 197
constructing, renovating, equipping, or improving one or more 198
sports facilities, including reconstructing, rehabilitating, 199
remodeling, and enlarging; the cost of equipping and furnishing 200
such a facility; and all financing costs pertaining thereto, 201
including the cost of engineering, architectural, and other 202
professional services, designs, plans, specifications and surveys, 203
and estimates of costs; the costs of refinancing obligations 204
issued by, or reimbursement of money advanced by, the parties to 205
the cooperative agreement or other persons, the proceeds of which 206

obligations were used to pay the costs of the sports facility; the 207
cost of tests and inspections; the cost of any indemnity or surety 208
bonds and premiums on insurance, all related direct and 209
administrative costs pertaining thereto, fees and expenses of 210
trustees, depositories, and paying agents for the obligations, 211
capitalized interest on the obligations, amounts necessary to 212
establish reserves as required by the obligation proceedings, the 213
reimbursement of money advanced or applied by the parties to the 214
cooperative agreement or other persons for the payment of any item 215
of costs of the sports facility, and all other expenses necessary 216
or incident to planning or determining the feasibility or 217
practicability with respect to the sports facility; and any other 218
such expenses as may be necessary or incident to the acquisition, 219
construction, reconstruction, rehabilitation, remodeling, 220
renovation, enlargement, improvement, equipping, and furnishing of 221
the sports facility, the financing of the sports facility, placing 222
the sports facility in use and operation, including any one, part 223
of, or combination of such classes of costs and expenses. 224

(5) "Financing costs" has the same meaning as in section 225
133.01 of the Revised Code. 226

(6) "Obligations" means obligations issued or incurred to pay 227
the cost of a sports facility, including bonds, notes, 228
certificates of indebtedness, commercial paper, and other 229
instruments in writing, anticipatory securities as defined in 230
section 133.01 of the Revised Code, issued or incurred by an 231
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 232
this section, or otherwise, to evidence the issuer's obligation to 233
repay borrowed money, or to pay interest, by, or to pay at any 234
future time other money obligations of, the issuer of the 235
obligations, including obligations of an issuer or lessee to make 236
payments under an installment sale, lease, lease-purchase, or 237
similar agreement. 238

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

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

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

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

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

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

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| (1) The board of county commissioners agrees to do one or more of the following: | 270 271 |
| (a) Levy a tax under division (D) of section 307.697, division (B) of section 4301.421, division (C) of section 5743.024, and section 5743.323 of the Revised Code and make available all or a portion of the revenue from those taxes for the payment of the cost of the sports facility or to make payments on obligations; | 272 273 274 275 276 277 |
| (b) Issue or incur obligations of the county pursuant to Chapter 133. of the Revised Code or this section; | 278 279 |
| (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; | 280 281 282 283 284 |
| (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; | 285 286 287 |
| (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. | 288 289 290 291 292 |
| (2) The port authority agrees to do one or more of the following: | 293 294 |
| (a) Issue or incur obligations of the port authority pursuant to Chapter 133. or 4582. of the Revised Code or this section; | 295 296 |
| (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 | 297 298 299 |

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| facility or the payment of obligations; | 300 |
| (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; | 301 302 303 |
| (d) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, authorize the municipal corporation, county, corporation, or owner to administer contracts for designing, planning, acquiring, constructing, renovating, or equipping a sports facility. | 304 305 306 307 308 |
| (3) The legislative authority of the municipal corporation agrees to do one or more of the following: | 309 310 |
| (a) Make available the revenue from taxes levied by the legislative authority for the payment of the cost of a sports facility or to make payments on obligations; | 311 312 313 |
| (b) Issue or incur obligations of the municipal corporation pursuant to Chapter 133. of the Revised Code or otherwise; | 314 315 |
| (c) Make available all or a portion of the proceeds from the issuance of those obligations to the county, port authority, corporation, or otherwise for the payment of the cost of a sports facility or the payment of obligations; | 316 317 318 319 |
| (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; | 320 321 322 |
| (e) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, authorize the county, port authority, corporation, or owner to administer contracts for designing, planning, acquiring, constructing, renovating, or equipping a sports facility. | 323 324 325 326 327 |
| (4) The corporation agrees to do one or more of the following: | 328 329 |

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| (a) Issue or incur obligations; | 330 |
| (b) Make available all or a portion of the proceeds from the issuance of those obligations to the county, port authority, municipal corporation, or otherwise for the payment of the cost of a sports facility or the payment of obligations; | 331 332 333 334 |
| (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; | 335 336 337 |
| (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. | 338 339 340 341 342 |
| (5) The owner agrees to do one or more of the following: | 343 |
| (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; | 344 345 346 |
| (b) Administer contracts for designing, planning, acquiring, constructing, renovating, or equipping a sports facility. | 347 348 |
| (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. | 349 350 351 352 353 354 355 356 |
| (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 | 357 358 359 |

laborers and mechanics employed in the acquisition, construction, 360
renovation, or equipping of the sports facility shall be paid at 361
~~the prevailing rates of wages of laborers and mechanics for the~~ 362
class of work called for, as in accordance with the conditions set 363
forth in section 4115.032 of the Revised Code. When required by 364
that section, those wages ~~are~~ shall be determined in accordance 365
with Chapter 4115. of the Revised Code. 366

Sec. 307.696. (A) As used in this section: 367

(1) "County taxes" means taxes levied by the county pursuant 368
to sections 307.697, 4301.421, 5743.024, and 5743.323 of the 369
Revised Code. 370

(2) "Corporation" means a nonprofit corporation that is 371
organized under the laws of this state for the purposes of 372
operating or constructing and operating a sports facility in the 373
county and that may also be organized under the laws of this state 374
for the additional purposes of conducting redevelopment and 375
economic development activities within the host municipal 376
corporation. 377

(3) "Sports facility" means a sports facility that is 378
intended to house major league professional athletic teams, 379
including a stadium, together with all parking facilities, 380
walkways, and other auxiliary facilities, real and personal 381
property, property rights, easements, and interests that may be 382
appropriate for, or used in connection with, the operation of the 383
facility. 384

(4) "Construction" includes, but is not limited to, providing 385
fixtures, furnishings, and equipment. 386

(5) "Debt service charges" means the interest, principal, 387
premium, if any, carrying and redemption charges, and expenses on 388
bonds issued by either the county or the corporation to: 389

(a) Construct a sports facility or provide for related 390
redevelopment or economic development as provided in this section; 391

(b) Acquire real and personal property, property rights, 392
easements, or interests that may be appropriate for, or used in 393
connection with, the operation of the facility; and 394

(c) Make site improvements to real property, including, but 395
not limited to, demolition, excavation, and installation of 396
footers, pilings, and foundations. 397

(6) "Host municipal corporation" means the municipal 398
corporation within the boundaries of which the sports facility is 399
located, and with which a national football league, major league 400
baseball, or national basketball association sports franchise is 401
associated on ~~the effective date of this amendment~~ March 20, 1990. 402

(B) A board of county commissioners of a county that levies a 403
tax under section 307.697, 4301.421, or 5743.024 of the Revised 404
Code may enter into an agreement with a corporation operating in 405
the county, and, if there is a host municipal corporation all or a 406
part of which is located in the county, shall enter into an 407
agreement with a corporation operating in the county and the host 408
municipal corporation, under which: 409

(1)(a) The corporation agrees to construct and operate a 410
sports facility in the county and to pledge and contribute all or 411
any part of the revenues derived from its operation, as specified 412
in the agreement, for the purposes described in division (C)(1) of 413
this section; and 414

(b) The board agrees to levy county taxes and pledge and 415
contribute any part or all of the revenues therefrom, as specified 416
in the agreement, for the purposes described in division (C)(1) of 417
this section; or 418

(2)(a) The corporation agrees to operate a sports facility 419
constructed by the county and to pledge and contribute all or any 420

part of the revenues derived from its operation, as specified in 421
the agreement, for the purposes described in division (C)(2) of 422
this section; and 423

(b) The board agrees to issue revenue bonds of the county, 424
use the proceeds from the sale of the bonds to construct a sports 425
facility in the county, and to levy county taxes and pledge and 426
contribute all or any part of the revenues therefrom, as specified 427
in the agreement, for the purposes described in division (C)(2) of 428
this section; and, if applicable 429

(3) The host municipal corporation agrees to expend the 430
unused pledges and contributions and surplus revenues as described 431
in divisions (C)(1) and (2) of this section for redevelopment and 432
economic development purposes related to the sports facility. 433

(C)(1) The primary purpose of the pledges and contributions 434
described in division (B)(1) of this section is payment of debt 435
service charges. To the extent the pledges and contributions are 436
not used by the county or corporation for payment of debt service 437
charges, the county or corporation, pursuant to the agreement 438
provided for in division (B) of this section, shall provide the 439
unused pledges and contributions, together with surplus revenues 440
of the sports facility not needed for debt service charges or the 441
operation and maintenance of the sports facility, to the host 442
municipal corporation, or a nonprofit corporation, which may be 443
the corporation acting on behalf of the host municipal 444
corporation, for redevelopment and economic development purposes 445
related to the sports facility. If the county taxes are also 446
levied for the purpose of making permanent improvements, the 447
agreement shall include a schedule of annual pledges and 448
contributions by the county for the payment of debt service 449
charges. The county's pledge and contribution provided for in the 450
agreement shall be for the period stated in the agreement but not 451
to exceed twenty years. The agreement shall provide that any such 452

bonds and notes shall be secured by a trust agreement between the corporation or other bond issuer and a corporate trustee that is a trust company or bank having the powers of a trust company within or without the state, and the trust agreement shall pledge or assign to the retirement of the bonds or notes, all moneys paid by the county for that purpose under this section. A county tax, all or any part of the revenues from which are pledged under an agreement entered into by a board of county commissioners under this section shall not be subject to diminution by initiative or referendum, or diminution by statute, unless provision is made therein for an adequate substitute therefor reasonably satisfactory to the trustee under the trust agreement that secures the bonds and notes.

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

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

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

county commissioners may acquire, make site improvements to, 485
including, but not limited to, demolition, excavation, and 486
installation of footers, pilings, and foundations, and lease real 487
property for the sports facility to a corporation that constructs 488
a sports facility under division (B)(1) of this section. The 489
agreement shall specify the term, which shall not exceed thirty 490
years and shall be on such terms as are set forth in the 491
agreement. The purchase, improvement, and lease may be the subject 492
of an agreement between the county and a municipal corporation 493
located within the county pursuant to section 153.61 or 307.15 of 494
the Revised Code, and are not subject to the limitations of 495
sections 307.02 and 307.09 of the Revised Code. 496

(F) The corporation shall not enter into any construction 497
contract or contract for the purchase of services for use in 498
connection with the construction of a sports facility prior to the 499
corporation's adoption and implementation of a policy on the set 500
aside of contracts for bidding by or award to minority business 501
enterprises, as defined in division (E)(1) of section 122.71 of 502
the Revised Code. Sections Construction of a sports facility under 503
this section is subject to the conditions set forth in section 504
4115.032 of the Revised Code. When required by that section, 505
sections 4115.03 to 4115.16 of the Revised Code shall apply to a 506
sports facility constructed under this section. 507

(G) Not more than one-half of the total costs, including debt 508
service charges and cost of operation, of a project undertaken 509
pursuant to an agreement entered into under division (B) of this 510
section shall be paid from county taxes. Nothing in this section 511
authorizes the use of revenues from county taxes or proceeds from 512
the sale of bonds issued by the board of county commissioners for 513
payment of costs of operation of a sports facility. 514

Sec. 1551.13. The director of development shall not enter 515

into any agreement for undertaking or making grants of any funds 516
or otherwise participate in any project or energy resource 517
development facility unless the agreement or the contract, 518
resolution, or other written document setting forth the 519
participation of the department of development specifies that ~~all~~ 520
the payment of wages paid to laborers and mechanics employed for 521
construction, reconstruction, improvement, enlargement, 522
alteration, repair, painting, decorating, or rehabilitation on any 523
such project or facility ~~shall be paid at the prevailing rates of~~ 524
~~wages of laborers and mechanics for the class of work called for~~ 525
~~by the project or facility, which is subject to section 4115.032~~ 526
of the Revised Code. When required by that section, such wages 527
shall be determined in accordance with the requirements of Chapter 528
4115. of the Revised Code for determination of prevailing wage 529
rates, provided that the requirements of this section do not apply 530
where the federal government or any of its agencies furnishes by 531
loan or grant all or any part of the funds used in connection with 532
any such project or facility and prescribes predetermined minimum 533
wages to be paid to such laborers and mechanics, and provided 534
further that should the user-beneficiary, other than a public 535
authority, of the project or facility undertake, as part of the 536
project or facility, construction to be performed by its regular 537
bargaining unit employees who are covered under a collective 538
bargaining agreement which was in existence prior to the date of 539
the commitment instrument setting forth the department's 540
participation, then, and in that event, the rate of pay under the 541
collective bargaining agreement may be paid to such employees. 542

Sec. 1728.07. Every approved project shall be evidenced by a 543
financial agreement between the municipal corporation and the 544
community urban redevelopment corporation. Such agreement shall be 545
prepared by the community urban redevelopment corporation and 546
submitted as a separate part of its application for project 547

approval. 548

The financial agreement shall be in the form of a contract 549
requiring full performance within twenty years from the date of 550
completion of the project and shall, as a minimum, include the 551
following: 552

(A) That all improvements in the project to be constructed or 553
acquired by the corporation shall be exempt from taxation, subject 554
to section 1728.10 of the Revised Code; 555

(B) That the corporation shall make payments in lieu of real 556
estate taxes not less than the amount as provided by section 557
1728.11 of the Revised Code; or if the municipal corporation is an 558
impacted city, not less than the amount as provided by section 559
1728.111 of the Revised Code; 560

(C) That the corporation, its successors and assigns, shall 561
use, develop, and redevelop the real property of the project in 562
accordance with, and for the period of, the community development 563
plan approved by the governing body of the municipal corporation 564
for the blighted area in which the project is situated and shall 565
so bind its successors and assigns by appropriate agreements and 566
covenants running with the land enforceable by the municipal 567
corporation. 568

(D) If the municipal corporation is an impacted city, the 569
extent of the undertakings and activities of the corporation for 570
the elimination and for the prevention of the development or 571
spread of blight. 572

(E) That the corporation or the municipal corporation, or 573
both, shall provide for carrying out relocation of persons, 574
families, business concerns, and others displaced by the project, 575
pursuant to a relocation plan, including the method for the 576
relocation of residents in decent, safe, and sanitary dwelling 577
accommodations, and reasonable moving costs, determined to be 578

feasible by the governing body of the municipal corporation. Where 579
the relocation plan is carried out by the corporation, its 580
officers, employees, agents, or lessees, the municipal corporation 581
shall enforce and supervise the corporation's compliance with the 582
relocation plan. If the corporation refuses or fails to comply 583
with the relocation plan and the municipal corporation fails or 584
refuses to enforce compliance with such plan, the director of 585
development may request the attorney general to commence a civil 586
action against the municipality and the corporation to require 587
compliance with such relocation plan. Prior to requesting action 588
by the attorney general the director shall give notice of the 589
proposed action to the municipality and the corporation, provide 590
an opportunity to such municipality and corporation for 591
discussions on the matter, and allow a reasonable time in which 592
the corporation may begin compliance with the relocation plan, or 593
the municipality may commence enforcement of the relocation plan. 594

(F) That the corporation shall submit annually, within ninety 595
days after the close of its fiscal year, its auditor's reports to 596
the mayor and governing body of the municipal corporation; 597

(G) That the corporation shall, upon request, permit 598
inspection of property, equipment, buildings, and other facilities 599
of the corporation, and also permit examination and audit of its 600
books, contracts, records, documents, and papers by authorized 601
representatives of the municipal corporation; 602

(H) That in the event of any dispute between the parties the 603
matters in controversy shall be resolved by arbitration in the 604
manner provided therein; 605

(I) That operation under the financial agreement is 606
terminable by the corporation in the manner provided by Chapter 607
1728. of the Revised Code; 608

(J) That the corporation shall, at all times prior to the 609

expiration or other termination of the financial agreement, remain 610
bound by Chapter 1728. of the Revised Code; 611

(K) That ~~all the payment of wages paid~~ to laborers and 612
mechanics employed for work on such projects, other than for 613
residential structures containing seven or less family units, 614
~~shall be paid at the prevailing rates of wages of laborers and~~ 615
~~mechanics for the class of work called for by the project, which~~ 616
is subject to section 4115.032 of the Revised Code. When required 617
by that section, such wages shall be determined in accordance with 618
the requirements of Chapter 4115. of the Revised Code for 619
determination of prevailing wage rates, provided that the 620
requirements of this division do not apply where the federal 621
government or any of its agencies furnishes by law or grant all or 622
any part of the funds used in connection with such project and 623
prescribes predetermined minimum wages to be paid to such laborers 624
and mechanics. 625

Modifications of the financial agreement may from time to 626
time be made by agreement between the governing body of the 627
municipal corporation and the community urban redevelopment 628
corporation. 629

Sec. 3706.042. The Ohio air quality development authority 630
shall not enter into any loan agreement or grant any funds for any 631
project unless laborers and mechanics employed on such projects 632
are paid ~~at the prevailing rates of wages of laborers and~~ 633
~~mechanics for the class of work called for by such project, which~~ 634
in accordance with section 4115.032 of the Revised Code. When 635
required by that section, wages shall be determined in accordance 636
with the requirements of Chapter 4115. of the Revised Code for 637
determination of prevailing wage rates provided that the 638
requirements of this section do not apply where the federal 639
government or any of its agencies furnishes by loan or grant all 640

or any part of the funds used in connection with such project and 641
prescribes predetermined minimum wages to be paid to such laborers 642
and mechanics; and provided further that should a non-public user 643
beneficiary of the project undertake, as part of the project, 644
construction to be performed by its regular bargaining unit 645
employees who are covered under a collective bargaining agreement 646
which was in existence prior to the date of the commitment 647
instrument undertaking a loan or grant of funds then, in that 648
event, the rate of pay provided under the collective bargaining 649
agreement may be paid to such employees. 650

Sec. 4115.032. ~~Construction~~ (A) As used in this section, 651
"public money" does not include financial assistance in the form 652
of tax abatements, tax credits, tax increment financing, or any 653
other similar form of indirect public contribution to the 654
construction of a project, facility, or project facility. 655

(B) The following conditions apply to construction on any 656
project, facility, or project facility to which section 122.452, 657
122.80, 165.031, 166.02, 1551.13, 1728.07, or 3706.042 of the 658
Revised Code applies ~~is hereby deemed to:~~ 659

(1) If at least thirty-five per cent of the total overall 660
cost of the project, facility, or project facility, as fairly 661
estimated, is funded by public money, all construction on the 662
project, facility, or project facility shall be considered 663
construction of a public improvement within section 4115.03 of the 664
Revised Code. ~~All~~ 665

(2) If less than thirty-five per cent of the total overall 666
cost of the project, facility, or project facility, as fairly 667
estimated, is funded by public money, only construction on the 668
portion of the project, facility, or project facility funded by 669
public money shall be considered construction of a public 670
improvement within section 4115.03 of the Revised Code. 671

(C) All contractors and subcontractors working on ~~such~~ 672
projects, facilities, or project facilities considered public 673
improvements under division (B)(1) or (2) of this section shall be 674
subject to and comply with sections 4115.03 to 4115.16 of the 675
Revised Code, and the director of commerce shall, and any 676
interested party may, bring proceedings under such sections to 677
enforce compliance. 678

The director shall make the determination of wages as 679
required under sections 122.452, 122.80, 165.031, 166.02, 1551.13, 680
1728.07, and 3706.042 of the Revised Code and shall designate one 681
of the director's employees to act as the prevailing wage 682
coordinator under section 4115.071 for any project, facility, or 683
project facility for which a coordinator has not been designated 684
by any public authority. 685

Sec. 4115.033. ~~No~~ (A) A public authority shall not subdivide 686
a public improvement project into component parts or projects, the 687
cost of which is fairly estimated to be less than the threshold 688
levels set forth in divisions (B)(1) and (2) of section 4115.03 of 689
the Revised Code, unless the parts or projects are conceptually 690
separate and unrelated to each other, or encompass independent and 691
unrelated needs of the public authority. 692

(B) With respect to projects, facilities, or project 693
facilities that are subject to the conditions set forth in 694
division (B) of section 4115.032 of the Revised Code, a private 695
entity shall not subdivide the project, facility, or project 696
facility into component parts or projects, such that division 697
(B)(2) of that section applies to the parts or projects, unless 698
the parts or projects are conceptually separate and unrelated to 699
each other. 700

(C) In making determinations regarding whether a project is 701
subject to sections 4115.03 to 4115.21 and 4115.99 of the Revised 702

Code, the director of commerce shall consider the following 703
projects as separate, unrelated projects and shall separately 704
determine whether each project is subject to those sections: 705

(1) Environmental remediation supported by public money and 706
subsequent construction on or near the site that is facilitated by 707
that remediation; 708

(2) Construction, on a speculative basis, of a publicly 709
funded structure and any alteration of that structure by a private 710
entity that purchases it. 711

Sec. 4981.23. No bonds shall be issued under sections 4981.11 712
to 4981.26 of the Revised Code unless the resolution authorizing 713
such issuance of bonds specifies that all the payment of wages 714
paid to laborers and mechanics employed on such projects for which 715
the bonds are issued ~~shall be paid at the prevailing rates of~~ 716
~~wages of laborers and mechanics for the class of work called for~~ 717
~~by such project, which is subject to the conditions set forth in~~ 718
section 4115.032 of the Revised Code. When required by that 719
section, such wages shall be determined in accordance with the 720
requirements of Chapter 4115. of the Revised Code for 721
determination of prevailing wage rates, provided that the 722
requirements of this section do not apply where the federal 723
government or any of its agencies furnished by loan or grant all 724
or any part of the funds used in connection with such project and 725
prescribes predetermined minimum wages to be paid to such laborers 726
and mechanics; and provided further that should a nonpublic user 727
beneficiary of the project undertake, as part of the project, 728
construction to be performed by its regular bargaining unit 729
employees who are covered under a collective bargaining agreement 730
which was in existence prior to the date of the commitment 731
instrument undertaking to issue bonds then, in that event, the 732
rate of pay provided under the collective bargaining agreement may 733

be paid to such employees. 734

Sec. 6121.061. The Ohio water development authority shall not 735
issue any bonds or otherwise participate in any project authorized 736
by this chapter or Chapter 6123. of the Revised Code unless the 737
contract, resolution, or other written document setting forth the 738
board's participation specifies that ~~all~~ the payment of wages paid 739
to laborers and mechanics employed on the projects ~~shall be paid~~ 740
~~at the prevailing rates of wages of laborers and mechanics for the~~ 741
~~class of work called for by the project, which is subject to the~~ 742
conditions set forth in section 4115.032 of the Revised Code. When 743
required by that section, wages shall be determined in accordance 744
with the requirements of Chapter 4115. of the Revised Code for 745
determination of prevailing wage rates, provided that the 746
requirements of this section do not apply to loans made to boards 747
of county commissioners under division (V) of section 6121.04 of 748
the Revised Code or where the federal government or any of its 749
agencies furnishes by loan or grant all or any part of the funds 750
used in connection with the project and prescribes predetermined 751
minimum wages to be paid to the laborers and mechanics, and 752
provided that if a non-public user beneficiary of the project 753
undertakes, as part of the project, construction to be performed 754
by its regular bargaining unit employees who are covered under a 755
collective bargaining agreement that was in existence prior to the 756
date of the commitment instrument setting forth the board's 757
participation, the rate of pay provided under the collective 758
bargaining agreement may be paid to those employees. 759

760

Section 2. That existing sections 122.0818, 122.452, 165.031, 761
166.02, 307.673, 307.696, 1551.13, 1728.07, 3706.042, 4115.032, 762
4115.033, 4981.23, and 6121.061 of the Revised Code are hereby 763
repealed. 764

Section 3. Sections 1 and 2 of this act do not apply to 765
contracts governed by the sections being amended by Section 1 of 766
this act that are entered into prior to the effective date of this 767
act. 768