

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 190**

**Representative Hood**

**Cosponsors: Representatives Adams, J., Rosenberger, Brenner, Thompson,  
Becker, Young, Wachtmann, Lynch, Maag, Boose, Retherford, Roegner,  
Damschroder, Hottinger, Buchy**

—

**A B I L L**

To amend sections 164.07, 307.022, 307.671, 307.673, 1  
307.674, 307.696, 351.06, 1506.44, 1710.02, 2  
4115.03, 4115.034, 4115.04, 4115.06, 4115.09, 3  
4115.10, 4115.133, 5540.03, 6117.012, and 6121.061 4  
of the Revised Code to increase the threshold to 5  
trigger the requirement that the prevailing wage 6  
be paid for work on vertical public improvement 7  
projects and to allow political subdivisions and 8  
state institutions of higher education to elect 9  
whether to be subject to the Prevailing Wage Law 10  
for a public improvement project. 11

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

**Section 1.** That sections 164.07, 307.022, 307.671, 307.673, 12  
307.674, 307.696, 351.06, 1506.44, 1710.02, 4115.03, 4115.034, 13  
4115.04, 4115.06, 4115.09, 4115.10, 4115.133, 5540.03, 6117.012, 14  
and 6121.061 of the Revised Code be amended to read as follows: 15

**Sec. 164.07.** ~~(A)~~ In awarding contracts for capital 16  
improvement projects to be financed in whole or in part under this 17

chapter, a local subdivision shall comply with the percentage 18  
requirements of section 125.081 of the Revised Code. 19

~~(B) A capital improvement that is financed in whole or in 20  
part under this chapter is a public improvement, and a subdivision 21  
undertaking a capital improvement is a public authority, for 22  
purposes of section 4115.03 of the Revised Code. All contractors 23  
and subcontractors working on a capital improvement financed in 24  
whole or in part under this chapter shall comply with sections 25  
4115.03 to 4115.16 of the Revised Code. 26~~

**Sec. 307.022.** (A) The board of county commissioners of any 27  
county may do both of the following without following the 28  
competitive bidding requirements of section 307.86 of the Revised 29  
Code: 30

(1) Enter into a lease, including a lease with an option to 31  
purchase, of correctional facilities for a term not in excess of 32  
forty years. Before entering into the lease, the board shall 33  
publish, once a week for three consecutive weeks in a newspaper of 34  
general circulation in the county or as provided in section 7.16 35  
of the Revised Code, a notice that the board is accepting 36  
proposals for a lease pursuant to this division. The notice shall 37  
state the date before which the proposals are required to be 38  
submitted in order to be considered by the board. 39

(2) Subject to compliance with this section, grant leases, 40  
easements, and licenses with respect to, or sell, real property 41  
owned by the county if the real property is to be leased back by 42  
the county for use as correctional facilities. 43

The lease under division (A)(1) of this section shall require 44  
the county to contract, in accordance with Chapter 153.7 and 45  
sections 307.86 to 307.92, ~~and Chapter 4115.~~ of the Revised Code, 46  
for the construction, improvement, furnishing, and equipping of 47  
correctional facilities to be leased pursuant to this section. 48

Prior to the board's execution of the lease, it may require the lessor under the lease to cause sufficient money to be made available to the county to enable the county to comply with the certification requirements of division (D) of section 5705.41 of the Revised Code.

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

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

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

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

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

(C) As used in this section:

(1) "Correctional facilities" includes, but is not limited to, jails, detention facilities, workhouses, community-based

correctional facilities, and family court centers. 80

(2) "Construction" has the same meaning as in division (B) of 81  
section 4115.03 of the Revised Code. 82

As used in division (C)(2) of this section: 83

(a) "Public improvement" means all buildings, roads, streets, 84  
alleys, sewers, ditches, and other structures or works constructed 85  
by a public authority or by any person who, pursuant to a contract 86  
with a public authority, constructs any structure or work for a 87  
public authority. When a public authority rents or leases a newly 88  
constructed structure within six months after completion of its 89  
construction, any work performed on that structure to suit it for 90  
occupancy is a "public improvement." 91

(b) "Public authority" means any officer, board, or 92  
commission of the state, or any political subdivision of the 93  
state, or any institution supported in whole or in part by public 94  
funds, authorized to enter into a contract for the construction of 95  
a public improvement or to construct a public improvement by the 96  
direct employment of labor. 97

**Sec. 307.671.** (A) As used in this section: 98

(1) "Bonds" means, as the context requires: general 99  
obligation bonds of the county, or notes in anticipation thereof, 100  
described in division (B)(1)(b) of this section; revenue bonds of 101  
the port authority described in division (B)(2)(a) of this 102  
section; and urban renewal bonds, or notes in anticipation 103  
thereof, of the host municipal corporation described in division 104  
(B)(3)(a) of this section. 105

(2) "Corporation" means a nonprofit corporation that is 106  
organized under the laws of this state and that includes within 107  
the purposes for which it is incorporated the authorization to 108  
lease and operate facilities such as a port authority educational 109

and cultural facility. 110

(3) "Debt service charges" means, for any period or payable 111  
at any time, the principal of and interest and any premium due on 112  
bonds for that period or payable at that time whether due at 113  
maturity or upon mandatory redemption, together with any required 114  
deposits to reserves for the payment of principal of and interest 115  
on such bonds, and includes any payments required by the port 116  
authority to satisfy any of its obligations arising from any 117  
guaranty agreements, reimbursement agreements, or other credit 118  
enhancement agreements described in division (C) of this section. 119

(4) "Host municipal corporation" means the municipal 120  
corporation within the boundaries of which the port authority 121  
educational and cultural facility is located. 122

(5) "Port authority" means a port authority created pursuant 123  
to the authority of section 4582.02 of the Revised Code by a 124  
county and a host municipal corporation. 125

(6) "Port authority educational and cultural facility" means 126  
a facility located within an urban renewal area that may consist 127  
of a museum, archives, library, hall of fame, center for 128  
contemporary music, or other facilities necessary to provide 129  
programs of an educational and cultural nature, together with all 130  
parking facilities, walkways, and other auxiliary facilities, real 131  
and personal property, property rights, easements, and interests 132  
that may be appropriate for, or used in connection with, the 133  
operation of the facility. 134

(7) "Urban renewal area" means an area of a host municipal 135  
corporation that the legislative authority of the host municipal 136  
corporation has, at any time, designated as appropriate for an 137  
urban renewal project pursuant to Chapter 725. of the Revised 138  
Code. 139

(B) The board of county commissioners of a county, a port 140

authority, and a host municipal corporation may enter into a 141  
cooperative agreement with a corporation, under which: 142

(1) The board of county commissioners agrees to do all of the 143  
following: 144

(a) Levy a tax under division (D) of section 5739.09 of the 145  
Revised Code exclusively for the purposes described in divisions 146  
(B)(1)(c) and (d) of this section; 147

(b) Issue general obligation bonds of the county, or notes in 148  
anticipation thereof, pursuant to Chapter 133. of the Revised 149  
Code, for the purpose of acquiring, constructing, and equipping 150  
the port authority educational and cultural facility and 151  
contribute the proceeds from the issuance to the port authority 152  
for such purpose. The cooperative agreement may provide that such 153  
proceeds be deposited with and administered by the trustee 154  
pursuant to the trust agreement provided for in division (C) of 155  
this section. 156

(c) Following the issuance, sale, and delivery of the port 157  
authority revenue bonds provided for in division (B)(2)(a) of this 158  
section, and prior to the date certain stated in the cooperative 159  
agreement which shall be the date estimated for the completion of 160  
construction of the port authority educational and cultural 161  
facility, pledge and contribute to the port authority revenue from 162  
the tax levied pursuant to division (B)(1)(a) of this section, 163  
together with any investment earnings on that revenue, to pay a 164  
portion of the costs of acquiring, constructing, and equipping the 165  
port authority educational and cultural facility; 166

(d) Following such date certain, pledge and contribute to the 167  
corporation all or such portion as provided for in the cooperative 168  
agreement of the revenue from the tax, together with any 169  
investment earnings on that revenue, to pay a portion of the costs 170  
of the corporation of leasing the port authority educational and 171

cultural facility from the port authority.	172
(2) The port authority agrees to do all of the following:	173
(a) Issue revenue bonds of the port authority pursuant to Chapter 4582. of the Revised Code for the purpose of acquiring, constructing, and equipping the port authority educational and cultural facility;	174 175 176 177
(b) Construct the port authority educational and cultural facility;	178 179
(c) Lease the port authority educational and cultural facility to the corporation;	180 181
(d) To the extent provided for in the cooperative agreement or the lease to the corporation, authorize the corporation to administer on behalf of the port authority the contracts for acquiring, constructing, or equipping a port authority educational and cultural facility;	182 183 184 185 186
(e) Use the revenue derived from the lease of the port authority educational and cultural facility to the corporation solely to pay debt service charges on the revenue bonds of the port authority described in division (B)(2)(a) of this section.	187 188 189 190
(3) The host municipal corporation agrees to do both of the following:	191 192
(a) Issue urban renewal bonds of the host municipal corporation, or notes in anticipation thereof, pursuant to Chapter 725. of the Revised Code for the purpose of acquiring and constructing the port authority educational and cultural facility and contribute the proceeds from the issuance to the port authority for such purpose. The cooperative agreement may provide that such proceeds be deposited with and administered by the trustee pursuant to the trust agreement provided for in division (C) of this section.	193 194 195 196 197 198 199 200 201

(b) To the extent provided for in the cooperative agreement, 202  
contribute to the county, for use by the county to pay debt 203  
service charges on the bonds of the county, or notes in 204  
anticipation thereof, described in division (B)(1)(b) of this 205  
section, any excess urban renewal service payments pledged by the 206  
host municipal corporation to the urban renewal bonds described in 207  
division (B)(3)(a) of this section and not required on an annual 208  
basis to pay debt service charges on the urban renewal bonds. 209

(4) The corporation agrees to do all of the following: 210

(a) Lease the port authority educational and cultural 211  
facility from the port authority; 212

(b) Operate and maintain the port authority educational and 213  
cultural facility pursuant to the lease; 214

(c) To the extent provided for in the cooperative agreement 215  
or the lease from the port authority, administer on behalf of the 216  
port authority the contracts for acquiring, constructing, or 217  
equipping a port authority educational and cultural facility. 218

(C) The pledges and contributions described in divisions 219  
(B)(1)(c) and (d) of this section and provided for in the 220  
cooperative agreement shall be for the period stated in the 221  
cooperative agreement, but shall not be in excess of the period 222  
necessary to provide for the final retirement of the port 223  
authority revenue bonds provided for in division (B)(2)(a) of this 224  
section and any bonds issued by the port authority to refund such 225  
bonds, and for the satisfaction by the port authority of any of 226  
its obligations arising from any guaranty agreements, 227  
reimbursement agreements, or other credit enhancement agreements 228  
relating to such bonds or to the revenues pledged to such bonds. 229  
The cooperative agreement shall provide for the termination of the 230  
cooperative agreement including the pledges and contributions 231  
described in divisions (B)(1)(c) and (d) of this section if the 232



port authority revenue bonds provided for in division (B)(2)(a) of 233  
this section have not been issued, sold, and delivered within two 234  
years of the effective date of the cooperative agreement. 235

The cooperative agreement shall provide that any revenue 236  
bonds of the port authority shall be secured by a trust agreement 237  
between the port authority and a corporate trustee that is a trust 238  
company or bank having the powers of a trust company within or 239  
outside the state. The county may be a party to such trust 240  
agreement for the purpose of securing the pledge by the county of 241  
its contribution to the corporation pursuant to division (B)(1)(d) 242  
of this section. A tax levied pursuant to division (B)(1)(a) of 243  
this section is not subject to diminution by initiative or 244  
referendum or diminution by statute, unless provision is made 245  
therein for an adequate substitute therefor reasonably 246  
satisfactory to the trustee under the trust agreement that secures 247  
the revenue bonds of the port authority. 248

(D) A pledge of money by a county under this section shall 249  
not be net indebtedness of the county for purposes of section 250  
133.07 of the Revised Code. 251

(E) If the terms of the cooperative agreement so provide, any 252  
contract for the acquisition, construction, or equipping of a port 253  
authority educational and cultural facility shall be made in such 254  
manner as is determined by the board of directors of the port 255  
authority, and unless the cooperative agreement provides 256  
otherwise, such a contract is not subject to division (A) of 257  
section 4582.12 of the Revised Code. The port authority may take 258  
the assignment of and assume any contracts for the acquisition, 259  
construction, and equipping of a port authority educational and 260  
cultural facility that previously have been authorized by either 261  
or both the host municipal corporation or the corporation. Such 262  
contracts likewise are not subject to division (A) of section 263  
4582.12 of the Revised Code. 264

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

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

(A) As used in this section:

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

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

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

(4) "Cost of a sports facility" means the cost of acquiring, constructing, renovating, equipping, or improving one or more sports facilities, including reconstructing, rehabilitating, remodeling, and enlarging; the cost of equipping and furnishing

such a facility; and all financing costs pertaining thereto, 295  
including the cost of engineering, architectural, and other 296  
professional services, designs, plans, specifications and surveys, 297  
and estimates of costs; the costs of refinancing obligations 298  
issued by, or reimbursement of money advanced by, the parties to 299  
the cooperative agreement or other persons, the proceeds of which 300  
obligations were used to pay the costs of the sports facility; the 301  
cost of tests and inspections; the cost of any indemnity or surety 302  
bonds and premiums on insurance, all related direct and 303  
administrative costs pertaining thereto, fees and expenses of 304  
trustees, depositories, and paying agents for the obligations, 305  
capitalized interest on the obligations, amounts necessary to 306  
establish reserves as required by the obligation proceedings, the 307  
reimbursement of money advanced or applied by the parties to the 308  
cooperative agreement or other persons for the payment of any item 309  
of costs of the sports facility, and all other expenses necessary 310  
or incident to planning or determining the feasibility or 311  
practicability with respect to the sports facility; and any other 312  
such expenses as may be necessary or incident to the acquisition, 313  
construction, reconstruction, rehabilitation, remodeling, 314  
renovation, enlargement, improvement, equipping, and furnishing of 315  
the sports facility, the financing of the sports facility, placing 316  
the sports facility in use and operation, including any one, part 317  
of, or combination of such classes of costs and expenses. 318

(5) "Financing costs" has the same meaning as in section 319  
133.01 of the Revised Code. 320

(6) "Obligations" means obligations issued or incurred to pay 321  
the cost of a sports facility, including bonds, notes, 322  
certificates of indebtedness, commercial paper, and other 323  
instruments in writing, anticipatory securities as defined in 324  
section 133.01 of the Revised Code, issued or incurred by an 325  
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 326

this section, or otherwise, to evidence the issuer's obligation to 327  
repay borrowed money, or to pay interest, by, or to pay at any 328  
future time other money obligations of, the issuer of the 329  
obligations, including obligations of an issuer or lessee to make 330  
payments under an installment sale, lease, lease-purchase, or 331  
similar agreement. 332

(7) "Owner" means any person that owns or operates a 333  
professional athletic or sports team, that is party to a 334  
cooperative agreement, or that has a lease or other agreement with 335  
a party to a cooperative agreement, and that commits to use the 336  
sports facility that is the subject of the cooperative agreement 337  
for all of the team's home games for the period specified in that 338  
agreement. 339

(8) "Payments," when used with reference to obligations, 340  
means payments of the principal, including any mandatory sinking 341  
fund deposits and mandatory redemption payments, interest and any 342  
redemption premium, and lease rentals, lease-purchase payments and 343  
other amounts payable under obligations in the form of installment 344  
sale, lease, lease-purchase, or similar agreements. 345

(9) "Person" has the same meaning as defined in section 346  
133.01 of the Revised Code. 347

(10) "Port authority" means a port authority created under 348  
Chapter 4582. of the Revised Code. 349

(11) "Sports facility" means a facility, including a stadium, 350  
that is intended to house or provide a site for one or more major 351  
league professional athletic or sports teams or activities, 352  
together with all spectator facilities, parking facilities, 353  
walkways, and auxiliary facilities, real and personal property, 354  
property rights, easements, leasehold estates, and interests that 355  
may be appropriate for, or used in connection with, the operation 356  
of the sports facility. 357

(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.

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

(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;

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

(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;

(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;

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

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

(a) Issue or incur obligations of the port authority pursuant to Chapter 133. or 4582. of the Revised Code or this section;	389 390
(b) Make available all or a portion of the proceeds from the issuance of those obligations to the municipal corporation, county, or corporation for the payment of the cost of a sports facility or the payment of obligations;	391 392 393 394
(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;	395 396 397
(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.	398 399 400 401 402
(3) The legislative authority of the municipal corporation agrees to do one or more of the following:	403 404
(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;	405 406 407
(b) Issue or incur obligations of the municipal corporation pursuant to Chapter 133. of the Revised Code or otherwise;	408 409
(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;	410 411 412 413
(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;	414 415 416
(e) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, authorize the county,	417 418

port authority, corporation, or owner to administer contracts for 419  
designing, planning, acquiring, constructing, renovating, or 420  
equipping a sports facility. 421

(4) The corporation agrees to do one or more of the 422  
following: 423

(a) Issue or incur obligations; 424

(b) Make available all or a portion of the proceeds from the 425  
issuance of those obligations to the county, port authority, 426  
municipal corporation, or otherwise for the payment of the cost of 427  
a sports facility or the payment of obligations; 428

(c) Acquire, construct, renovate, equip, lease to or from 429  
another person, and operate, directly or by a lease or management 430  
contract with another person, one or more sports facilities; 431

(d) To the extent provided in the cooperative agreement or a 432  
lease with respect to a sports facility, agree that the 433  
corporation will administer contracts for designing, planning, 434  
acquiring, constructing, renovating, or equipping a sports 435  
facility. 436

(5) The owner agrees to do one or more of the following: 437

(a) Use the sports facility that is the subject of the 438  
cooperative agreement for all of the home games of the owner's 439  
professional athletic or sports team for a specified period; 440

(b) Administer contracts for designing, planning, acquiring, 441  
constructing, renovating, or equipping a sports facility. 442

(C) Any obligations may be secured by a trust agreement 443  
between the issuer of obligations and a corporate trustee that is 444  
a trust company or bank having the powers of a trust company in or 445  
outside this state and authorized to exercise corporate trust 446  
powers in this state. Proceeds from the issuance of any 447  
obligations or the taxes levied and collected by any party to the 448

cooperative agreement may be deposited with and administered by a trustee pursuant to the trust agreement.

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

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

(1) "Bonds" means:

(a) Revenue bonds of the port authority described in division (B)(2)(a) of this section;

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

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

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

(3) "Cost," as applied to a port authority educational and cultural performing arts facility, means the cost of acquiring, constructing, renovating, rehabilitating, equipping, or improving the facility, or any combination of those purposes, collectively referred to in this section as "construction," and the cost of acquisition of all land, rights of way, property rights,



easements, franchise rights, and interests required for those 479  
purposes, the cost of demolishing or removing any buildings or 480  
structures on land so acquired, including the cost of acquiring 481  
any land to which those buildings or structures may be moved, the 482  
cost of public utility and common carrier relocation or 483  
duplication, the cost of all machinery, furnishings, and 484  
equipment, financing charges, interest prior to and during 485  
construction and for not more than three years after completion of 486  
construction, costs arising under guaranty agreements, 487  
reimbursement agreements, or other credit enhancement agreements 488  
relating to bonds, engineering, expenses of research and 489  
development with respect to such facility, legal expenses, plans, 490  
specifications, surveys, studies, estimates of costs and revenues, 491  
other expenses necessary or incident to determining the 492  
feasibility or practicability of acquiring or constructing the 493  
facility, administrative expense, and other expenses as may be 494  
necessary or incident to that acquisition or construction and the 495  
financing of such acquisition or construction, including, with 496  
respect to the revenue bonds of a port authority, amounts to be 497  
paid into any special funds from the proceeds of those bonds, and 498  
repayments to the port authority, host county, host municipal 499  
corporation, or corporation of any amounts advanced for the 500  
foregoing purposes. 501

(4) "Debt service charges" means, for any period or payable 502  
at any time, the principal of and interest and any premium due on 503  
bonds for that period or payable at that time whether due at 504  
maturity or upon mandatory redemption, together with any required 505  
deposits to reserves for the payment of principal of and interest 506  
on those bonds, and includes any payments required by the port 507  
authority to satisfy any of its obligations under or arising from 508  
any guaranty agreements, reimbursement agreements, or other credit 509  
enhancement agreements described in division (C) of this section. 510

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

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

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

(8) "Port authority educational and cultural performing arts facility" means a facility that consists of a center for music or other performing arts, a theater or other facilities to provide programs of an educational, recreational, or cultural nature, or any combination of those purposes as determined by the parties to the cooperative agreement for which provision is made in division (B) of this section to fulfill the public educational, recreational, and cultural purposes set forth therein, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements, and interests that may be appropriate for, or used in connection with, the operation of the facility.

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

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

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

(b) Pay to the port authority all or such portion as provided 542  
for in the cooperative agreement of the revenue from the tax, 543  
together with any investment earnings on that revenue, to be used 544  
to pay a portion of the costs of acquiring, constructing, 545  
renovating, rehabilitating, equipping, or improving the port 546  
authority educational and cultural performing arts facility; 547

(c) Pledge and pay to the corporation all or such portion as 548  
provided for in the cooperative agreement of the revenue from the 549  
tax, together with any investment earnings on that revenue, to be 550  
used to pay a portion of the costs to the corporation of leasing 551  
the port authority educational and cultural performing arts 552  
facility from the port authority. 553

(2) The port authority may agree to do any or all of the 554  
following: 555

(a) Issue its revenue bonds pursuant to section 4582.48 of 556  
the Revised Code for the purpose of paying all or a portion of the 557  
costs of the port authority educational and cultural performing 558  
arts facility; 559

(b) Acquire, construct, renovate, rehabilitate, equip, and 560  
improve the port authority educational and cultural performing 561  
arts facility; 562

(c) Lease the port authority educational and cultural 563  
performing arts facility to the corporation; 564

(d) To the extent provided for in the cooperative agreement 565  
or the lease to the corporation, authorize the corporation to 566  
administer on behalf of the port authority the contracts for 567  
acquiring, constructing, renovating, rehabilitating, or equipping 568  
the port authority educational and cultural performing arts 569  
facility; 570

(e) Use the revenue derived from the lease of the port 571  
authority educational and cultural performing arts facility to the 572

corporation solely to pay debt service charges on revenue bonds of 573  
the port authority issued pursuant to division (B)(2)(a) of this 574  
section and to pay its obligations under or arising from any 575  
guaranty agreements, reimbursement agreements, or other credit 576  
enhancement agreements provided for in this section. 577

(3) The host municipal corporation may agree to do either or 578  
both of the following: 579

(a) Issue its bonds for the purpose of paying all or a 580  
portion of the costs of the port authority educational and 581  
cultural performing arts facility, and pay the proceeds from the 582  
issuance to the port authority for that purpose; 583

(b) Enter into a guaranty agreement, a reimbursement 584  
agreement, or other credit enhancement agreement with the port 585  
authority to provide a guaranty or other credit enhancement of the 586  
port authority revenue bonds referred to in division (B)(2)(a) of 587  
this section pledging taxes, other than ad valorem property taxes, 588  
or other revenues for the purpose of providing the funds required 589  
to satisfy the host municipal corporation's obligations under that 590  
agreement. 591

The cooperative agreement may provide that the proceeds of 592  
such securities or of such guaranty agreement, reimbursement 593  
agreement, or other credit enhancement agreement be deposited with 594  
and administered by the trustee pursuant to the trust agreement 595  
authorized in division (C) of this section. 596

(4) The corporation may agree to do any or all of the 597  
following: 598

(a) Lease the port authority educational and cultural 599  
performing arts facility from the port authority; 600

(b) Operate and maintain the port authority educational and 601  
cultural performing arts facility pursuant to the lease; 602

(c) To the extent provided for in the cooperative agreement 603  
or the lease from the port authority, administer on behalf of the 604  
port authority the contracts for acquiring, constructing, 605  
renovating, rehabilitating, or equipping the port authority 606  
educational and cultural performing arts facility. 607

(C) The pledge and payments referred to in divisions 608  
(B)(1)(b) and (c) of this section and provided for in the 609  
cooperative agreement shall be for the period stated in the 610  
cooperative agreement but shall not extend longer than the period 611  
necessary to provide for the final retirement of the port 612  
authority revenue bonds referred to in division (B)(2)(a) of this 613  
section, and for the satisfaction by the port authority of any of 614  
its obligations under or arising from any guaranty agreements, 615  
reimbursement agreements, or other credit enhancement agreements 616  
relating to those bonds or to the revenues pledged to them. The 617  
cooperative agreement shall provide for the termination of the 618  
cooperative agreement, including the pledge and payment referred 619  
to in division (B)(1)(c) of this section, if the port authority 620  
revenue bonds referred to in division (B)(2)(a) of this section 621  
have not been issued, sold, and delivered within five years of the 622  
effective date of the cooperative agreement. 623

The cooperative agreement shall provide that any port 624  
authority revenue bonds shall be secured by a trust agreement 625  
between the port authority and a corporate trustee that is a trust 626  
company or bank having the powers of a trust company within or 627  
outside the state but authorized to exercise trust powers within 628  
the state. The host county may be a party to that trust agreement 629  
for the purpose of better securing the pledge by the host county 630  
of its payment to the corporation pursuant to division (B)(1)(c) 631  
of this section. A tax levied pursuant to section 5739.09 of the 632  
Revised Code for the purposes specified in division (B)(1)(b) or 633  
(c) of this section is not subject to diminution by initiative or 634

referendum or diminution by statute, unless provision is made for 635  
an adequate substitute reasonably satisfactory to the trustee 636  
under the trust agreement that secures the port authority revenue 637  
bonds. 638

(D) A pledge of money by a host county under this section 639  
shall not be net indebtedness of the host county for purposes of 640  
section 133.07 of the Revised Code. A guaranty or other credit 641  
enhancement by a host municipal corporation under this section 642  
shall not be net indebtedness of the host municipal corporation 643  
for purposes of section 133.05 of the Revised Code. 644

(E) If the terms of the cooperative agreement so provide, any 645  
contract for the acquisition, construction, renovation, 646  
rehabilitation, equipping, or improving of a port authority 647  
educational and cultural performing arts facility shall be made in 648  
such manner as is determined by the board of directors of the port 649  
authority, and unless the cooperative agreement provides 650  
otherwise, such a contract is not subject to division (R)(2) of 651  
section 4582.31 of the Revised Code. The port authority may take 652  
the assignment of and assume any contracts for the acquisition, 653  
construction, renovation, rehabilitation, equipping, or improving 654  
of a port authority educational and cultural performing arts 655  
facility that had previously been authorized by any of the host 656  
county, the host municipality, or the corporation. Such contracts 657  
are not subject to division (R)(2) of section 4582.31 of the 658  
Revised Code. 659

~~Any contract for the acquisition, construction, renovation,~~ 660  
~~rehabilitation, equipping, or improving of a port authority~~ 661  
~~educational and cultural performing arts facility entered into,~~ 662  
~~assigned, or assumed pursuant to this division shall provide that~~ 663  
~~all laborers and mechanics employed for the acquisition,~~ 664  
~~construction, renovation, rehabilitation, equipping, or improving~~ 665  
~~of that facility shall be paid at the prevailing rates of wages of~~ 666

~~laborers and mechanics for the class of work called for by the 667  
port authority educational and cultural performing arts facility, 668  
which wages shall be determined in accordance with the 669  
requirements of Chapter 4115. of the Revised Code for the 670  
determination of prevailing wage rates. 671~~

Notwithstanding any provisions to the contrary in section 672  
3383.07 of the Revised Code, construction services and general 673  
building services for a port authority educational and cultural 674  
performing arts facility funded completely or in part with money 675  
appropriated by the state to the Ohio cultural facilities 676  
commission may be provided by a port authority or a corporation 677  
that occupies, will occupy, or is responsible for that facility, 678  
as determined by the commission. The construction services and 679  
general building services to be provided by the port authority or 680  
the corporation shall be specified in an agreement between the 681  
commission and the port authority or corporation. That agreement, 682  
or any actions taken under it, are not subject to Chapters 123. or 683  
153. of the Revised Code, ~~but are subject to Chapter 4115. of the 684  
Revised Code. 685~~

**Sec. 307.696.** (A) As used in this section: 686

(1) "County taxes" means taxes levied by the county pursuant 687  
to sections 307.697, 4301.421, 5743.024, and 5743.323 of the 688  
Revised Code. 689

(2) "Corporation" means a nonprofit corporation that is 690  
organized under the laws of this state for the purposes of 691  
operating or constructing and operating a sports facility in the 692  
county and that may also be organized under the laws of this state 693  
for the additional purposes of conducting redevelopment and 694  
economic development activities within the host municipal 695  
corporation. 696

(3) "Sports facility" means a sports facility that is 697

intended to house major league professional athletic teams, 698  
including a stadium, together with all parking facilities, 699  
walkways, and other auxiliary facilities, real and personal 700  
property, property rights, easements, and interests that may be 701  
appropriate for, or used in connection with, the operation of the 702  
facility. 703

(4) "Construction" includes, but is not limited to, providing 704  
fixtures, furnishings, and equipment. 705

(5) "Debt service charges" means the interest, principal, 706  
premium, if any, carrying and redemption charges, and expenses on 707  
bonds issued by either the county or the corporation to: 708

(a) Construct a sports facility or provide for related 709  
redevelopment or economic development as provided in this section; 710

(b) Acquire real and personal property, property rights, 711  
easements, or interests that may be appropriate for, or used in 712  
connection with, the operation of the facility; and 713

(c) Make site improvements to real property, including, but 714  
not limited to, demolition, excavation, and installation of 715  
footers, pilings, and foundations. 716

(6) "Host municipal corporation" means the municipal 717  
corporation within the boundaries of which the sports facility is 718  
located, and with which a national football league, major league 719  
baseball, or national basketball association sports franchise is 720  
associated on ~~the effective date of this amendment~~ March 20, 1990. 721

(B) A board of county commissioners of a county that levies a 722  
tax under section 307.697, 4301.421, or 5743.024 of the Revised 723  
Code may enter into an agreement with a corporation operating in 724  
the county, and, if there is a host municipal corporation all or a 725  
part of which is located in the county, shall enter into an 726  
agreement with a corporation operating in the county and the host 727  
municipal corporation, under which: 728



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

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

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

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

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

(C)(1) The primary purpose of the pledges and contributions described in division (B)(1) of this section is payment of debt service charges. To the extent the pledges and contributions are not used by the county or corporation for payment of debt service 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 760  
operation and maintenance of the sports facility, to the host 761  
municipal corporation, or a nonprofit corporation, which may be 762  
the corporation acting on behalf of the host municipal 763  
corporation, for redevelopment and economic development purposes 764  
related to the sports facility. If the county taxes are also 765  
levied for the purpose of making permanent improvements, the 766  
agreement shall include a schedule of annual pledges and 767  
contributions by the county for the payment of debt service 768  
charges. The county's pledge and contribution provided for in the 769  
agreement shall be for the period stated in the agreement but not 770  
to exceed twenty years. The agreement shall provide that any such 771  
bonds and notes shall be secured by a trust agreement between the 772  
corporation or other bond issuer and a corporate trustee that is a 773  
trust company or bank having the powers of a trust company within 774  
or without the state, and the trust agreement shall pledge or 775  
assign to the retirement of the bonds or notes, all moneys paid by 776  
the county for that purpose under this section. A county tax, all 777  
or any part of the revenues from which are pledged under an 778  
agreement entered into by a board of county commissioners under 779  
this section shall not be subject to diminution by initiative or 780  
referendum, or diminution by statute, unless provision is made 781  
therein for an adequate substitute therefor reasonably 782  
satisfactory to the trustee under the trust agreement that secures 783  
the bonds and notes. 784

(2) The primary purpose of the pledges and contributions 785  
described in division (B)(2) of this section is payment of debt 786  
service charges. To the extent the pledges and contributions are 787  
not used by the county for payment of debt service charges, the 788  
county or corporation, pursuant to the agreement provided for in 789  
division (B) of this section, shall provide the unused pledges and 790  
contributions, together with surplus revenues of the sports 791  
facility not needed for debt service charges or the operation and 792

maintenance of the sports facility, to the host municipal 793  
corporation, or a nonprofit corporation, which may be the 794  
corporation, acting on behalf of the host municipal corporation, 795  
for redevelopment and economic development purposes related to the 796  
sports facility. The corporation's pledge and contribution 797  
provided for in the agreement shall be until all of the bonds 798  
issued for the construction of the facility have been retired. 799

(D) A pledge of money by a county under this section shall 800  
not be indebtedness of the county for purposes of Chapter 133. of 801  
the Revised Code. 802

(E) If the terms of the agreement so provide, the board of 803  
county commissioners may acquire, make site improvements to, 804  
including, but not limited to, demolition, excavation, and 805  
installation of footers, pilings, and foundations, and lease real 806  
property for the sports facility to a corporation that constructs 807  
a sports facility under division (B)(1) of this section. The 808  
agreement shall specify the term, which shall not exceed thirty 809  
years and shall be on such terms as are set forth in the 810  
agreement. The purchase, improvement, and lease may be the subject 811  
of an agreement between the county and a municipal corporation 812  
located within the county pursuant to section 153.61 or 307.15 of 813  
the Revised Code, and are not subject to the limitations of 814  
sections 307.02 and 307.09 of the Revised Code. 815

(F) The corporation shall not enter into any construction 816  
contract or contract for the purchase of services for use in 817  
connection with the construction of a sports facility prior to the 818  
corporation's adoption and implementation of a policy on the set 819  
aside of contracts for bidding by or award to minority business 820  
enterprises, as defined in division (E)(1) of section 122.71 of 821  
the Revised Code. ~~Sections 4115.03 to 4115.16 of the Revised Code~~ 822  
~~apply to a sports facility constructed under this section.~~ 823

(G) Not more than one-half of the total costs, including debt 824

service charges and cost of operation, of a project undertaken 825  
pursuant to an agreement entered into under division (B) of this 826  
section shall be paid from county taxes. Nothing in this section 827  
authorizes the use of revenues from county taxes or proceeds from 828  
the sale of bonds issued by the board of county commissioners for 829  
payment of costs of operation of a sports facility. 830

~~Sec. 351.06. A facility to be constructed pursuant to this 831  
chapter is a public improvement and a convention facilities 832  
authority is a public authority for purposes of section 4115.03 of 833  
the Revised Code. All contractors and subcontractors working on 834  
such facilities are subject to and shall comply with sections 835  
4115.03 to 4115.16 of the Revised Code. A convention facilities 836  
authority is a contracting authority for purposes of sections 837  
307.86 to 307.91 of the Revised Code. 838~~

No convention facilities authority shall construct a facility 839  
under this chapter unless the plans for the facility provide for 840  
parking and transportation determined by the board of county 841  
commissioners as adequate to serve that facility. 842

A convention facilities authority may do all of the 843  
following: 844

(A) Adopt bylaws for the regulation of its affairs and the 845  
conduct of its business; 846

(B) Adopt an official seal; 847

(C) Maintain a principal office within its territory; 848

(D) Acquire, purchase, construct, reconstruct, enlarge, 849  
furnish, equip, maintain, repair, sell, exchange, lease or rent 850  
to, lease or rent from, operate, or contract for the operation by 851  
others of, facilities within its territory, and make charges for 852  
the use of the facilities; 853

(E) Make available the use or services of any facility to 854

persons or governmental agencies on such terms and conditions as 855  
the authority shall determine; 856

(F) By resolution of its board of directors, issue convention 857  
facilities authority revenue bonds beyond the limit of bonded 858  
indebtedness provided by law, payable solely from revenues as 859  
provided in section 351.14 of the Revised Code, unless the bonds 860  
are refunded by refunding bonds, for the purpose of providing 861  
funds to pay the costs of any facility or facilities or parts of 862  
any facility or facilities, and, if moneys raised by taxation are 863  
not obligated or pledged for the payment of those revenue bonds, 864  
to pay the costs of any facility or facilities or parts of any 865  
facility or facilities pursuant to Section 13 of Article VIII, 866  
Ohio Constitution, and in order to create or preserve jobs and 867  
employment opportunities and improve the economic welfare of the 868  
people of the state; 869

(G) Maintain such funds as it determines necessary; 870

(H) Direct its agents or employees, when properly identified 871  
in writing and after at least five days' written notice, to enter 872  
upon lands within its territory in order to make surveys and 873  
examinations preliminary to location and construction of 874  
facilities, or other work for the purposes of the convention 875  
facilities authority, without liability of the authority or its 876  
agents or employees except for actual damage done; 877

(I) Promote, advertise, and publicize the authority and its 878  
facilities; 879

(J)(1) Adopt rules, not in conflict with general law, 880  
governing the use of its property, grounds, buildings, equipment, 881  
and facilities, and the conduct of its employees and the public, 882  
in order to promote the public safety and convenience in and about 883  
its facilities and grounds, and to maintain order. Any such rule 884  
shall be posted at a prominent place in each of the buildings or 885

facilities to which it applies. 886

(2) No person shall violate any lawful rule adopted and 887  
posted as provided in this division. 888

(K) Acquire by gift or purchase, hold, lease, and dispose of 889  
real and personal property and interests in the property in the 890  
exercise of its powers and the performance of its duties under 891  
this chapter; 892

(L) Acquire, in the name of the authority, by purchase or 893  
otherwise, on such terms and in such manner as the authority finds 894  
proper, or by the exercise of the right of appropriation in the 895  
manner provided by section 351.22 of the Revised Code, such public 896  
or private lands, including public parks, playgrounds, or 897  
reservations, or parts thereof or rights therein, rights-of-way, 898  
rights, franchises, easements, and interests as it finds necessary 899  
or proper for carrying out this chapter, and compensation shall be 900  
paid for public or private lands so taken; 901

(M) Make and enter into all contracts and agreements and 902  
execute all instruments necessary or incidental to the performance 903  
of its duties and the execution of its powers under this chapter 904  
provided that no construction contract or contract for the 905  
purchase of goods or services shall be approved or entered into by 906  
the authority prior to the adoption and implementation of a policy 907  
on the set aside of contracts for bidding by or award to minority 908  
business enterprises, as defined in division (E)(1) of section 909  
122.71 of the Revised Code; 910

(N) Employ managers, superintendents, and other employees and 911  
retain or contract with consulting engineers, financial 912  
consultants, accounting experts, architects, attorneys, and such 913  
other consultants and independent contractors as are necessary in 914  
its judgment to carry out this chapter, and fix their 915  
compensation. All expenses of doing so shall be payable solely 916

from the proceeds of convention facilities authority bonds and 917  
notes issued under this chapter, or from excise taxes and 918  
revenues. 919

(O) Receive and accept from any governmental agency grants 920  
for or in aid of the purposes of the authority, and receive and 921  
accept aid or contributions from any source of money, property, 922  
labor, or other things of value, to be held, used, and applied 923  
only for the purposes for which such grants and contributions are 924  
made; 925

(P) Engage in research and development with respect to 926  
facilities; 927

(Q) Purchase fire and extended coverage and liability 928  
insurance for any facility and for the offices of the authority, 929  
insurance protecting the authority and its officers and employees 930  
against liability for damage to property or injury to or death of 931  
persons arising from its operations, and any other insurance the 932  
authority may agree to provide under any resolution authorizing 933  
its convention facilities authority revenue bonds or in any trust 934  
agreement securing the same; 935

(R) Charge, alter, and collect rentals and other charges for 936  
the use or services of any facility as provided in section 351.09 937  
of the Revised Code; 938

(S) If a tax proposed under section 5739.026 of the Revised 939  
Code is disapproved by the electors, request the board of county 940  
commissioners to dissolve the authority pursuant to section 351.03 941  
of the Revised Code; 942

(T) By resolution of its board of directors, levy any of the 943  
excise taxes authorized by division (B) or (C) of section 351.021 944  
of the Revised Code if authorized by the county commissioners, and 945  
issue convention facilities authority tax anticipation bonds 946  
beyond any limit of bonded indebtedness provided by law, payable 947

solely from excise taxes levied pursuant to division (B) or (C) of 948  
section 351.021 of the Revised Code and revenues as provided in 949  
section 351.141 of the Revised Code. 950

(U) Do all acts necessary or proper to carry out the powers 951  
expressly granted in this chapter. 952

**Sec. 1506.44.** (A) A board of county commissioners may use a 953  
loan obtained under division (C) of this section to provide 954  
financial assistance to any person who owns real property in a 955  
coastal erosion area and who has received a permit under section 956  
1506.40 of the Revised Code to construct an erosion control 957  
structure in that coastal erosion area. The board shall enter into 958  
an agreement with the person that complies with all of the 959  
following requirements: 960

(1) The agreement shall identify the person's real property 961  
for which the erosion control structure is being constructed and 962  
shall include a legal description of that property and a reference 963  
to the volume and page of the deed record in which the title of 964  
that person to that property is recorded. 965

(2) In accordance with rules adopted by the Ohio water 966  
development authority under division (V) of section 6121.04 of the 967  
Revised Code for the purposes of division (C) of this section and 968  
pursuant to an agreement between the board and the authority under 969  
that division, the board shall agree to cause payments to be made 970  
by the authority to the contractor hired by the person to 971  
construct an erosion control structure in amounts not to exceed 972  
the total amount specified in the agreement between the board and 973  
the person. 974

(3) The person shall agree to pay to the board, or to the 975  
authority as the assignee pursuant to division (C) of this 976  
section, the total amount of the payments plus administrative or 977  
other costs of the board or the authority at times, in 978



installments, and bearing interest as specified in the agreement. 979

The agreement may contain additional provisions that the 980  
board determines necessary to safeguard the interests of the 981  
county or to comply with an agreement entered into under division 982  
(C) of this section. 983

(B) Upon entering into an agreement under division (A) of 984  
this section, the board shall do all of the following: 985

(1) Cause the agreement to be recorded in the county deed 986  
records in the office of the county recorder of the county in 987  
which the real property is situated. Failure to record the 988  
agreement does not affect the validity of the agreement or the 989  
collection of any amounts due under the agreement. 990

(2) Establish by resolution an erosion control repayment fund 991  
into which shall be deposited all amounts collected under division 992  
(B)(3) of this section. Moneys in that fund shall be used by the 993  
board for the repayment of the loan and for administrative or 994  
other costs of the board or the authority as specified in an 995  
agreement entered into under division (C) of this section. If the 996  
amount of money in the fund is inadequate to repay the loan when 997  
due, the board of county commissioners, by resolution, may advance 998  
money from any other fund in order to repay the loan if that use 999  
of the money from the other fund is not in conflict with law. If 1000  
the board so advances money in order to repay the loan, the board 1001  
subsequently shall reimburse each fund from which the board 1002  
advances money with moneys from the erosion control repayment 1003  
fund. 1004

(3) Bill and collect all amounts when due under the agreement 1005  
entered into under division (A) of this section. The board shall 1006  
certify amounts not paid when due to the county auditor, who shall 1007  
enter the amounts on the real property tax list and duplicate 1008  
against the property identified under division (A)(1) of this 1009

section. The amounts not paid when due shall be a lien on that 1010  
property from the date on which the amounts are placed on the tax 1011  
list and duplicate and shall be collected in the same manner as 1012  
other taxes. 1013

(C) A board may apply to the authority for a loan for the 1014  
purpose of entering into agreements under division (A) of this 1015  
section. The loan shall be for an amount and on the terms 1016  
established in an agreement between the board and the authority. 1017  
The board may assign any agreements entered into under division 1018  
(A) of this section to the authority in order to provide for the 1019  
repayment of the loan and may pledge any lawfully available 1020  
revenues to the repayment of the loan, provided that no moneys 1021  
raised by taxation shall be obligated or pledged by the board for 1022  
the repayment of the loan. Any agreement with the authority 1023  
pursuant to this division is not subject to Chapter 133. of the 1024  
Revised Code or any requirements or limitations established in 1025  
that chapter. 1026

(D) The authority, as assignee of any agreement pursuant to 1027  
division (C) of this section, may enforce and compel the board and 1028  
the county auditor by mandamus pursuant to Chapter 2731. of the 1029  
Revised Code to comply with division (B) of this section in a 1030  
timely manner. 1031

(E) The construction of an erosion control structure by a 1032  
contractor hired by an individual homeowner, group of individual 1033  
homeowners, or homeowners association that enters into an 1034  
agreement with a board under division (A) of this section ~~is not a~~ 1035  
~~public improvement, as defined in section 4115.03 of the Revised~~ 1036  
~~Code, and~~ is not subject to competitive bidding or public bond 1037  
laws. 1038

**Sec. 1710.02.** (A) A special improvement district may be 1039  
created within the boundaries of any one municipal corporation, 1040

any one township, or any combination of contiguous municipal 1041  
corporations and townships for the purpose of developing and 1042  
implementing plans for public improvements and public services 1043  
that benefit the district. A district may be created by petition 1044  
of the owners of real property within the proposed district, or by 1045  
an existing qualified nonprofit corporation. If the district is 1046  
created by an existing qualified nonprofit corporation, the 1047  
purposes for which the district is created may be supplemental to 1048  
the other purposes for which the corporation is organized. All 1049  
territory in a special improvement district shall be contiguous; 1050  
except that the territory in a special improvement district may be 1051  
noncontiguous if at least one special energy improvement project 1052  
is designated for each parcel of real property included within the 1053  
special improvement district. Additional territory may be added to 1054  
a special improvement district created under this chapter for the 1055  
purpose of developing and implementing plans for special energy 1056  
improvement projects if at least one special energy improvement 1057  
project is designated for each parcel of real property included 1058  
within such additional territory and the addition of territory is 1059  
authorized by the initial plan proposed under division (F) of this 1060  
section or a plan adopted by the board of directors of the special 1061  
improvement district under section 1710.06 of the Revised Code. 1062

The district shall be governed by the board of trustees of a 1063  
nonprofit corporation. This board shall be known as the board of 1064  
directors of the special improvement district. No special 1065  
improvement district shall include any church property, or 1066  
property of the federal or state government or a county, township, 1067  
or municipal corporation, unless the church or the county, 1068  
township, or municipal corporation specifically requests in 1069  
writing that the property be included within the district, or 1070  
unless the church is a member of the existing qualified nonprofit 1071  
corporation creating the district at the time the district is 1072  
created. More than one district may be created within a 1073

participating political subdivision, but no real property may be 1074  
included within more than one district unless the owner of the 1075  
property files a written consent with the clerk of the legislative 1076  
authority, the township fiscal officer, or the village clerk, as 1077  
appropriate. The area of each district shall be contiguous; except 1078  
that the area of a special improvement district may be 1079  
noncontiguous if all parcels of real property included within such 1080  
area contain at least one special energy improvement thereon. 1081

(B) Except as provided in division (C) of this section, a 1082  
district created under this chapter is not a political 1083  
subdivision. A district created under this chapter shall be 1084  
considered a public agency under section 102.01 ~~and a public~~ 1085  
~~authority under section 4115.03~~ of the Revised Code. Each member 1086  
of the board of directors of a district, each member's designee or 1087  
proxy, and each officer and employee of a district shall be 1088  
considered a public official or employee under section 102.01 of 1089  
the Revised Code and a public official and public servant under 1090  
section 2921.42 of the Revised Code. Districts created under this 1091  
chapter are not subject to sections 121.81 to 121.83 of the 1092  
Revised Code. Districts created under this chapter are subject to 1093  
sections 121.22 and 121.23 of the Revised Code. 1094

(C) Each district created under this chapter shall be 1095  
considered a political subdivision for purposes of section 4905.34 1096  
of the Revised Code. 1097

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

participating political subdivision of the district and is acting 1106  
within the scope of the director's or designee's employment or 1107  
official responsibilities. 1108

District officers and district members and directors and 1109  
their designees or proxies shall not be required to file a 1110  
statement with the Ohio ethics commission under section 102.02 of 1111  
the Revised Code. All records of the district shall be treated as 1112  
public records under section 149.43 of the Revised Code, except 1113  
that records of organizations contracting with a district shall 1114  
not be considered to be public records under section 149.43 or 1115  
section 149.431 of the Revised Code solely by reason of any 1116  
contract with a district. 1117

(D) Except as otherwise provided in this section, the 1118  
nonprofit corporation that governs a district shall be organized 1119  
in the manner described in Chapter 1702. of the Revised Code. 1120  
Except in the case of a district created by an existing qualified 1121  
nonprofit corporation, the corporation's articles of incorporation 1122  
are required to be approved, as provided in division (E) of this 1123  
section, by resolution of the legislative authority of each 1124  
participating political subdivision of the district. A copy of 1125  
that resolution shall be filed along with the articles of 1126  
incorporation in the secretary of state's office. 1127

In addition to meeting the requirements for articles of 1128  
incorporation set forth in Chapter 1702. of the Revised Code, the 1129  
articles of incorporation for the nonprofit corporation governing 1130  
a district formed under this chapter shall provide all the 1131  
following: 1132

(1) The name for the district, which shall include the name 1133  
of each participating political subdivision of the district; 1134

(2) A description of the territory within the district, which 1135  
may be all or part of each participating political subdivision. 1136

The description shall be specific enough to enable real property owners to determine if their property is located within the district.

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

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

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

a church, county, township, or municipal corporation has 1169  
specifically requested in writing that the property be included in 1170  
the district. Pursuant to Section 2o of Article VIII, Ohio 1171  
Constitution, the petition required under this division may be for 1172  
the purpose of developing and implementing plans for special 1173  
energy improvement projects, and, in such case, is determined to 1174  
be in furtherance of the purposes set forth in Section 2o of 1175  
Article VIII, Ohio Constitution. If a special improvement district 1176  
is being created under this chapter for the purpose of developing 1177  
and implementing plans for special energy improvement projects, 1178  
the petition required under this division shall be signed by one 1179  
hundred per cent of the owners of the area of all real property 1180  
located within the proposed special improvement district, at least 1181  
one special energy improvement project shall be designated for 1182  
each parcel of real property within the special improvement 1183  
district, and the special improvement district may include any 1184  
number of parcels of real property as determined by the 1185  
legislative authority of each participating political subdivision 1186  
in which the proposed special improvement district is to be 1187  
located. For purposes of determining compliance with these 1188  
requirements, the area of the district, or the front footage and 1189  
ownership of property, shall be as shown in the most current 1190  
records available at the county recorder's office and the county 1191  
engineer's office sixty days prior to the date on which the 1192  
petition is filed. 1193

Each municipal corporation or township with which the 1194  
petition is filed has sixty days to approve or disapprove, by 1195  
resolution, the petition, including the articles of incorporation. 1196  
In the case of a district created by an existing qualified 1197  
nonprofit corporation, each municipal corporation or township has 1198  
sixty days to approve or disapprove the creation of the district 1199  
after the corporation submits the articles of incorporation or 1200  
amendments thereto. This chapter does not prohibit or restrict the 1201

rights of municipal corporations under Article XVIII of the Ohio 1202  
Constitution or the right of the municipal legislative authority 1203  
to impose reasonable conditions in a resolution of approval. The 1204  
acquisition, installation, equipping, and improvement of a special 1205  
energy improvement project under this chapter shall not supersede 1206  
any local zoning, environmental, or similar law or regulation. 1207

(F) Persons proposing creation and operation of the district 1208  
may propose an initial plan for public services or public 1209  
improvements that benefit all or any part of the district. Any 1210  
initial plan shall be submitted as part of the petition proposing 1211  
creation of the district or, in the case of a district created by 1212  
an existing qualified nonprofit corporation, shall be submitted 1213  
with the articles of incorporation or amendments thereto. 1214

An initial plan may include provisions for the following: 1215

(1) Creation and operation of the district and of the 1216  
nonprofit corporation to govern the district under this chapter; 1217

(2) Hiring employees and professional services; 1218

(3) Contracting for insurance; 1219

(4) Purchasing or leasing office space and office equipment; 1220

(5) Other actions necessary initially to form, operate, or 1221  
organize the district and the nonprofit corporation to govern the 1222  
district; 1223

(6) A plan for public improvements or public services that 1224  
benefit all or part of the district, which plan shall comply with 1225  
the requirements of division (A) of section 1710.06 of the Revised 1226  
Code and may include, but is not limited to, any of the permissive 1227  
provisions described in the fourth sentence of that division or 1228  
listed in divisions (A)(1) to (7) of that section; 1229

(7) If the special improvement district is being created 1230  
under this chapter for the purpose of developing and implementing 1231



plans for special energy improvement projects, provision for the 1232  
addition of territory to the special improvement district. 1233

After the initial plan is approved by all municipal 1234  
corporations and townships to which it is submitted for approval 1235  
and the district is created, each participating subdivision shall 1236  
levy a special assessment within its boundaries to pay for the 1237  
costs of the initial plan. The levy shall be for no more than ten 1238  
years from the date of the approval of the initial plan; except 1239  
that if the proceeds of the levy are to be used to pay the costs 1240  
of a special energy improvement project, the levy of a special 1241  
assessment shall be for no more than thirty years from the date of 1242  
approval of the initial plan. In the event that additional 1243  
territory is added to a special improvement district, the special 1244  
assessment to be levied with respect to such additional territory 1245  
shall commence not earlier than the date such territory is added 1246  
and shall be for no more than thirty years from such date. For 1247  
purposes of levying an assessment for this initial plan, the 1248  
services or improvements included in the initial plan shall be 1249  
deemed a special benefit to property owners within the district. 1250

(G) Each nonprofit corporation governing a district under 1251  
this chapter may do the following: 1252

(1) Exercise all powers of nonprofit corporations granted 1253  
under Chapter 1702. of the Revised Code that do not conflict with 1254  
this chapter; 1255

(2) Develop, adopt, revise, implement, and repeal plans for 1256  
public improvements and public services for all or any part of the 1257  
district; 1258

(3) Contract with any person, political subdivision as 1259  
defined in section 2744.01 of the Revised Code, or state agency as 1260  
defined in section 1.60 of the Revised Code to develop and 1261  
implement plans for public improvements or public services within 1262

the district; 1263

(4) Contract and pay for insurance for the district and for 1264  
directors, officers, agents, contractors, employees, or members of 1265  
the district for any consequences of the implementation of any 1266  
plan adopted by the district or any actions of the district. 1267

The board of directors of a special improvement district may, 1268  
acting as agent and on behalf of a participating political 1269  
subdivision, sell, transfer, lease, or convey any special energy 1270  
improvement project owned by the participating political 1271  
subdivision upon a determination by the legislative authority 1272  
thereof that the project is not required to be owned exclusively 1273  
by the participating political subdivision for its purposes, for 1274  
uses determined by the legislative authority thereof as those that 1275  
will promote the welfare of the people of such participating 1276  
political subdivision; to improve the quality of life and the 1277  
general and economic well-being of the people of the participating 1278  
political subdivision; better ensure the public health, safety, 1279  
and welfare; protect water and other natural resources; provide 1280  
for the conservation and preservation of natural and open areas 1281  
and farmlands, including by making urban areas more desirable or 1282  
suitable for development and revitalization; control, prevent, 1283  
minimize, clean up, or mediate certain contamination of or 1284  
pollution from lands in the state and water contamination or 1285  
pollution; or provide for safe and natural areas and resources. 1286  
The legislative authority of each participating political 1287  
subdivision shall specify the consideration for such sale, 1288  
transfer, lease, or conveyance and any other terms thereof. Any 1289  
determinations made by a legislative authority of a participating 1290  
political subdivision under this division shall be conclusive. 1291

Any sale, transfer, lease, or conveyance of a special energy 1292  
improvement project by a participating political subdivision or 1293  
the board of directors of the special improvement district may be 1294

made without advertising, receipt of bids, or other competitive 1295  
bidding procedures applicable to the participating political 1296  
subdivision or the special improvement district under Chapter 153. 1297  
or 735. or section 1710.11 of the Revised Code or other 1298  
representative provisions of the Revised Code. 1299

**Sec. 4115.03.** As used in sections 4115.03 to 4115.16 of the 1300  
Revised Code: 1301

(A)(1) "Public authority" means any officer, board, or 1302  
commission of the state, ~~or any political subdivision of the~~ 1303  
~~state,~~ authorized to enter into a contract for the construction of 1304  
a public improvement or to construct the same by the direct 1305  
employment of labor, or any institution supported in whole or in 1306  
part by ~~public~~ state funds and said sections apply to expenditures 1307  
of such institutions made in whole or in part from ~~public~~ state 1308  
funds. 1309

(2) "Public authority" does not mean either of the following: 1310

(a) A political subdivision or special district, unless the 1311  
political subdivision or special district elects to be subject to 1312  
the requirements of sections 4115.03 to 4115.16 of the Revised 1313  
Code pursuant to section 4115.04 of the Revised Code. 1314

(b) A state institution of higher education, unless the state 1315  
institution of higher education elects to be subject to the 1316  
requirements of sections 4115.03 to 4115.16 of the Revised Code 1317  
pursuant to section 4115.04 of the Revised Code. 1318

(B) "Construction" means any of the following: 1319

(1) Except as provided in division (B)(2) or (3) of this 1320  
section, any new construction of a public improvement, ~~the total~~ 1321  
~~overall project cost of which is fairly estimated to be more than~~ 1322  
~~the following amounts and performed by other than full-time~~ 1323  
~~employees who have completed their probationary periods in the~~ 1324

~~classified service of a public authority:~~ 1325

~~(a) One hundred twenty five thousand dollars, beginning on~~ 1326  
~~the effective date of this amendment and continuing for one year~~ 1327  
~~thereafter;~~ 1328

~~(b) Two hundred thousand dollars, beginning when the time~~ 1329  
~~period described in division (B)(1)(a) of this section expires and~~ 1330  
~~continuing for one year thereafter;~~ 1331

~~(c) Two hundred fifty thousand dollars, beginning when the~~ 1332  
~~time period described in division (B)(1)(b) of this section~~ 1333  
~~expires.~~ 1334

~~(2) Except as provided in division (B)(4) of this section, or~~ 1335  
any reconstruction, enlargement, alteration, repair, remodeling, 1336  
renovation, or painting of a public improvement, the total overall 1337  
project cost of which is fairly estimated to be more than ~~the~~ 1338  
~~following amounts~~ three million five hundred dollars adjusted 1339  
biennially by the director of commerce pursuant to section 1340  
4115.034 of the Revised Code and performed by other than full-time 1341  
employees who have completed their probationary period in the 1342  
classified civil service of a public authority~~+~~. 1343

~~(a) Thirty eight thousand dollars, beginning on the effective~~ 1344  
~~date of this amendment and continuing for one year thereafter;~~ 1345

~~(b) Sixty thousand dollars, beginning when the time period~~ 1346  
~~described in division (B)(2)(a) of this section expires and~~ 1347  
~~continuing for one year thereafter;~~ 1348

~~(c) Seventy five thousand dollars, beginning when the time~~ 1349  
~~period described in division (B)(2)(b) of this section expires.~~ 1350

~~(3)(2)~~ Any new construction of a public improvement that 1351  
involves roads, streets, alleys, sewers, ditches, and other works 1352  
connected to road or bridge construction, the total overall 1353  
project cost of which is fairly estimated to be more than 1354

seventy-eight thousand two hundred fifty-eight dollars adjusted 1355  
biennially by the director of commerce pursuant to section 1356  
4115.034 of the Revised Code and performed by other than full-time 1357  
employees who have completed their probationary periods in the 1358  
classified service of a public authority; 1359

~~(4)~~(3) Any reconstruction, enlargement, alteration, repair, 1360  
remodeling, renovation, or painting of a public improvement that 1361  
involves roads, streets, alleys, sewers, ditches, and other works 1362  
connected to road or bridge construction, the total overall 1363  
project cost of which is fairly estimated to be more than 1364  
twenty-three thousand four hundred forty-seven dollars adjusted 1365  
biennially by the director of commerce pursuant to section 1366  
4115.034 of the Revised ~~code~~ Code and performed by other than 1367  
full-time employees who have completed their probationary periods 1368  
in the classified service of a public authority. 1369

(C) "Public improvement" includes all buildings, roads, 1370  
streets, alleys, sewers, ditches, sewage disposal plants, water 1371  
works, and all other structures or works constructed by a public 1372  
authority of the state ~~or any political subdivision thereof~~ or by 1373  
any person who, pursuant to a contract with a public authority, 1374  
constructs any structure for a public authority of the state ~~or a~~ 1375  
~~political subdivision thereof~~. When a public authority rents or 1376  
leases a newly constructed structure within six months after 1377  
completion of such construction, all work performed on such 1378  
structure to suit it for occupancy by a public authority is a 1379  
"public improvement." ~~"Public improvement" does not include an~~ 1380  
~~improvement authorized by section 1515.08 of the Revised Code that~~ 1381  
~~is constructed pursuant to a contract with a soil and water~~ 1382  
~~conservation district, as defined in section 1515.01 of the~~ 1383  
~~Revised Code, or performed as a result of a petition filed~~ 1384  
~~pursuant to Chapter 6131., 6133., or 6135. of the Revised Code,~~ 1385  
~~wherein no less than seventy five per cent of the project is~~ 1386

~~located on private land and no less than seventy five per cent of~~ 1387  
~~the cost of the improvement is paid for by private property owners~~ 1388  
~~pursuant to Chapter 1515., 6131., 6133., or 6135. of the Revised~~ 1389  
~~Code.~~ 1390

(D) "Locality" means the county wherein the physical work 1391  
upon any public improvement is being performed. 1392

(E) "Prevailing wages" means the sum of the following: 1393

(1) The basic hourly rate of pay; 1394

(2) The rate of contribution irrevocably made by a contractor 1395  
or subcontractor to a trustee or to a third person pursuant to a 1396  
fund, plan, or program; 1397

(3) The rate of costs to the contractor or subcontractor 1398  
which may be reasonably anticipated in providing the following 1399  
fringe benefits to laborers and mechanics pursuant to an 1400  
enforceable commitment to carry out a financially responsible plan 1401  
or program which was communicated in writing to the laborers and 1402  
mechanics affected: 1403

(a) Medical or hospital care or insurance to provide such; 1404

(b) Pensions on retirement or death or insurance to provide 1405  
such; 1406

(c) Compensation for injuries or illnesses resulting from 1407  
occupational activities if it is in addition to that coverage 1408  
required by Chapters 4121. and 4123. of the Revised Code; 1409

(d) Supplemental unemployment benefits that are in addition 1410  
to those required by Chapter 4141. of the Revised Code; 1411

(e) Life insurance; 1412

(f) Disability and sickness insurance; 1413

(g) Accident insurance; 1414

(h) Vacation and holiday pay; 1415

(i) Defraying of costs for apprenticeship or other similar training programs which are beneficial only to the laborers and mechanics affected;	1416 1417 1418
(j) Other bona fide fringe benefits.	1419
None of the benefits enumerated in division (E)(3) of this section may be considered in the determination of prevailing wages if federal, state, or local law requires contractors or subcontractors to provide any of such benefits.	1420 1421 1422 1423
(F) "Interested party," with respect to a particular contract for construction of a public improvement, means:	1424 1425
(1) Any person who submits a bid for the purpose of securing the award of the contract;	1426 1427
(2) Any person acting as a subcontractor of a person described in division (F)(1) of this section;	1428 1429
(3) Any bona fide organization of labor which has as members or is authorized to represent employees of a person described 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;	1430 1431 1432 1433 1434 1435
(4) Any association having as members any of the persons described in division (F)(1) or (2) of this section.	1436 1437
(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.	1438 1439 1440 1441
<u>(H) "Political subdivision" has the same meaning as in section 9.23 of the Revised Code.</u>	1442 1443
<u>(I) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.</u>	1444 1445

**Sec. 4115.034.** On January 1, 1996, and the first day of 1446  
January of every even-numbered year thereafter, the director of 1447  
commerce shall adjust the threshold levels for which public 1448  
improvement projects are subject to sections 4115.03 to 4115.16 of 1449  
the Revised Code as set forth in ~~divisions~~ division (B)(3) and (4) 1450  
of section 4115.03 of the Revised Code. The director shall adjust 1451  
those amounts according to the average increase or decrease for 1452  
each of the two years immediately preceding the adjustment as set 1453  
forth in the United States department of commerce, bureau of the 1454  
census implicit price deflator for construction, provided that no 1455  
increase or decrease for any year shall exceed three per cent of 1456  
the threshold level in existence at the time of the adjustment. 1457

**Sec. 4115.04.** (A)(1) Every public authority authorized to 1458  
contract for or construct with its own forces a public 1459  
improvement, before advertising for bids or undertaking such 1460  
construction with its own forces, shall have the director of 1461  
commerce determine the prevailing rates of wages of mechanics and 1462  
laborers in accordance with section 4115.05 of the Revised Code 1463  
for the class of work called for by the public improvement, in the 1464  
locality where the work is to be performed. Except as provided in 1465  
division (A)(2) of this section, that schedule of wages shall be 1466  
attached to and made part of the specifications for the work, and 1467  
shall be printed on the bidding blanks where the work is done by 1468  
contract. A copy of the bidding blank shall be filed with the 1469  
director before the contract is awarded. A minimum rate of wages 1470  
for common laborers, on work coming under the jurisdiction of the 1471  
department of transportation, shall be fixed in each county of the 1472  
state by the department of transportation, in accordance with 1473  
section 4115.05 of the Revised Code. 1474

(2) In the case of contracts that are administered by the 1475  
department of natural resources, the director of natural resources 1476



or the director's designee shall include language in the contracts 1477  
requiring wage rate determinations and updates to be obtained 1478  
directly from the department of commerce through electronic or 1479  
other means as appropriate. Contracts that include this 1480  
requirement are exempt from the requirements established in 1481  
division (A)(1) of this section that involve attaching the 1482  
schedule of wages to the specifications for the work, making the 1483  
schedule part of those specifications, and printing the schedule 1484  
on the bidding blanks where the work is done by contract. 1485

(B) ~~Sections~~ Except as provided in division (C) of this 1486  
section, sections 4115.03 to 4115.16 of the Revised Code do not 1487  
apply to: 1488

(1) Public improvements in any case where the federal 1489  
government or any of its agencies furnishes by loan or grant all 1490  
or any part of the funds used in constructing such improvements, 1491  
provided that the federal government or any of its agencies 1492  
prescribes predetermined minimum wages to be paid to mechanics and 1493  
laborers employed in the construction of such improvements; 1494

(2) A participant in a work activity, developmental activity, 1495  
or an alternative work activity under sections 5107.40 to 5107.69 1496  
of the Revised Code when a public authority directly uses the 1497  
labor of the participant to construct a public improvement if the 1498  
participant is not engaged in paid employment or subsidized 1499  
employment pursuant to the activity; 1500

(3) Public improvements undertaken by, or under contract for, 1501  
~~the board of education of any school district or the governing~~ 1502  
~~board of any educational service center;~~ 1503

~~(4) Public improvements undertaken by, or under contract for,~~ 1504  
~~a county hospital operated pursuant to Chapter 339. of the Revised~~ 1505  
~~Code or a municipal hospital operated pursuant to Chapter 749. of~~ 1506  
~~the Revised Code if none of the funds used in constructing the~~ 1507

~~improvements are the proceeds of bonds or other obligations that 1508  
are secured by the full faith and credit of the state, a county, a 1509  
township, or a municipal corporation and none of the funds used in 1510  
constructing the improvements, including funds used to repay any 1511  
amounts borrowed to construct the improvements, are funds that 1512  
have been appropriated for that purpose by the state, a board of 1513  
county commissioners, a township, or a municipal corporation from 1514  
funds generated by the levy of a tax, provided that a county 1515  
hospital or municipal hospital may elect to apply sections 4115.03 1516  
to 4115.16 of the Revised Code to a public improvement undertaken 1517  
by, or under contract for, the hospital a political subdivision or 1518  
state institution of higher education; 1519~~

~~+5)+(4) Any project described in divisions (D)(1)(a) to 1520  
(D)(1)(e) of section 176.05 of the Revised Code; 1521~~

~~(6) Public improvements undertaken by, or under contract for, 1522  
a port authority as defined in section 4582.01 or 4582.21 of the 1523  
Revised Code; 1524~~

~~+7)+(5) Any portion of a public improvement undertaken and 1525  
completed solely with labor donated by the individuals performing 1526  
the labor, by a labor organization and its members, or by a 1527  
contractor or subcontractor that donates all labor and materials 1528  
for that portion of the public improvement project. 1529~~

~~(C) Except as otherwise provided in division (D) of this 1530  
section, a political subdivision, a special district, including a 1531  
special improvement district created in section 1710.02 of the 1532  
Revised Code, or a state institution of higher education may elect 1533  
to apply sections 4115.03 to 4115.16 of the Revised Code to a 1534  
public improvement undertaken by, or under contract for, the 1535  
political subdivision, the special district, or the state 1536  
institution of higher education, including any of the following: 1537~~

~~(1) A contract financed in whole or in part under Chapter 1538~~

<u>164. of the Revised Code;</u>	1539
<u>(2) The construction, improvement, furnishing, and equipping</u>	1540
<u>of a correctional facility to be leased pursuant to section</u>	1541
<u>307.022 of the Revised Code;</u>	1542
<u>(3) Any contract for the acquisition, construction, or</u>	1543
<u>equipping of a port authority educational and cultural facility</u>	1544
<u>entered into, assigned, or assumed pursuant to section 307.671 of</u>	1545
<u>the Revised Code;</u>	1546
<u>(4) Any contract for the acquisition, construction, or</u>	1547
<u>equipping of a sports facility entered into, assigned, or assumed</u>	1548
<u>pursuant to section 307.673 of the Revised Code;</u>	1549
<u>(5) Construction services for a port authority educational</u>	1550
<u>and cultural performing arts facility under section 307.674 of the</u>	1551
<u>Revised Code;</u>	1552
<u>(6) Construction of a sports facility under section 307.696</u>	1553
<u>of the Revised Code;</u>	1554
<u>(7) A facility constructed under Chapter 351. of the Revised</u>	1555
<u>Code;</u>	1556
<u>(8) A public improvement undertaken by, or under contract</u>	1557
<u>for, a lake facilities authority under Chapter 353. of the Revised</u>	1558
<u>Code;</u>	1559
<u>(9) Projects described under section 6117.012 of the Revised</u>	1560
<u>Code performed by a county;</u>	1561
<u>(10) Projects undertaken with funding provided under Chapter</u>	1562
<u>6121. of the Revised Code.</u>	1563
<u>(D)(1) Under no circumstances shall a public authority apply</u>	1564
<u>the prevailing wage requirements of this chapter to a public</u>	1565
<u>improvement that <del>is exempt under division (B)(3) of this section</del></u>	1566
<u>is undertaken by, or under contract for, a board of education of</u>	1567
<u>any school district or the governing board of any educational</u>	1568

service center. 1569

(2) A political subdivision or special district may not elect 1570  
to apply sections 4115.03 to 4115.16 of the Revised Code to any of 1571  
the following: 1572

(a) An improvement authorized by section 1515.08 of the 1573  
Revised Code that is constructed pursuant to a contract with a 1574  
soil and water conservation district, as defined in section 1575  
1515.01 of the Revised Code, or performed as a result of a 1576  
petition filed pursuant to Chapter 6131., 6133., or 6135. of the 1577  
Revised Code, wherein no less than seventy-five per cent of the 1578  
project is located on private land and not less than seventy-five 1579  
per cent of the cost of the improvement is paid for by private 1580  
property owners pursuant to Chapter 1515., 6131., 6133., or 6135. 1581  
of the Revised Code; 1582

(b) The construction of an erosion control structure under 1583  
section 1506.44 of the Revised Code; 1584

(c) An improvement undertaken by, or under contract for, a 1585  
transportation improvement district created in Chapter 5540. of 1586  
the Revised Code. 1587

**Sec. 4115.06.** In all cases where any public authority fixes a 1588  
prevailing rate of wages under section 4115.04 of the Revised 1589  
Code, and the work is done by contract, the contract executed 1590  
between the public authority and the successful bidder shall 1591  
contain a provision requiring the successful bidder and all ~~his~~ 1592  
subcontractors to pay a rate of wages which shall not be less than 1593  
the rate of wages so fixed. The successful bidder and all ~~his~~ 1594  
subcontractors shall comply strictly with the wage provisions of 1595  
the contract. 1596

Where a public authority constructs a public improvement with 1597  
its own forces, such public authority shall pay a rate of wages 1598

which shall not be less than the rate of wages fixed as provided 1599  
in section 4115.04 of the Revised Code, except in those instances 1600  
provided for in ~~sections 723.52, section 5517.02, 5575.01, and~~ 1601  
~~5543.19~~ of the Revised Code. 1602

**Sec. 4115.09.** No member of a ~~public~~ state board, commission, 1603  
or other public authority authorized to contract for or construct 1604  
with its own forces a public improvement, shall vote for the award 1605  
of any contract for the construction of such improvement, or vote 1606  
for the disbursement of any funds on account of the construction 1607  
of such public improvement, unless such public authority has first 1608  
had the director of commerce determine the prevailing rates of 1609  
wages of mechanics and laborers for the class of work called for 1610  
by such public improvement in the locality where the work is to be 1611  
performed, as provided in section 4115.04 of the Revised Code. 1612

**Sec. 4115.10.** (A) No person, firm, corporation, or public 1613  
authority that constructs a public improvement with its own 1614  
forces, the total overall project cost of which is fairly 1615  
estimated to be more than the amounts set forth in division (B) of 1616  
section 4115.03 of the Revised Code, adjusted biennially by the 1617  
director of commerce pursuant to section 4115.034 of the Revised 1618  
Code, ~~as appropriate,~~ shall violate the wage provisions of 1619  
sections 4115.03 to 4115.16 of the Revised Code, or suffer, 1620  
permit, or require any employee to work for less than the rate of 1621  
wages so fixed, or violate the provisions of section 4115.07 of 1622  
the Revised Code. Any employee upon any public improvement, except 1623  
an employee to whom or on behalf of whom restitution is made 1624  
pursuant to division (C) of section 4115.13 of the Revised Code, 1625  
who is paid less than the fixed rate of wages applicable thereto 1626  
may recover from such person, firm, corporation, or public 1627  
authority that constructs a public improvement with its own forces 1628  
the difference between the fixed rate of wages and the amount paid 1629

to the employee and in addition thereto a sum equal to twenty-five 1630  
per cent of that difference. The person, firm, corporation, or 1631  
public authority who fails to pay the rate of wages so fixed also 1632  
shall pay a penalty to the director of seventy-five per cent of 1633  
the difference between the fixed rate of wages and the amount paid 1634  
to the employees on the public improvement. The director shall 1635  
deposit all moneys received from penalties paid to the director 1636  
pursuant to this section into the industrial compliance operating 1637  
fund. The director shall use the fund for the enforcement of 1638  
sections 4115.03 to 4115.16 of the Revised Code. The employee may 1639  
file suit for recovery within ninety days of the director's 1640  
determination of a violation of sections 4115.03 to 4115.16 of the 1641  
Revised Code or is barred from further action under this division. 1642  
Where the employee prevails in a suit, the employer shall pay the 1643  
costs and reasonable attorney's fees allowed by the court. 1644

(B) Any employee upon any public improvement who is paid less 1645  
than the prevailing rate of wages applicable thereto may file a 1646  
complaint in writing with the director upon a form furnished by 1647  
the director. The complaint shall include documented evidence to 1648  
demonstrate that the employee was paid less than the prevailing 1649  
wage in violation of this chapter. Upon receipt of a properly 1650  
completed written complaint of any employee paid less than the 1651  
prevailing rate of wages applicable, the director shall take an 1652  
assignment of a claim in trust for the assigning employee and 1653  
bring any legal action necessary to collect the claim. The 1654  
employer shall pay the costs and reasonable attorney's fees 1655  
allowed by the court if the employer is found in violation of 1656  
sections 4115.03 to 4115.16 of the Revised Code. 1657

(C) If after investigation pursuant to section 4115.13 of the 1658  
Revised Code, the director determines there is a violation of 1659  
sections 4115.03 to 4115.16 of the Revised Code and a period of 1660  
sixty days has elapsed from the date of the determination, and if: 1661

(1) No employee has brought suit pursuant to division (A) of 1662  
this section; 1663

(2) No employee has requested that the director take an 1664  
assignment of a wage claim pursuant to division (B) of this 1665  
section. 1666

The director shall bring any legal action necessary to 1667  
collect any amounts owed to employees and the director. The 1668  
director shall pay over to the affected employees the amounts 1669  
collected to which the affected employees are entitled under 1670  
division (A) of this section. In any action in which the director 1671  
prevails, the employer shall pay the costs and reasonable 1672  
attorney's fees allowed by the court. 1673

(D) Where persons are employed and their rate of wages has 1674  
been determined as provided in section 4115.04 of the Revised 1675  
Code, no person, either for self or any other person, shall 1676  
request, demand, or receive, either before or after the person is 1677  
engaged, that the person so engaged pay back, return, donate, 1678  
contribute, or give any part or all of the person's wages, salary, 1679  
or thing of value, to any person, upon the statement, 1680  
representation, or understanding that failure to comply with such 1681  
request or demand will prevent the procuring or retaining of 1682  
employment, and no person shall, directly or indirectly, aid, 1683  
request, or authorize any other person to violate this section. 1684  
This division does not apply to any agent or representative of a 1685  
duly constituted labor organization acting in the collection of 1686  
dues or assessments of such organization. 1687

(E) The director shall enforce sections 4115.03 to 4115.16 of 1688  
the Revised Code. 1689

(F) For the purpose of supplementing existing resources and 1690  
to assist in enforcing division (E) of this section, the director 1691  
may contract with a person registered as a public accountant under 1692

Chapter 4701. of the Revised Code to conduct an audit of a person, 1693  
firm, corporation, or public authority. 1694

(G) No contractor or subcontractor shall be responsible for 1695  
the payment of the penalties provided in division (A) of this 1696  
section resulting from a violation of sections 4115.03 to 4115.16 1697  
of the Revised Code by its subcontractor, provided that the 1698  
contractor or subcontractor has made a good faith effort to ensure 1699  
that its subcontractor complied with the requirements of sections 1700  
4115.03 to 4115.16 of the Revised Code. 1701

**Sec. 4115.133.** (A) The director of commerce shall file with 1702  
the secretary of state a list of contractors, subcontractors, and 1703  
officers of contractors and subcontractors who have been 1704  
prosecuted and convicted for violations of or have been found to 1705  
have intentionally violated sections 4115.03 to 4115.16 of the 1706  
Revised Code. The director shall not include on the list a 1707  
contractor, subcontractor, or officer of a contractor or 1708  
subcontractor until the expiration of any applicable appeal period 1709  
relative to the finding, or if appealed, until the date of the 1710  
final judgment of a court. 1711

(B) Each contractor, subcontractor, or officer of a 1712  
contractor or subcontractor who has been prosecuted and convicted 1713  
for violations of or is found to have intentionally violated 1714  
sections 4115.03 to 4115.16 of the Revised Code is prohibited from 1715  
contracting directly or indirectly with any public authority for 1716  
the construction of a public improvement or from performing any 1717  
work on the same as a contractor, subcontractor, or officer of a 1718  
contractor or subcontractor for a period of one year from the date 1719  
of the expiration of the applicable period for filing an appeal, 1720  
or if appealed, from the date of the final judgment of a court. If 1721  
the contractor, subcontractor, or officer of a contractor or 1722  
subcontractor is found to have intentionally violated sections 1723



4115.03 to 4115.16 of the Revised Code another time within five 1724  
years after the date specified under division (B) of this section, 1725  
the contractor, subcontractor, or officer of a contractor or 1726  
subcontractor is prohibited from so contracting or performing work 1727  
for a period of three years from the date of the expiration of the 1728  
applicable period for filing an appeal, or if appealed, from the 1729  
date of the final judgment of a court. 1730

(C) No public authority shall award a contract for a public 1731  
improvement to any contractor, subcontractor, or officer of a 1732  
contractor or subcontractor during the time that the contractor's, 1733  
subcontractor's, or officer's name appears on such list. The 1734  
filing of the notice of conviction or of the finding with the 1735  
secretary of state constitutes notice to all public authorities. 1736

(D) Notwithstanding section 4115.03 of the Revised Code, as 1737  
used in this section, "public authority" means any officer, board, 1738  
or commission of the state, or any political subdivision of the 1739  
state, authorized to enter into a contract for the construction of 1740  
a public improvement or to construct the same by the direct 1741  
employment of labor, or any institution supported in whole or in 1742  
part by public funds and said sections apply to expenditures of 1743  
such institutions made in whole or in part from public funds. 1744

**Sec. 5540.03.** (A) A transportation improvement district may: 1745

(1) Adopt bylaws for the regulation of its affairs and the 1746  
conduct of its business; 1747

(2) Adopt an official seal; 1748

(3) Sue and be sued in its own name, plead and be impleaded, 1749  
provided any actions against the district shall be brought in the 1750  
court of common pleas of the county in which the principal office 1751  
of the district is located, or in the court of common pleas of the 1752  
county in which the cause of action arose, and all summonses, 1753

exceptions, and notices of every kind shall be served on the 1754  
district by leaving a copy thereof at its principal office with 1755  
the secretary-treasurer; 1756

(4) Purchase, construct, maintain, repair, sell, exchange, 1757  
police, operate, or lease projects; 1758

(5) Issue either or both of the following for the purpose of 1759  
providing funds to pay the costs of any project or part thereof: 1760

(a) Transportation improvement district revenue bonds; 1761

(b) Bonds pursuant to Section 13 of Article VIII, Ohio 1762  
Constitution; 1763

(6) Maintain such funds as it considers necessary; 1764

(7) Direct its agents or employees, when properly identified 1765  
in writing and after at least five days' written notice, to enter 1766  
upon lands within its jurisdiction to make surveys and 1767  
examinations preliminary to the location and construction of 1768  
projects for the district, without liability of the district or 1769  
its agents or employees except for actual damage done; 1770

(8) Make and enter into all contracts and agreements 1771  
necessary or incidental to the performance of its functions and 1772  
the execution of its powers under this chapter; 1773

(9) Employ or retain or contract for the services of 1774  
consulting engineers, superintendents, managers, and such other 1775  
engineers, construction and accounting experts, financial 1776  
advisers, trustees, marketing, remarketing, and administrative 1777  
agents, attorneys, and other employees, independent contractors, 1778  
or agents as are necessary in its judgment and fix their 1779  
compensation, provided all such expenses shall be payable solely 1780  
from the proceeds of bonds or from revenues; 1781

(10) Receive and accept from the federal or any state or 1782  
local government, including, but not limited to, any agency, 1783

entity, or instrumentality of any of the foregoing, loans and 1784  
grants for or in aid of the construction, maintenance, or repair 1785  
of any project, and receive and accept aid or contributions from 1786  
any source or person of money, property, labor, or other things of 1787  
value, to be held, used, and applied only for the purposes for 1788  
which such loans, grants, and contributions are made. Nothing in 1789  
division (A)(10) of this section shall be construed as imposing 1790  
any liability on this state for any loan received by a 1791  
transportation improvement district from a third party unless this 1792  
state has entered into an agreement to accept such liability. 1793

(11) Acquire, hold, and dispose of property in the exercise 1794  
of its powers and the performance of its duties under this 1795  
chapter; 1796

(12) Establish and collect tolls or user charges for its 1797  
projects; 1798

(13) Do all acts necessary and proper to carry out the powers 1799  
expressly granted in this chapter. 1800

(B) Chapters 123., 124., 125., and 153., ~~and 4115.~~, and 1801  
sections 9.331 to 9.335 and 307.86 of the Revised Code do not 1802  
apply to contracts or projects of a transportation improvement 1803  
district. 1804

**Sec. 6117.012.** (A) A board of county commissioners may adopt 1805  
rules requiring owners of property within the district whose 1806  
property is served by a connection to sewers maintained and 1807  
operated by the board or to sewers that are connected to 1808  
interceptor sewers maintained and operated by the board to do any 1809  
of the following: 1810

(1) Disconnect storm water inflows to sanitary sewers 1811  
maintained and operated by the board and not operated as a 1812  
combined sewer, or to connections with those sewers; 1813

(2) Disconnect non-storm water inflows to storm water sewers maintained and operated by the board and not operated as a combined sewer, or to connections with those storm water sewers;	1814 1815 1816
(3) Reconnect or relocate any such disconnected inflows in compliance with board rules and applicable building codes, health codes, or other relevant codes;	1817 1818 1819
(4) Prevent sewer back-ups into properties that have experienced one or more back-ups of sanitary or combined sewers maintained and operated by the board;	1820 1821 1822
(5) Prevent storm water from entering a combined sewer and causing an overflow or an inflow to a sanitary sewer, which prevention may include projects or programs that separate the storm water from a combined sewer or that utilize a prevention or replacement facility to prevent or minimize storm water from entering a combined sewer or a sanitary sewer.	1823 1824 1825 1826 1827 1828
(B) Any inflow required to be disconnected or any sewer back-up required to be prevented under a rule adopted pursuant to divisions (A)(1) to (4) of this section constitutes a nuisance subject to injunctive relief and abatement pursuant to Chapter 3767. of the Revised Code or as otherwise permitted by law.	1829 1830 1831 1832 1833
(C) A board of county commissioners may use sewer district funds; county general fund moneys; the proceeds of bonds issued under Chapter 133. or 165. of the Revised Code; and, to the extent permitted by their terms, loans, grants, or other moneys from appropriate state or federal funds, for either of the following:	1834 1835 1836 1837 1838
(1) The cost of disconnections, reconnections, relocations, combined sewer overflow prevention, or sewer back-up prevention required by rules adopted pursuant to division (A) of this section, performed by the county or under contract with the county;	1839 1840 1841 1842 1843
(2) Payments to the property owner or a contractor hired by	1844

the property owner pursuant to a competitive process established 1845  
by district rules, for the cost of disconnections, reconnections, 1846  
relocations, combined sewer overflow prevention, or sewer back-up 1847  
prevention required by rules adopted pursuant to division (A) of 1848  
this section after the board, pursuant to its rules, has approved 1849  
the work to be performed and after the county has received from 1850  
the property owner a statement releasing the county from all 1851  
liability in connection with the disconnections, reconnections, 1852  
relocations, combined sewer overflow prevention, or sewer back-up 1853  
prevention. 1854

(D) Except as provided in division (E) of this section, the 1855  
board of county commissioners shall require in its rules regarding 1856  
disconnections, reconnections, relocations of sewers, combined 1857  
sewer overflow prevention, or sewer back-up prevention the 1858  
reimbursement of moneys expended pursuant to division (C) of this 1859  
section by either of the following methods: 1860

(1) A charge to the property owner in the amount of the 1861  
payment made pursuant to division (C) of this section for 1862  
immediate payment or payment in installments with interest as 1863  
determined by the board not to exceed ten per cent, which payments 1864  
may be billed as a separate item with the rents charged to that 1865  
owner for use of the sewers. The board may approve installment 1866  
payments for a period of not more than fifteen years. If charges 1867  
are to be paid in installments, the board shall certify to the 1868  
county auditor information sufficient to identify each subject 1869  
parcel of property, the total of the charges to be paid in 1870  
installments, and the total number of installments to be paid. The 1871  
auditor shall record the information in the sewer improvement 1872  
record until these charges are paid in full. Charges not paid when 1873  
due shall be certified to the county auditor, who shall place the 1874  
charges upon the real property tax list and duplicate against that 1875  
property. Those charges shall be a lien on the property from the 1876

date they are placed on the tax list and duplicate and shall be 1877  
collected in the same manner as other taxes. 1878

(2) A special assessment levied against the property, payable 1879  
in the number of years the board determines, not to exceed fifteen 1880  
years, with interest as determined by the board not to exceed ten 1881  
per cent. The board shall certify the assessments to the county 1882  
auditor, stating the amount and time of payment. The auditor shall 1883  
record the information in the county sewer improvement record, 1884  
showing separately the assessments to be collected, and shall 1885  
place the assessments upon the real property tax list and 1886  
duplicate for collection. The assessments shall be a lien on the 1887  
property from the date they are placed on the tax list and 1888  
duplicate and shall be collected in the same manner as other 1889  
taxes. 1890

(E) The county may adopt a resolution specifying a maximum 1891  
amount of the cost of any disconnection, reconnection, relocation, 1892  
combined sewer overflow prevention, or sewer back-up prevention 1893  
required pursuant to division (A) of this section that may be paid 1894  
by the county for each affected parcel of property without 1895  
requiring reimbursement. That amount may be allowed only if there 1896  
is a building code, health code, or other relevant code, or a 1897  
federally imposed or state-imposed consent decree that is filed or 1898  
otherwise recorded in a court of competent jurisdiction, 1899  
applicable to the affected parcel that prohibits in the future any 1900  
inflows, combined sewer overflows, or sewer back-ups not allowed 1901  
under rules adopted pursuant to division (A)(1), (4), or (5) of 1902  
this section. The board, by rule, shall establish criteria for 1903  
determining how much of the maximum amount for each qualifying 1904  
parcel need not be reimbursed. 1905

~~(F) Disconnections, reconnections, relocations, combined 1906  
sewer overflow prevention, or sewer back-up prevention required 1907  
under this section and performed by a contractor under contract 1908~~

~~with the property owner shall not be considered a public  
improvement, and those performed by the county shall be considered  
a public improvement as defined in section 4115.03 of the Revised  
Code.~~

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

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

(H) A board of county commissioners may provide rate  
reductions of and credits against charges for the use of sewers to  
a property owner that implements a project or program that  
prevents storm water from entering a combined sewer and causing an  
overflow. Such a project or program may include the use of a  
prevention or replacement facility to handle storm water that has  
been separated from a combined sewer. The revised rates or charges  
shall be collected and paid to the county treasurer in accordance  
with section 6117.02 of the Revised Code.

**Sec. 6121.061.** The Ohio water development authority shall not  
issue any bonds or otherwise participate in any project authorized  
by this chapter or Chapter 6123. of the Revised Code unless the  
contract, resolution, or other written document setting forth the  
board's participation specifies that all wages paid to laborers  
and mechanics employed on the projects shall be paid at the  
prevailing rates of wages of laborers and mechanics for the class

of work called for by the project, which wages shall be determined 1940  
in accordance with the requirements of Chapter 4115. of the 1941  
Revised Code for determination of prevailing wage rates, provided 1942  
that the requirements of this section do not apply ~~to loans made~~ 1943  
~~to boards of county commissioners under division (V) of section~~ 1944  
~~6121.04 of the Revised Code or~~ where the federal government or any 1945  
of its agencies furnishes by loan or grant all or any part of the 1946  
funds used in connection with the project and prescribes 1947  
predetermined minimum wages to be paid to the laborers and 1948  
mechanics, and provided that if a non-public user beneficiary of 1949  
the project undertakes, as part of the project, construction to be 1950  
performed by its regular bargaining unit employees who are covered 1951  
under a collective bargaining agreement that was in existence 1952  
prior to the date of the commitment instrument setting forth the 1953  
board's participation, the rate of pay provided under the 1954  
collective bargaining agreement may be paid to those employees. 1955  
1956

**Section 2.** That existing sections 164.07, 307.022, 307.671, 1957  
307.673, 307.674, 307.696, 351.06, 1506.44, 1710.02, 4115.03, 1958  
4115.034, 4115.04, 4115.06, 4115.09, 4115.10, 4115.133, 5540.03, 1959  
6117.012, and 6121.061 of the Revised Code are hereby repealed. 1960

**Section 3.** The amendments by Section 1 of this act of 1961  
sections 164.07, 307.022, 307.671, 307.673, 307.674, 307.696, 1962  
351.06, 1506.44, 1710.02, 4115.03, 4115.034, 4115.04, 4115.06, 1963  
4115.09, 4115.10, 4115.133, 5540.03, 6117.012, and 6121.061 of the 1964  
Revised Code, with respect to the application of sections 4115.03 1965  
to 4115.16 of the Revised Code, do apply to contracts governed by 1966  
this act that are entered into before the effective date of this 1967  
act. 1968