

As Introduced

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H. B. No. 412

Representative Blair

**Cosponsors: Representatives Adams, J., Amstutz, Blessing, Bupp, Burke,
Boose, Grossman, Huffman, Lehner, Jordan, Martin, McClain, Morgan,
Snitchler, Stebelton, Uecker, Wachtmann, Wagner, Zehringer**

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A B I L L

To amend sections 122.452, 165.031, 166.02, 307.671, 1
307.673, 1551.13, 1728.07, 3706.042, 4115.03, 2
4115.033, 4115.10, 4582.12, 4582.37, 4981.23, 3
6117.012, and 6121.061 and to repeal section 4
4115.034 of the Revised Code to limit the 5
requirement to pay the prevailing rate of wages to 6
new construction, to increase the threshold that 7
triggers the application of the Prevailing Wage 8
Law to one million dollars, and to eliminate the 9
requirement that the Director of Commerce adjust 10
that threshold on a biennial basis. 11

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

Section 1. That sections 122.452, 165.031, 166.02, 307.671, 12
307.673, 1551.13, 1728.07, 3706.042, 4115.03, 4115.033, 4115.10, 13
4582.12, 4582.37, 4981.23, 6117.012, and 6121.061 of the Revised 14
Code be amended to read as follows: 15

Sec. 122.452. The director of development shall not enter 16
into any agreement for granting a loan or insuring a mortgage 17

unless the agreement specifies that ~~all the payment of wages paid~~ 18
to laborers and mechanics employed for work on such projects ~~shall~~ 19
~~be paid at the prevailing rates of wages of laborers and mechanics~~ 20
~~for the class of work called for by such project, which is subject~~ 21
~~to sections 4115.03 to 4115.21 and 4115.99 of the Revised Code.~~ 22
When required by those sections, such wages shall be determined in 23
accordance with the requirements of ~~Chapter 4115. of the Revised~~ 24
~~Code those sections~~ for determination of prevailing wage rates, 25
provided that the requirements of this section do not apply where 26
the federal government or any of its agencies furnishes by loan or 27
grant all or any part of the funds used in connection with such 28
project and prescribes predetermined minimum wages to be paid to 29
such laborers and mechanics; and providing further that should a 30
nonpublic user beneficiary of the project undertake, as part of 31
the project, construction to be performed by its regular 32
bargaining unit, employees who are covered under a collective 33
bargaining agreement which was in existence prior to the date of 34
the commitment instrument undertaking to insure a mortgage or 35
grant a loan then, in that event, the rate of pay provided under 36
the collective bargaining agreement may be paid to such employees. 37

Sec. 165.031. No bonds shall be issued under this chapter 38
unless the resolution or ordinance authorizing such issuance of 39
bonds specifies that ~~all the payment of wages paid~~ to laborers and 40
mechanics employed on such projects for which the bonds are issued 41
~~shall be paid at the prevailing rates of wages of laborers and~~ 42
~~mechanics for the class of work called for by such project, which~~ 43
is subject to sections 4115.03 to 4115.21 and 4115.99 of the 44
Revised Code. When required by those sections, such wages shall be 45
determined in accordance with the requirements of ~~Chapter 4115. of~~ 46
~~the Revised Code those sections~~ for determination of prevailing 47
wage rates, provided that the requirements of this section do not 48
apply where the federal government or any of its agencies 49

furnished by loan or grant all or any part of the funds used in 50
connection with such project and prescribes predetermined minimum 51
wages to be paid to such laborers and mechanics; and provided 52
further that should a nonpublic user beneficiary of the project 53
undertake, as part of the project, construction to be performed by 54
its regular bargaining unit employees who are covered under a 55
collective bargaining agreement which was in existence prior to 56
the date of the commitment instrument undertaking to issue bonds 57
then, in that event, the rate of pay provided under the collective 58
bargaining agreement may be paid to such employees. 59

Sec. 166.02. (A) The general assembly finds that many local 60
areas throughout the state are experiencing economic stagnation or 61
decline, and that the economic development programs provided for 62
in this chapter will constitute deserved, necessary reinvestment 63
by the state in those areas, materially contribute to their 64
economic revitalization, and result in improving the economic 65
welfare of all the people of the state. Accordingly, it is 66
declared to be the public policy of the state, through the 67
operations of this chapter and other applicable laws adopted 68
pursuant to Section 2p or 13 of Article VIII, Ohio Constitution, 69
and other authority vested in the general assembly, to assist in 70
and facilitate the establishment or development of eligible 71
projects or assist and cooperate with any governmental agency in 72
achieving such purpose. 73

(B) In furtherance of such public policy and to implement 74
such purpose, the director of development may: 75

(1) After consultation with appropriate governmental 76
agencies, enter into agreements with persons engaged in industry, 77
commerce, distribution, or research and with governmental agencies 78
to induce such persons to acquire, construct, reconstruct, 79
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 80

otherwise develop, eligible projects and make provision therein 81
for project facilities and governmental actions, as authorized by 82
this chapter and other applicable laws, subject to any required 83
actions by the general assembly or the controlling board and 84
subject to applicable local government laws and regulations; 85

(2) Provide for the guarantees and loans as provided for in 86
sections 166.06 and 166.07 of the Revised Code; 87

(3) Subject to release of such moneys by the controlling 88
board, contract for labor and materials needed for, or contract 89
with others, including governmental agencies, to provide, project 90
facilities the allowable costs of which are to be paid for or 91
reimbursed from moneys in the facilities establishment fund, and 92
contract for the operation of such project facilities; 93

(4) Subject to release thereof by the controlling board, from 94
moneys in the facilities establishment fund acquire or contract to 95
acquire by gift, exchange, or purchase, including the obtaining 96
and exercise of purchase options, property, and convey or 97
otherwise dispose of, or provide for the conveyance or disposition 98
of, property so acquired or contracted to be acquired by sale, 99
exchange, lease, lease purchase, conditional or installment sale, 100
transfer, or other disposition, including the grant of an option 101
to purchase, to any governmental agency or to any other person 102
without necessity for competitive bidding and upon such terms and 103
conditions and manner of consideration pursuant to and as the 104
director determines to be appropriate to satisfy the objectives of 105
sections 166.01 to 166.11 of the Revised Code; 106

(5) Retain the services of or employ financial consultants, 107
appraisers, consulting engineers, superintendents, managers, 108
construction and accounting experts, attorneys, and employees, 109
agents, and independent contractors as are necessary in the 110
director's judgment and fix the compensation for their services; 111

(6) Receive and accept from any person grants, gifts, and	112
contributions of money, property, labor, and other things of	113
value, to be held, used and applied only for the purpose for which	114
such grants, gifts, and contributions are made;	115
(7) Enter into appropriate arrangements and agreements with	116
any governmental agency for the taking or provision by that	117
governmental agency of any governmental action;	118
(8) Do all other acts and enter into contracts and execute	119
all instruments necessary or appropriate to carry out the	120
provisions of this chapter;	121
(9) Adopt rules to implement any of the provisions of this	122
chapter applicable to the director.	123
(C) The determinations by the director that facilities	124
constitute eligible projects, that facilities are project	125
facilities, that costs of such facilities are allowable costs, and	126
all other determinations relevant thereto or to an action taken or	127
agreement entered into shall be conclusive for purposes of the	128
validity and enforceability of rights of parties arising from	129
actions taken and agreements entered into under this chapter.	130
(D) Except as otherwise prescribed in this chapter, all	131
expenses and obligations incurred by the director in carrying out	132
the director's powers and in exercising the director's duties	133
under this chapter, shall be payable solely from, as appropriate,	134
moneys in the facilities establishment fund, the loan guarantee	135
fund, the innovation Ohio loan guarantee fund, the innovation Ohio	136
loan fund, the research and development loan fund, the logistics	137
and distribution infrastructure fund, the logistics and	138
distribution infrastructure taxable bond fund, or moneys	139
appropriated for such purpose by the general assembly. This	140
chapter does not authorize the director or the issuing authority	141
under section 166.08 of the Revised Code to incur bonded	142

indebtedness of the state or any political subdivision thereof, or 143
to obligate or pledge moneys raised by taxation for the payment of 144
any bonds or notes issued or guarantees made pursuant to this 145
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 sections 4115.03 to 4115.21 and 4115.99 of the Revised 154
Code. When required by those sections, such wages shall be 155
determined in accordance with the requirements of ~~Chapter 4115. of~~ 156
~~the Revised Code those sections~~ for determination of prevailing 157
wage rates, provided that the requirements of this division do not 158
apply where the federal government or any of its agencies provides 159
financing assistance as to all or any part of the funds used in 160
connection with such project facilities and prescribes 161
predetermined minimum wages to be paid to such laborers and 162
mechanics; and provided further that should a nonpublic user 163
beneficiary of the eligible project undertake, as part of the 164
eligible project, construction to be performed by its regular 165
bargaining unit employees who are covered under a collective 166
bargaining agreement which was in existence prior to the date of 167
the document authorizing such assistance then, in that event, the 168
rate of pay provided under the collective bargaining agreement may 169
be paid to such employees. 170

(F) Any governmental agency may enter into an agreement with 171
the director, any other governmental agency, or a person to be 172
assisted under this chapter, to take or provide for the purposes 173
of this chapter any governmental action it is authorized to take 174

or provide, and to undertake on behalf and at the request of the 175
director any action which the director is authorized to undertake 176
pursuant to divisions (B)(3), (4), and (5) of this section or 177
divisions (B)(3), (4), and (5) of section 166.12 of the Revised 178
Code. Governmental agencies of the state shall cooperate with and 179
provide assistance to the director of development and the 180
controlling board in the exercise of their respective functions 181
under this chapter. 182

Sec. 307.671. (A) As used in this section: 183

(1) "Bonds" means, as the context requires: general 184
obligation bonds of the county, or notes in anticipation thereof, 185
described in division (B)(1)(b) of this section; revenue bonds of 186
the port authority described in division (B)(2)(a) of this 187
section; and urban renewal bonds, or notes in anticipation 188
thereof, of the host municipal corporation described in division 189
(B)(3)(a) of this section. 190

(2) "Corporation" means a nonprofit corporation that is 191
organized under the laws of this state and that includes within 192
the purposes for which it is incorporated the authorization to 193
lease and operate facilities such as a port authority educational 194
and cultural facility. 195

(3) "Debt service charges" means, for any period or payable 196
at any time, the principal of and interest and any premium due on 197
bonds for that period or payable at that time whether due at 198
maturity or upon mandatory redemption, together with any required 199
deposits to reserves for the payment of principal of and interest 200
on such bonds, and includes any payments required by the port 201
authority to satisfy any of its obligations arising from any 202
guaranty agreements, reimbursement agreements, or other credit 203
enhancement agreements described in division (C) of this section. 204

(4) "Host municipal corporation" means the municipal 205

corporation within the boundaries of which the port authority 206
educational and cultural facility is located. 207

(5) "Port authority" means a port authority created pursuant 208
to the authority of section 4582.02 of the Revised Code by a 209
county and a host municipal corporation. 210

(6) "Port authority educational and cultural facility" means 211
a facility located within an urban renewal area that may consist 212
of a museum, archives, library, hall of fame, center for 213
contemporary music, or other facilities necessary to provide 214
programs of an educational and cultural nature, together with all 215
parking facilities, walkways, and other auxiliary facilities, real 216
and personal property, property rights, easements, and interests 217
that may be appropriate for, or used in connection with, the 218
operation of the facility. 219

(7) "Urban renewal area" means an area of a host municipal 220
corporation that the legislative authority of the host municipal 221
corporation has, at any time, designated as appropriate for an 222
urban renewal project pursuant to Chapter 725. of the Revised 223
Code. 224

(B) The board of county commissioners of a county, a port 225
authority, and a host municipal corporation may enter into a 226
cooperative agreement with a corporation, under which: 227

(1) The board of county commissioners agrees to do all of the 228
following: 229

(a) Levy a tax under division (D) of section 5739.09 of the 230
Revised Code exclusively for the purposes described in divisions 231
(B)(1)(c) and (d) of this section; 232

(b) Issue general obligation bonds of the county, or notes in 233
anticipation thereof, pursuant to Chapter 133. of the Revised 234
Code, for the purpose of acquiring, constructing, and equipping 235
the port authority educational and cultural facility and 236

contribute the proceeds from the issuance to the port authority 237
for such purpose. The cooperative agreement may provide that such 238
proceeds be deposited with and administered by the trustee 239
pursuant to the trust agreement provided for in division (C) of 240
this section. 241

(c) Following the issuance, sale, and delivery of the port 242
authority revenue bonds provided for in division (B)(2)(a) of this 243
section, and prior to the date certain stated in the cooperative 244
agreement which shall be the date estimated for the completion of 245
construction of the port authority educational and cultural 246
facility, pledge and contribute to the port authority revenue from 247
the tax levied pursuant to division (B)(1)(a) of this section, 248
together with any investment earnings on that revenue, to pay a 249
portion of the costs of acquiring, constructing, and equipping the 250
port authority educational and cultural facility; 251

(d) Following such date certain, pledge and contribute to the 252
corporation all or such portion as provided for in the cooperative 253
agreement of the revenue from the tax, together with any 254
investment earnings on that revenue, to pay a portion of the costs 255
of the corporation of leasing the port authority educational and 256
cultural facility from the port authority. 257

(2) The port authority agrees to do all of the following: 258

(a) Issue revenue bonds of the port authority pursuant to 259
Chapter 4582. of the Revised Code for the purpose of acquiring, 260
constructing, and equipping the port authority educational and 261
cultural facility; 262

(b) Construct the port authority educational and cultural 263
facility; 264

(c) Lease the port authority educational and cultural 265
facility to the corporation; 266

(d) To the extent provided for in the cooperative agreement 267

or the lease to the corporation, authorize the corporation to 268
administer on behalf of the port authority the contracts for 269
acquiring, constructing, or equipping a port authority educational 270
and cultural facility; 271

(e) Use the revenue derived from the lease of the port 272
authority educational and cultural facility to the corporation 273
solely to pay debt service charges on the revenue bonds of the 274
port authority described in division (B)(2)(a) of this section. 275

(3) The host municipal corporation agrees to do both of the 276
following: 277

(a) Issue urban renewal bonds of the host municipal 278
corporation, or notes in anticipation thereof, pursuant to Chapter 279
725. of the Revised Code for the purpose of acquiring and 280
constructing the port authority educational and cultural facility 281
and contribute the proceeds from the issuance to the port 282
authority for such purpose. The cooperative agreement may provide 283
that such proceeds be deposited with and administered by the 284
trustee pursuant to the trust agreement provided for in division 285
(C) of this section. 286

(b) To the extent provided for in the cooperative agreement, 287
contribute to the county, for use by the county to pay debt 288
service charges on the bonds of the county, or notes in 289
anticipation thereof, described in division (B)(1)(b) of this 290
section, any excess urban renewal service payments pledged by the 291
host municipal corporation to the urban renewal bonds described in 292
division (B)(3)(a) of this section and not required on an annual 293
basis to pay debt service charges on the urban renewal bonds. 294

(4) The corporation agrees to do all of the following: 295

(a) Lease the port authority educational and cultural 296
facility from the port authority; 297

(b) Operate and maintain the port authority educational and 298

cultural facility pursuant to the lease; 299

(c) To the extent provided for in the cooperative agreement 300
or the lease from the port authority, administer on behalf of the 301
port authority the contracts for acquiring, constructing, or 302
equipping a port authority educational and cultural facility. 303

(C) The pledges and contributions described in divisions 304
(B)(1)(c) and (d) of this section and provided for in the 305
cooperative agreement shall be for the period stated in the 306
cooperative agreement, but shall not be in excess of the period 307
necessary to provide for the final retirement of the port 308
authority revenue bonds provided for in division (B)(2)(a) of this 309
section and any bonds issued by the port authority to refund such 310
bonds, and for the satisfaction by the port authority of any of 311
its obligations arising from any guaranty agreements, 312
reimbursement agreements, or other credit enhancement agreements 313
relating to such bonds or to the revenues pledged to such bonds. 314
The cooperative agreement shall provide for the termination of the 315
cooperative agreement including the pledges and contributions 316
described in divisions (B)(1)(c) and (d) of this section if the 317
port authority revenue bonds provided for in division (B)(2)(a) of 318
this section have not been issued, sold, and delivered within two 319
years of the effective date of the cooperative agreement. 320

The cooperative agreement shall provide that any revenue 321
bonds of the port authority shall be secured by a trust agreement 322
between the port authority and a corporate trustee that is a trust 323
company or bank having the powers of a trust company within or 324
outside the state. The county may be a party to such trust 325
agreement for the purpose of securing the pledge by the county of 326
its contribution to the corporation pursuant to division (B)(1)(d) 327
of this section. A tax levied pursuant to division (B)(1)(a) of 328
this section is not subject to diminution by initiative or 329
referendum or diminution by statute, unless provision is made 330

therein for an adequate substitute therefor reasonably 331
satisfactory to the trustee under the trust agreement that secures 332
the revenue bonds of the port authority. 333

(D) A pledge of money by a county under this section shall 334
not be net indebtedness of the county for purposes of section 335
133.07 of the Revised Code. 336

(E) If the terms of the cooperative agreement so provide, any 337
contract for the acquisition, construction, or equipping of a port 338
authority educational and cultural facility shall be made in such 339
manner as is determined by the board of directors of the port 340
authority, and unless the cooperative agreement provides 341
otherwise, such a contract is not subject to division (A) of 342
section 4582.12 of the Revised Code. The port authority may take 343
the assignment of and assume any contracts for the acquisition, 344
construction, and equipping of a port authority educational and 345
cultural facility that previously have been authorized by either 346
or both the host municipal corporation or the corporation. Such 347
contracts likewise are not subject to division (A) of section 348
4582.12 of the Revised Code. 349

Any contract for the ~~acquisition, construction, or equipping~~ 350
of a port authority educational and cultural facility entered 351
into, assigned, or assumed pursuant to this division shall provide 352
that all the payment of wages to laborers and mechanics employed 353
for the ~~acquisition, construction, or equipping~~ of the port 354
authority educational and cultural facility ~~shall be paid at the~~ 355
~~prevailing rates of wages of laborers and mechanics for the class~~ 356
~~of work called for by the port authority educational and cultural~~ 357
~~facility, which is subject to sections 4115.03 to 4115.21 and~~ 358
4115.99 of the Revised Code. When required by those sections, such 359
wages shall be determined in accordance with the requirements of 360
~~Chapter 4115. of the Revised Code~~ those sections for the 361
determination of prevailing wage rates. 362

Sec. 307.673. This section applies only in a county in which 363
a tax is levied under section 307.697, 4301.421, 5743.024, or 364
5743.323 of the Revised Code on ~~the effective date of this~~ 365
~~amendment~~ July 19, 1995. 366

(A) As used in this section: 367

(1) "County taxes" means taxes levied by a board of county 368
commissioners under division (D) of section 307.697, division (B) 369
of section 4301.421, division (C) of section 5743.024, and section 370
5743.323 of the Revised Code. 371

(2) "Corporation" means a nonprofit corporation organized 372
under the laws of this state and that includes among the purposes 373
for which it is incorporated the authority to acquire, construct, 374
renovate, equip, lease, manage, or operate a sports facility. 375

(3) "Cooperative agreement" means an agreement entered into 376
pursuant to this section. 377

(4) "Cost of a sports facility" means the cost of acquiring, 378
constructing, renovating, equipping, or improving one or more 379
sports facilities, including reconstructing, rehabilitating, 380
remodeling, and enlarging; the cost of equipping and furnishing 381
such a facility; and all financing costs pertaining thereto, 382
including the cost of engineering, architectural, and other 383
professional services, designs, plans, specifications and surveys, 384
and estimates of costs; the costs of refinancing obligations 385
issued by, or reimbursement of money advanced by, the parties to 386
the cooperative agreement or other persons, the proceeds of which 387
obligations were used to pay the costs of the sports facility; the 388
cost of tests and inspections; the cost of any indemnity or surety 389
bonds and premiums on insurance, all related direct and 390
administrative costs pertaining thereto, fees and expenses of 391
trustees, depositories, and paying agents for the obligations, 392
capitalized interest on the obligations, amounts necessary to 393

establish reserves as required by the obligation proceedings, the 394
reimbursement of money advanced or applied by the parties to the 395
cooperative agreement or other persons for the payment of any item 396
of costs of the sports facility, and all other expenses necessary 397
or incident to planning or determining the feasibility or 398
practicability with respect to the sports facility; and any other 399
such expenses as may be necessary or incident to the acquisition, 400
construction, reconstruction, rehabilitation, remodeling, 401
renovation, enlargement, improvement, equipping, and furnishing of 402
the sports facility, the financing of the sports facility, placing 403
the sports facility in use and operation, including any one, part 404
of, or combination of such classes of costs and expenses. 405

(5) "Financing costs" has the same meaning as in section 406
133.01 of the Revised Code. 407

(6) "Obligations" means obligations issued or incurred to pay 408
the cost of a sports facility, including bonds, notes, 409
certificates of indebtedness, commercial paper, and other 410
instruments in writing, anticipatory securities as defined in 411
section 133.01 of the Revised Code, issued or incurred by an 412
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 413
this section, or otherwise, to evidence the issuer's obligation to 414
repay borrowed money, or to pay interest, by, or to pay at any 415
future time other money obligations of, the issuer of the 416
obligations, including obligations of an issuer or lessee to make 417
payments under an installment sale, lease, lease-purchase, or 418
similar agreement. 419

(7) "Owner" means any person that owns or operates a 420
professional athletic or sports team, that is party to a 421
cooperative agreement, or that has a lease or other agreement with 422
a party to a cooperative agreement, and that commits to use the 423
sports facility that is the subject of the cooperative agreement 424
for all of the team's home games for the period specified in that 425

agreement. 426

(8) "Payments," when used with reference to obligations, 427
means payments of the principal, including any mandatory sinking 428
fund deposits and mandatory redemption payments, interest and any 429
redemption premium, and lease rentals, lease-purchase payments and 430
other amounts payable under obligations in the form of installment 431
sale, lease, lease-purchase, or similar agreements. 432

(9) "Person" has the same meaning as defined in section 433
133.01 of the Revised Code. 434

(10) "Port authority" means a port authority created under 435
Chapter 4582. of the Revised Code. 436

(11) "Sports facility" means a facility, including a stadium, 437
that is intended to house or provide a site for one or more major 438
league professional athletic or sports teams or activities, 439
together with all spectator facilities, parking facilities, 440
walkways, and auxiliary facilities, real and personal property, 441
property rights, easements, leasehold estates, and interests that 442
may be appropriate for, or used in connection with, the operation 443
of the sports facility. 444

(B) The board of county commissioners of a county, the 445
legislative authority of a municipal corporation, a port 446
authority, a corporation, and an owner, or any combination 447
thereof, may enter into one or more cooperative agreements under 448
which the parties enter into one or more of the agreements 449
described in divisions (B)(1) to (5) of this section. 450

(1) The board of county commissioners agrees to do one or 451
more of the following: 452

(a) Levy a tax under division (D) of section 307.697, 453
division (B) of section 4301.421, division (C) of section 454
5743.024, and section 5743.323 of the Revised Code and make 455
available all or a portion of the revenue from those taxes for the 456

payment of the cost of the sports facility or to make payments on 457
obligations; 458

(b) Issue or incur obligations of the county pursuant to 459
Chapter 133. of the Revised Code or this section; 460

(c) Make available all or a portion of the revenue from those 461
taxes or of the proceeds from the issuance of those obligations to 462
the municipal corporation, port authority, corporation, or 463
otherwise for the payment of the cost of a sports facility or the 464
payment of obligations; 465

(d) Acquire, construct, renovate, equip, lease to or from 466
another person, and operate, directly or by a lease or management 467
contract with another person, one or more sports facilities; 468

(e) To the extent provided in the cooperative agreement or a 469
lease with respect to a sports facility, authorize the municipal 470
corporation, port authority, corporation, or owner to administer 471
contracts for designing, planning, acquiring, constructing, 472
renovating, or equipping a sports facility. 473

(2) The port authority agrees to do one or more of the 474
following: 475

(a) Issue or incur obligations of the port authority pursuant 476
to Chapter 133. or 4582. of the Revised Code or this section; 477

(b) Make available all or a portion of the proceeds from the 478
issuance of those obligations to the municipal corporation, 479
county, or corporation for the payment of the cost of a sports 480
facility or the payment of obligations; 481

(c) Acquire, construct, renovate, equip, lease to or from 482
another person, and operate, directly or by a lease or management 483
contract with another person, one or more sports facilities; 484

(d) To the extent provided in the cooperative agreement or a 485
lease with respect to a sports facility, authorize the municipal 486

corporation, county, corporation, or owner to administer contracts 487
for designing, planning, acquiring, constructing, renovating, or 488
equipping a sports facility. 489

(3) The legislative authority of the municipal corporation 490
agrees to do one or more of the following: 491

(a) Make available the revenue from taxes levied by the 492
legislative authority for the payment of the cost of a sports 493
facility or to make payments on obligations; 494

(b) Issue or incur obligations of the municipal corporation 495
pursuant to Chapter 133. of the Revised Code or otherwise; 496

(c) Make available all or a portion of the proceeds from the 497
issuance of those obligations to the county, port authority, 498
corporation, or otherwise for the payment of the cost of a sports 499
facility or the payment of obligations; 500

(d) Acquire, construct, renovate, equip, lease to or from 501
another person, and operate, directly or by a lease or management 502
contract with another person, one or more sports facilities; 503

(e) To the extent provided in the cooperative agreement or a 504
lease with respect to a sports facility, authorize the county, 505
port authority, corporation, or owner to administer contracts for 506
designing, planning, acquiring, constructing, renovating, or 507
equipping a sports facility. 508

(4) The corporation agrees to do one or more of the 509
following: 510

(a) Issue or incur obligations; 511

(b) Make available all or a portion of the proceeds from the 512
issuance of those obligations to the county, port authority, 513
municipal corporation, or otherwise for the payment of the cost of 514
a sports facility or the payment of obligations; 515

(c) Acquire, construct, renovate, equip, lease to or from 516

another person, and operate, directly or by a lease or management 517
contract with another person, one or more sports facilities; 518

(d) To the extent provided in the cooperative agreement or a 519
lease with respect to a sports facility, agree that the 520
corporation will administer contracts for designing, planning, 521
acquiring, constructing, renovating, or equipping a sports 522
facility. 523

(5) The owner agrees to do one or more of the following: 524

(a) Use the sports facility that is the subject of the 525
cooperative agreement for all of the home games of the owner's 526
professional athletic or sports team for a specified period; 527

(b) Administer contracts for designing, planning, acquiring, 528
constructing, renovating, or equipping a sports facility. 529

(C) Any obligations may be secured by a trust agreement 530
between the issuer of obligations and a corporate trustee that is 531
a trust company or bank having the powers of a trust company in or 532
outside this state and authorized to exercise corporate trust 533
powers in this state. Proceeds from the issuance of any 534
obligations or the taxes levied and collected by any party to the 535
cooperative agreement may be deposited with and administered by a 536
trustee pursuant to the trust agreement. 537

(D) Any contract for the ~~acquisition, construction,~~ 538
~~renovation, or equipping~~ of a sports facility entered into, 539
assigned, or assumed under this section shall provide that all the 540
payment of wages to laborers and mechanics employed in the 541
~~acquisition, construction, renovation, or equipping~~ of the sports 542
facility ~~shall be paid at the prevailing rates of wages of~~ 543
~~laborers and mechanics for the class of work called for, as those~~ 544
is subject to sections 4115.03 to 4115.21 and 4115.99 of the 545
Revised Code. When required by those sections, such wages are 546
shall be determined in accordance with Chapter 4115. of the 547

~~Revised Code~~ those sections. 548

Sec. 1551.13. The director of development shall not enter 549
into any agreement for undertaking or making grants of any funds 550
or otherwise participate in any project or energy resource 551
development facility unless the agreement or the contract, 552
resolution, or other written document setting forth the 553
participation of the department of development specifies that ~~all~~ 554
the payment of wages paid to laborers and mechanics employed for 555
~~construction, reconstruction, improvement, enlargement,~~ 556
~~alteration, repair, painting, decorating, or rehabilitation on of~~ 557
any such project or facility ~~shall be paid at the prevailing rates~~ 558
~~of wages of laborers and mechanics for the class of work called~~ 559
~~for by the project or facility, which is subject to sections~~ 560
4115.03 to 4115.21 and 4115.99 of the Revised Code. When required 561
by those sections, such wages shall be determined in accordance 562
with the requirements of ~~Chapter 4115. of the Revised Code~~ those 563
sections for determination of prevailing wage rates, provided that 564
the requirements of this section do not apply where the federal 565
government or any of its agencies furnishes by loan or grant all 566
or any part of the funds used in connection with any such project 567
or facility and prescribes predetermined minimum wages to be paid 568
to such laborers and mechanics, and provided further that should 569
the user-beneficiary, other than a public authority, of the 570
project or facility undertake, as part of the project or facility, 571
construction to be performed by its regular bargaining unit 572
employees who are covered under a collective bargaining agreement 573
which was in existence prior to the date of the commitment 574
instrument setting forth the department's participation, then, and 575
in that event, the rate of pay under the collective bargaining 576
agreement may be paid to such employees. 577

Sec. 1728.07. Every approved project shall be evidenced by a 578

financial agreement between the municipal corporation and the 579
community urban redevelopment corporation. Such agreement shall be 580
prepared by the community urban redevelopment corporation and 581
submitted as a separate part of its application for project 582
approval. 583

The financial agreement shall be in the form of a contract 584
requiring full performance within twenty years from the date of 585
completion of the project and shall, as a minimum, include the 586
following: 587

(A) That all improvements in the project to be constructed or 588
acquired by the corporation shall be exempt from taxation, subject 589
to section 1728.10 of the Revised Code; 590

(B) That the corporation shall make payments in lieu of real 591
estate taxes not less than the amount as provided by section 592
1728.11 of the Revised Code; or if the municipal corporation is an 593
impacted city, not less than the amount as provided by section 594
1728.111 of the Revised Code; 595

(C) That the corporation, its successors and assigns, shall 596
use, develop, and redevelop the real property of the project in 597
accordance with, and for the period of, the community development 598
plan approved by the governing body of the municipal corporation 599
for the blighted area in which the project is situated and shall 600
so bind its successors and assigns by appropriate agreements and 601
covenants running with the land enforceable by the municipal 602
corporation. 603

(D) If the municipal corporation is an impacted city, the 604
extent of the undertakings and activities of the corporation for 605
the elimination and for the prevention of the development or 606
spread of blight. 607

(E) That the corporation or the municipal corporation, or 608
both, shall provide for carrying out relocation of persons, 609

families, business concerns, and others displaced by the project, 610
pursuant to a relocation plan, including the method for the 611
relocation of residents in decent, safe, and sanitary dwelling 612
accommodations, and reasonable moving costs, determined to be 613
feasible by the governing body of the municipal corporation. Where 614
the relocation plan is carried out by the corporation, its 615
officers, employees, agents, or lessees, the municipal corporation 616
shall enforce and supervise the corporation's compliance with the 617
relocation plan. If the corporation refuses or fails to comply 618
with the relocation plan and the municipal corporation fails or 619
refuses to enforce compliance with such plan, the director of 620
development may request the attorney general to commence a civil 621
action against the municipality and the corporation to require 622
compliance with such relocation plan. Prior to requesting action 623
by the attorney general the director shall give notice of the 624
proposed action to the municipality and the corporation, provide 625
an opportunity to such municipality and corporation for 626
discussions on the matter, and allow a reasonable time in which 627
the corporation may begin compliance with the relocation plan, or 628
the municipality may commence enforcement of the relocation plan. 629

(F) That the corporation shall submit annually, within ninety 630
days after the close of its fiscal year, its auditor's reports to 631
the mayor and governing body of the municipal corporation; 632

(G) That the corporation shall, upon request, permit 633
inspection of property, equipment, buildings, and other facilities 634
of the corporation, and also permit examination and audit of its 635
books, contracts, records, documents, and papers by authorized 636
representatives of the municipal corporation; 637

(H) That in the event of any dispute between the parties the 638
matters in controversy shall be resolved by arbitration in the 639
manner provided therein; 640

(I) That operation under the financial agreement is 641

terminable by the corporation in the manner provided by Chapter 642
1728. of the Revised Code; 643

(J) That the corporation shall, at all times prior to the 644
expiration or other termination of the financial agreement, remain 645
bound by Chapter 1728. of the Revised Code; 646

(K) That ~~all the payment of wages paid~~ to laborers and 647
mechanics employed for work on such projects, other than for 648
residential structures containing seven or less family units, 649
~~shall be paid at the prevailing rates of wages of laborers and~~ 650
~~mechanics for the class of work called for by the project, which~~ 651
is subject to sections 4115.03 to 4115.21 and 4115.99 of the 652
Revised Code. When required by those sections, such wages shall be 653
determined in accordance with the requirements of ~~Chapter 4115. of~~ 654
~~the Revised Code~~ those sections for determination of prevailing 655
wage rates, provided that the requirements of this division do not 656
apply where the federal government or any of its agencies 657
furnishes by law or grant all or any part of the funds used in 658
connection with such project and prescribes predetermined minimum 659
wages to be paid to such laborers and mechanics. 660

Modifications of the financial agreement may from time to 661
time be made by agreement between the governing body of the 662
municipal corporation and the community urban redevelopment 663
corporation. 664

Sec. 3706.042. The Ohio air quality development authority 665
shall not enter into any loan agreement or grant any funds for any 666
project unless laborers and mechanics employed on such projects 667
are paid ~~at the prevailing rates of wages of laborers and~~ 668
~~mechanics for the class of work called for by such project, which~~ 669
in accordance with sections 4115.03 to 4115.21 and 4115.99 of the 670
Revised Code. When required by those sections, such wages shall be 671
determined in accordance with the requirements of ~~Chapter 4115. of~~ 672

~~the Revised Code~~ those sections for determination of prevailing 673
wage rates provided that the requirements of this section do not 674
apply where the federal government or any of its agencies 675
furnishes by loan or grant all or any part of the funds used in 676
connection with such project and prescribes predetermined minimum 677
wages to be paid to such laborers and mechanics; and provided 678
further that should a non-public user beneficiary of the project 679
undertake, as part of the project, construction to be performed by 680
its regular bargaining unit employees who are covered under a 681
collective bargaining agreement which was in existence prior to 682
the date of the commitment instrument undertaking a loan or grant 683
of funds then, in that event, the rate of pay provided under the 684
collective bargaining agreement may be paid to such employees. 685

Sec. 4115.03. As used in sections 4115.03 to 4115.16 of the 686
Revised Code: 687

(A) "Public authority" means any officer, board, or 688
commission of the state, or any political subdivision of the 689
state, authorized to enter into a contract for the construction of 690
a public improvement or to construct the same by the direct 691
employment of labor, or any institution supported in whole or in 692
part by public funds and said sections apply to expenditures of 693
such institutions made in whole or in part from public funds. 694

(B) "Construction" means ~~either of the following:~~ 695

~~(1) Any~~ any new construction of any public improvement, the 696
total overall project cost of which is fairly estimated to be more 697
than ~~fifty thousand~~ one million dollars ~~adjusted biennially by the~~ 698
~~director of commerce pursuant to section 4115.034 of the Revised~~ 699
~~Code~~ and performed by other than full-time employees who have 700
completed their probationary periods in the classified service of 701
a public authority; 702

~~(2) Any reconstruction, enlargement, alteration, repair,~~ 703

~~remodeling, renovation, or painting of any public improvement, the 704
total overall project cost of which is fairly estimated to be more 705
than fifteen thousand dollars adjusted biennially by the 706
administrator pursuant to section 4115.034 of the Revised Code and 707
performed by other than full time employees who have completed 708
their probationary period in the classified civil service of a 709
public authority. 710~~

(C) "Public improvement" includes all buildings, roads, 711
streets, alleys, sewers, ditches, sewage disposal plants, water 712
works, and all other structures or works constructed by a public 713
authority of the state or any political subdivision thereof or by 714
any person who, pursuant to a contract with a public authority, 715
constructs any structure for a public authority of the state or a 716
political subdivision thereof. When a public authority rents or 717
leases a newly constructed structure within six months after 718
completion of such construction, all work performed on such 719
structure to suit it for occupancy by a public authority is a 720
"public improvement." "Public improvement" does not include an 721
improvement authorized by section 1515.08 of the Revised Code that 722
is constructed pursuant to a contract with a soil and water 723
conservation district, as defined in section 1515.01 of the 724
Revised Code, or performed as a result of a petition filed 725
pursuant to Chapter 6131., 6133., or 6135. of the Revised Code, 726
wherein no less than seventy-five per cent of the project is 727
located on private land and no less than seventy-five per cent of 728
the cost of the improvement is paid for by private property owners 729
pursuant to Chapter 1515., 6131., 6133., or 6135. of the Revised 730
Code. 731

(D) "Locality" means the county wherein the physical work 732
upon any public improvement is being performed. 733

(E) "Prevailing wages" means the sum of the following: 734

(1) The basic hourly rate of pay; 735

(2) The rate of contribution irrevocably made by a contractor	736
or subcontractor to a trustee or to a third person pursuant to a	737
fund, plan, or program;	738
(3) The rate of costs to the contractor or subcontractor	739
which may be reasonably anticipated in providing the following	740
fringe benefits to laborers and mechanics pursuant to an	741
enforceable commitment to carry out a financially responsible plan	742
or program which was communicated in writing to the laborers and	743
mechanics affected:	744
(a) Medical or hospital care or insurance to provide such;	745
(b) Pensions on retirement or death or insurance to provide	746
such;	747
(c) Compensation for injuries or illnesses resulting from	748
occupational activities if it is in addition to that coverage	749
required by Chapters 4121. and 4123. of the Revised Code;	750
(d) Supplemental unemployment benefits that are in addition	751
to those required by Chapter 4141. of the Revised Code;	752
(e) Life insurance;	753
(f) Disability and sickness insurance;	754
(g) Accident insurance;	755
(h) Vacation and holiday pay;	756
(i) Defraying of costs for apprenticeship or other similar	757
training programs which are beneficial only to the laborers and	758
mechanics affected;	759
(j) Other bona fide fringe benefits.	760
None of the benefits enumerated in division (E)(3) of this	761
section may be considered in the determination of prevailing wages	762
if federal, state, or local law requires contractors or	763
subcontractors to provide any of such benefits.	764

(F) "Interested party," with respect to a particular public improvement, means: 765
766

(1) Any person who submits a bid for the purpose of securing the award of a contract for construction of the public improvement; 767
768
769

(2) Any person acting as a subcontractor of a person mentioned in division (F)(1) of this section; 770
771

(3) Any bona fide organization of labor which has as members or is authorized to represent employees of a person mentioned in division (F)(1) or (2) of this section and which exists, in whole or in part, for the purpose of negotiating with employers concerning the wages, hours, or terms and conditions of employment of employees; 772
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777

(4) Any association having as members any of the persons mentioned in division (F)(1) or (2) of this section. 778
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(G) Except as used in division (A) of this section, "officer" means an individual who has an ownership interest or holds an office of trust, command, or authority in a corporation, business trust, partnership, or association. 780
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Sec. 4115.033. No public authority shall subdivide a public improvement project into component parts or projects, the cost of which is fairly estimated to be less than the threshold ~~levels~~ level set forth in ~~divisions~~ division (B)(1) ~~and~~ (2) of section 4115.03 of the Revised Code, unless the projects are conceptually separate and unrelated to each other, or encompass independent and unrelated needs of the public authority. 784
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Sec. 4115.10. (A) No person, firm, corporation, or public authority that constructs a public improvement with its own forces, the total overall project cost of which is fairly estimated to be more than the ~~amounts~~ amount set forth in division 791
792
793
794

(B)~~(1) or (2)~~ of section 4115.03 of the Revised Code, ~~adjusted~~ 795
~~biennially by the director of commerce pursuant to section~~ 796
~~4115.034 of the Revised Code,~~ shall violate the wage provisions of 797
sections 4115.03 to 4115.16 of the Revised Code, or suffer, 798
permit, or require any employee to work for less than the rate of 799
wages so fixed, or violate the provisions of section 4115.07 of 800
the Revised Code. Any employee upon any public improvement, except 801
an employee to whom or on behalf of whom restitution is made 802
pursuant to division (C) of section 4115.13 of the Revised Code, 803
who is paid less than the fixed rate of wages applicable thereto 804
may recover from such person, firm, corporation, or public 805
authority that constructs a public improvement with its own forces 806
the difference between the fixed rate of wages and the amount paid 807
to the employee and in addition thereto a sum equal to twenty-five 808
per cent of that difference. The person, firm, corporation, or 809
public authority who fails to pay the rate of wages so fixed also 810
shall pay a penalty to the director of seventy-five per cent of 811
the difference between the fixed rate of wages and the amount paid 812
to the employees on the public improvement. The director shall 813
deposit all moneys received from penalties paid to the director 814
pursuant to this section into the penalty enforcement fund, which 815
is hereby created in the state treasury. The director shall use 816
the fund for the enforcement of sections 4115.03 to 4115.16 of the 817
Revised Code. The employee may file suit for recovery within 818
ninety days of the director's determination of a violation of 819
sections 4115.03 to 4115.16 of the Revised Code or is barred from 820
further action under this division. ~~where~~ If the employee prevails 821
in a suit, the employer shall pay the costs and reasonable 822
attorney's fees allowed by the court. 823

(B) Any employee upon any public improvement who is paid less 824
than the prevailing rate of wages applicable thereto may file a 825
complaint in writing with the director upon a form furnished by 826
the director. The complaint shall include documented evidence to 827

demonstrate that the employee was paid less than the prevailing 828
wage in violation of this chapter. Upon receipt of a properly 829
completed written complaint of any employee paid less than the 830
prevailing rate of wages applicable, the director shall take an 831
assignment of a claim in trust for the assigning employee and 832
bring any legal action necessary to collect the claim. The 833
employer shall pay the costs and reasonable attorney's fees 834
allowed by the court if the employer is found in violation of 835
sections 4115.03 to 4115.16 of the Revised Code. 836

(C) If after investigation pursuant to section 4115.13 of the 837
Revised Code, the director determines there is a violation of 838
sections 4115.03 to 4115.16 of the Revised Code and a period of 839
sixty days has elapsed from the date of the determination, and if: 840

(1) No employee has brought suit pursuant to division (A) of 841
this section; 842

(2) No employee has requested that the director take an 843
assignment of a wage claim pursuant to division (B) of this 844
section; 845

The director shall bring any legal action necessary to 846
collect any amounts owed to employees and the director. The 847
director shall pay over to the affected employees the amounts 848
collected to which the affected employees are entitled under 849
division (A) of this section. In any action in which the director 850
prevails, the employer shall pay the costs and reasonable 851
attorney's fees allowed by the court. 852

(D) Where persons are employed and their rate of wages has 853
been determined as provided in section 4115.04 of the Revised 854
Code, no person, either for self or any other person, shall 855
request, demand, or receive, either before or after the person is 856
engaged, that the person so engaged pay back, return, donate, 857
contribute, or give any part or all of the person's wages, salary, 858

or thing of value, to any person, upon the statement, 859
representation, or understanding that failure to comply with such 860
request or demand will prevent the procuring or retaining of 861
employment, and no person shall, directly or indirectly, aid, 862
request, or authorize any other person to violate this section. 863
This division does not apply to any agent or representative of a 864
duly constituted labor organization acting in the collection of 865
dues or assessments of such organization. 866

(E) The director shall enforce sections 4115.03 to 4115.16 of 867
the Revised Code. 868

(F) For the purpose of supplementing existing resources and 869
to assist in enforcing division (E) of this section, the director 870
may contract with a person registered as a public accountant under 871
Chapter 4701. of the Revised Code to conduct an audit of a person, 872
firm, corporation, or public authority. 873

Sec. 4582.12. (A) Except as otherwise provided in division 874
(E) of section 307.671 of the Revised Code, division (A) of this 875
section does not apply to a port authority educational and 876
cultural facility acquired, constructed, and equipped pursuant to 877
a cooperative agreement entered into under section 307.671 of the 878
Revised Code. 879

Except as provided in division (C) of this section, when the 880
cost of a contract for the construction of any building, 881
structure, or other improvement undertaken by a port authority 882
involves an expenditure exceeding twenty-five thousand dollars and 883
the port authority is the contracting entity, the port authority 884
shall make a written contract after notice calling for bids for 885
the award of the contract has been given by publication twice, 886
with at least seven days between publications, in a newspaper of 887
general circulation in the area of the jurisdiction of the port 888
authority. Each such contract shall be let to the lowest 889

responsive and responsible bidder in accordance with section 9.312 890
of the Revised Code. Every contract let shall be in writing and if 891
the contract involves work or construction, it shall be 892
accompanied by or shall refer to plans and specifications for the 893
work to be done, prepared for and approved by the port authority, 894
signed by an authorized officer of the port authority and by the 895
contractor, and shall be executed in triplicate. 896

Each bid shall be awarded in accordance with sections 153.54, 897
153.57, and 153.571 of the Revised Code. 898

The port authority may reject any and all bids. 899

(B) The board of directors of a port authority by rule may 900
provide criteria for the negotiation and award without competitive 901
bidding of any contract as to which the port authority is the 902
contracting entity for the construction of any building, 903
structure, or other improvement under any of the following 904
circumstances: 905

(1) There exists a real and present emergency that threatens 906
damage or injury to persons or property of the port authority or 907
other persons, provided that a statement specifying the nature of 908
the emergency that is the basis for the negotiation and award of a 909
contract without competitive bidding shall be signed by the 910
officer of the port authority that executes that contract at the 911
time of the contract's execution and shall be attached to the 912
contract. 913

(2) A commonly recognized industry or other standard or 914
specification does not exist and cannot objectively be articulated 915
for the improvement. 916

(3) The contract is for any energy conservation measure as 917
defined in section 307.041 of the Revised Code. 918

(4) With respect to material to be incorporated into the 919
improvement, only a single source or supplier exists for the 920

material. 921

(5) A single bid is received by the port authority after 922
complying with the provisions of division (A) of this section. 923

(C)(1) If a contract is to be negotiated and awarded without 924
competitive bidding for the reason set forth in division (B)(2) of 925
this section, the port authority shall publish a notice calling 926
for technical proposals at least twice, with at least seven days 927
between publications, in a newspaper of general circulation in the 928
area of the port authority. After receipt of the technical 929
proposals, the port authority may negotiate with and award a 930
contract for the improvement to the proposer making the proposal 931
considered to be the most advantageous to the port authority. 932

(2) If a contract is to be negotiated and awarded without 933
competitive bidding for the reason set forth in division (B)(4) of 934
this section, any construction activities related to the 935
incorporation of the material into the improvement also may be 936
provided without competitive bidding by the source or supplier of 937
that material. 938

(D) No contract for the construction ~~or repair~~ of any 939
building, structure, or other improvement and no loan agreement 940
for the borrowing of funds for any such improvement undertaken by 941
a port authority, where the port authority is the contracting 942
entity, shall be executed unless laborers and mechanics employed 943
on such improvements are paid ~~at the prevailing rates of wages of~~ 944
~~laborers and mechanics for the class of work called for by the~~ 945
~~improvement. The~~ in accordance with sections 4115.03 to 4115.21 946
and 4115.99 of the Revised Code. When required by those sections, 947
such wages shall be determined in accordance with the requirements 948
of ~~Chapter 4115. of the Revised Code~~ those sections for the 949
determination of prevailing wage rates, provided that the 950
requirements of this section do not apply where the federal 951
government or any of its agencies furnishes by loan or grant all 952

or any part of the funds used in connection with such project and 953
prescribes predetermined minimum wages to be paid to the laborers 954
and mechanics. 955

Sec. 4582.37. No port authority shall enter into any contract 956
for the construction or repair of any port authority facility and 957
no loan agreement for the borrowing of funds for any such port 958
authority facility undertaken by a port authority shall be 959
executed unless laborers and mechanics employed on the facility 960
are paid ~~at the prevailing rates of wages of laborers and~~ 961
~~mechanics for the class of work called for by the facility, which~~ 962
in accordance with sections 4115.03 to 4115.21 and 4115.99 of the 963
Revised Code. When required by those sections, such wages shall be 964
determined in accordance with the requirements of ~~Chapter 4115. of~~ 965
~~the Revised Code~~ those sections for determination of prevailing 966
wage rates, provided that the requirements of this section do not 967
apply where the federal government or any of its agencies 968
furnishes by loan or grant all or any part of the funds used in 969
connection with the facility and prescribes predetermined minimum 970
wages to be paid to the laborers and mechanics; and provided 971
further that should a nonpublic user beneficiary of the facility 972
undertake construction to be performed by its regular bargaining 973
unit employees who are covered under a collective bargaining 974
agreement that was in existence prior to the commitment instrument 975
undertaking a loan or grant of funds then, in that event, the rate 976
of pay provided under the collective bargaining agreement may be 977
paid to such employees. 978

Except as provided in this section, construction on any port 979
authority facility to which this section applies is hereby deemed 980
to be construction of a public improvement within section 4115.03 981
of the Revised Code. All contractors and subcontractors working on 982
such projects, facilities, or port authority facilities shall be 983
subject to and comply with sections 4115.03 to 4115.16 of the 984

Revised Code, and the director of commerce shall, and any 985
interested party may, bring proceedings under those sections to 986
enforce compliance. The director shall make the determination of 987
wages as required under this section and shall designate one of 988
the director's employees to act as the prevailing wage coordinator 989
under section 4115.071 of the Revised Code for any project, 990
facility, or port authority facility for which a coordinator has 991
not been designated by any port authority. 992

Sec. 4981.23. No bonds shall be issued under sections 4981.11 993
to 4981.26 of the Revised Code unless the resolution authorizing 994
such issuance of bonds specifies that ~~all the payment of wages~~ 995
~~paid~~ to laborers and mechanics employed on such projects for which 996
the bonds are issued ~~shall be paid at the prevailing rates of~~ 997
~~wages of laborers and mechanics for the class of work called for~~ 998
~~by such project, which is subject to sections 4115.03 to 4115.21~~ 999
and 4115.99 of the Revised Code. When required by those sections, 1000
such wages shall be determined in accordance with the requirements 1001
of ~~Chapter 4115. of the Revised Code~~ those sections for 1002
determination of prevailing wage rates, provided that the 1003
requirements of this section do not apply where the federal 1004
government or any of its agencies furnished by loan or grant all 1005
or any part of the funds used in connection with such project and 1006
prescribes predetermined minimum wages to be paid to such laborers 1007
and mechanics; and provided further that should a nonpublic user 1008
beneficiary of the project undertake, as part of the project, 1009
construction to be performed by its regular bargaining unit 1010
employees who are covered under a collective bargaining agreement 1011
which was in existence prior to the date of the commitment 1012
instrument undertaking to issue bonds then, in that event, the 1013
rate of pay provided under the collective bargaining agreement may 1014
be paid to such employees. 1015

Sec. 6117.012. (A) A board of county commissioners may adopt 1016
rules requiring owners of property within the district whose 1017
property is served by a connection to sewers maintained and 1018
operated by the board or to sewers that are connected to 1019
interceptor sewers maintained and operated by the board to do any 1020
of the following: 1021

(1) Disconnect storm water inflows to sanitary sewers 1022
maintained and operated by the board and not operated as a 1023
combined sewer, or to connections with those sewers; 1024

(2) Disconnect non-storm water inflows to storm water sewers 1025
maintained and operated by the board and not operated as a 1026
combined sewer, or to connections with those storm water sewers; 1027

(3) Reconnect or relocate any such disconnected inflows in 1028
compliance with board rules and applicable building codes, health 1029
codes, or other relevant codes; 1030

(4) Prevent sewer back-ups into properties that have 1031
experienced one or more back-ups of sanitary or combined sewers 1032
maintained and operated by the board; 1033

(5) Prevent storm water from entering a combined sewer and 1034
causing an overflow or an inflow to a sanitary sewer, which 1035
prevention may include projects or programs that separate the 1036
storm water from a combined sewer or that utilize a prevention or 1037
replacement facility to prevent or minimize storm water from 1038
entering a combined sewer or a sanitary sewer. 1039

(B) Any inflow required to be disconnected or any sewer 1040
back-up required to be prevented under a rule adopted pursuant to 1041
divisions (A)(1) to (4) of this section constitutes a nuisance 1042
subject to injunctive relief and abatement pursuant to Chapter 1043
3767. of the Revised Code or as otherwise permitted by law. 1044

(C) A board of county commissioners may use sewer district 1045

funds; county general fund moneys; the proceeds of bonds issued 1046
under Chapter 133. or 165. of the Revised Code; and, to the extent 1047
permitted by their terms, loans, grants, or other moneys from 1048
appropriate state or federal funds, for either of the following: 1049

(1) The cost of disconnections, reconnections, relocations, 1050
combined sewer overflow prevention, or sewer back-up prevention 1051
required by rules adopted pursuant to division (A) of this 1052
section, performed by the county or under contract with the 1053
county; 1054

(2) Payments to the property owner or a contractor hired by 1055
the property owner pursuant to a competitive process established 1056
by district rules, for the cost of disconnections, reconnections, 1057
relocations, combined sewer overflow prevention, or sewer back-up 1058
prevention required by rules adopted pursuant to division (A) of 1059
this section after the board, pursuant to its rules, has approved 1060
the work to be performed and after the county has received from 1061
the property owner a statement releasing the county from all 1062
liability in connection with the disconnections, reconnections, 1063
relocations, combined sewer overflow prevention, or sewer back-up 1064
prevention. 1065

(D) Except as provided in division (E) of this section, the 1066
board of county commissioners shall require in its rules regarding 1067
disconnections, reconnections, relocations of sewers, combined 1068
sewer overflow prevention, or sewer back-up prevention the 1069
reimbursement of moneys expended pursuant to division (C) of this 1070
section by either of the following methods: 1071

(1) A charge to the property owner in the amount of the 1072
payment made pursuant to division (C) of this section for 1073
immediate payment or payment in installments with interest as 1074
determined by the board not to exceed ten per cent, which payments 1075
may be billed as a separate item with the rents charged to that 1076
owner for use of the sewers. The board may approve installment 1077

payments for a period of not more than fifteen years. If charges 1078
are to be paid in installments, the board shall certify to the 1079
county auditor information sufficient to identify each subject 1080
parcel of property, the total of the charges to be paid in 1081
installments, and the total number of installments to be paid. The 1082
auditor shall record the information in the sewer improvement 1083
record until these charges are paid in full. Charges not paid when 1084
due shall be certified to the county auditor, who shall place the 1085
charges upon the real property tax list and duplicate against that 1086
property. Those charges shall be a lien on the property from the 1087
date they are placed on the tax list and duplicate and shall be 1088
collected in the same manner as other taxes. 1089

(2) A special assessment levied against the property, payable 1090
in the number of years the board determines, not to exceed fifteen 1091
years, with interest as determined by the board not to exceed ten 1092
per cent. The board shall certify the assessments to the county 1093
auditor, stating the amount and time of payment. The auditor shall 1094
record the information in the county sewer improvement record, 1095
showing separately the assessments to be collected, and shall 1096
place the assessments upon the real property tax list and 1097
duplicate for collection. The assessments shall be a lien on the 1098
property from the date they are placed on the tax list and 1099
duplicate and shall be collected in the same manner as other 1100
taxes. 1101

(E) The county may adopt a resolution specifying a maximum 1102
amount of the cost of any disconnection, reconnection, relocation, 1103
combined sewer overflow prevention, or sewer back-up prevention 1104
required pursuant to division (A) of this section that may be paid 1105
by the county for each affected parcel of property without 1106
requiring reimbursement. That amount may be allowed only if there 1107
is a building code, health code, or other relevant code, or a 1108
federally imposed or state-imposed consent decree that is filed or 1109

otherwise recorded in a court of competent jurisdiction, 1110
applicable to the affected parcel that prohibits in the future any 1111
inflows, combined sewer overflows, or sewer back-ups not allowed 1112
under rules adopted pursuant to division (A)(1), (4), or (5) of 1113
this section. The board, by rule, shall establish criteria for 1114
determining how much of the maximum amount for each qualifying 1115
parcel need not be reimbursed. 1116

(F) Disconnections, reconnections, relocations, combined 1117
sewer overflow prevention, or sewer back-up prevention required 1118
under this section and performed by a contractor under contract 1119
with the property owner or by a county shall not be considered a 1120
public improvement, ~~and those performed by the county shall be~~ 1121
~~considered a public improvement as defined in~~ for purposes of 1122
section 4115.03 of the Revised Code. 1123

Disconnections, reconnections, relocations, combined sewer 1124
overflow prevention, or sewer back-up prevention required under 1125
this section performed by a contractor under contract with the 1126
property owner shall not be subject to competitive bidding or 1127
public bond laws. 1128

(G) Property owners shall be responsible for maintaining any 1129
improvements made or facilities constructed on private property to 1130
reconnect or relocate disconnected inflows, for combined sewer 1131
overflow prevention, or for sewer back-up prevention pursuant to 1132
this section unless a public easement or other agreement exists 1133
for the county to maintain that improvement or facility. 1134

(H) A board of county commissioners may provide rate 1135
reductions of and credits against charges for the use of sewers to 1136
a property owner that implements a project or program that 1137
prevents storm water from entering a combined sewer and causing an 1138
overflow. Such a project or program may include the use of a 1139
prevention or replacement facility to handle storm water that has 1140
been separated from a combined sewer. The revised rates or charges 1141

shall be collected and paid to the county treasurer in accordance 1142
with section 6117.02 of the Revised Code. 1143

Sec. 6121.061. The Ohio water development authority shall not 1144
issue any bonds or otherwise participate in any project authorized 1145
by this chapter or Chapter 6123. of the Revised Code unless the 1146
contract, resolution, or other written document setting forth the 1147
board's participation specifies that ~~all~~ the payment of wages ~~paid~~ 1148
to laborers and mechanics employed on the projects ~~shall be paid~~ 1149
~~at the prevailing rates of wages of laborers and mechanics for the~~ 1150
~~class of work called for by the project, which is subject to~~ 1151
sections 4115.03 to 4115.21 and 4115.99 of the Revised Code. When 1152
required by those sections, such wages shall be determined in 1153
accordance with the requirements of ~~Chapter 4115. of the Revised~~ 1154
~~Code~~ those sections for determination of prevailing wage rates, 1155
provided that the requirements of this section do not apply to 1156
loans made to boards of county commissioners under division (V) of 1157
section 6121.04 of the Revised Code or where the federal 1158
government or any of its agencies furnishes by loan or grant all 1159
or any part of the funds used in connection with the project and 1160
prescribes predetermined minimum wages to be paid to the laborers 1161
and mechanics, and provided that if a non-public user beneficiary 1162
of the project undertakes, as part of the project, construction to 1163
be performed by its regular bargaining unit employees who are 1164
covered under a collective bargaining agreement that was in 1165
existence prior to the date of the commitment instrument setting 1166
forth the board's participation, the rate of pay provided under 1167
the collective bargaining agreement may be paid to those 1168
employees. 1169

Section 2. That existing sections 122.452, 165.031, 166.02, 1170
307.671, 307.673, 1551.13, 1728.07, 3706.042, 4115.03, 4115.033, 1171
4115.10, 4582.12, 4582.37, 4981.23, 6117.012, and 6121.061 and 1172

section 4115.034 of the Revised Code are hereby repealed. 1173

Section 3. Section 4582.37 of the Revised Code is presented 1174
in this act as a composite of the section as amended by both H.B. 1175
471 and Am. S.B. 137 of the 123rd General Assembly. The General 1176
Assembly, applying the principle stated in division (B) of section 1177
1.52 of the Revised Code that amendments are to be harmonized if 1178
reasonably capable of simultaneous operation, finds that the 1179
composite is the resulting version of the section in effect prior 1180
to the effective date of the section as presented in this act. 1181