

1 **Ohio Revised Code » Title [45] XLV MOTOR VEHICLES - AERONAUTICS -**
2 **WATERCRAFT**
3 **Chapter 4582: PORT AUTHORITIES**

4
5
6 **4582.01 Port authority definitions.**

7
8 As used in sections 4582.02 to 4582.20 of the Revised Code:

9
10 (A) "Port authority" means a body corporate and politic created
11 pursuant to the authority of section 4582.02 of the Revised Code.

12
13 (B) "Authorized purposes" or "purpose" means either of the following:

14
15 (1) Activities that enhance, foster, aid, provide, or promote
16 transportation, economic development, housing, recreation,
17 education, governmental operations, culture, or research within
18 the jurisdiction of the port authority;

19
20 (2) Activities authorized by Sections 13 and 16 of Article VIII,
21 Ohio Constitution.

22
23 (C) "Cost," as applied to a port authority facility, means the cost of
24 acquisition or construction of the facility, and the cost of
25 acquisition of all land, rights-of-way, property rights, easements,
26 franchise rights, and interests required for that acquisition or
27 construction, the cost of demolishing or removing any buildings or
28 structures on land so acquired, including the cost of acquiring any
29 lands to which those buildings or structures may be moved, the cost of
30 acquiring or constructing and equipping a principal office of the port
31 authority, the cost of diverting highways, interchange of highways and
32 access roads to private property, including the cost of land or
33 easements for the access roads, the cost of public utility and common
34 carrier relocation or duplication, the cost of all machinery,
35 furnishings, and equipment, financing charges, interest prior to and
36 during construction and for no more than eighteen months after the
37 completion of construction, engineering, expenses of research and
38 development with respect to port authority facilities, legal expenses,
39 plans, specifications, surveys, studies, estimates of cost and
40 revenues, other expenses necessary or incident to determining the
41 feasibility or practicability of acquiring or constructing the
42 facility, administrative expense, and any other expenses necessary or
43 incident to acquiring or constructing the facility, the financing of
44 such acquisition or construction, including the amount authorized in
45 the resolution of the port authority providing for the issuance of
46 port authority revenue bonds to be paid into any special funds from
47 the proceeds of the bonds and the financing of the placing of the
48 facility in operation. Any obligation, cost, or expense incurred by
49 any governmental agency or person for surveys, borings, the
50 preparation of plans and specifications, and other engineering
51 services, or any other cost described above, in connection with the
52 acquisition or construction of a facility may be regarded as part of

53 the cost of the facility and may be reimbursed out of the proceeds of
54 port authority revenue bonds as authorized by this chapter.

55
56 (D) "Port authority facilities " or "facility" means real or personal
57 property, or any combination thereof, that is owned, leased, or
58 otherwise controlled or financed by a port authority and is related
59 to, useful for, or in furtherance of, one or more authorized purposes.

60
61 (E) "Bonds" means bonds, notes, or other forms or evidences of
62 obligation issued in temporary or definitive form, including notes
63 issued in anticipation of the issuance of bonds and renewal notes.

64
65 (F) "Construction," unless the context indicates a different meaning
66 or intent, includes alteration, construction, creation, development,
67 enlargement, improvement, installation, reconstruction, remodeling,
68 and renovation.

69
70 (G) "Person" means any individual, firm, partnership, or corporation,
71 or any combination thereof.

72
73 (H) "Contracting subdivision" means any governmental subdivision or
74 taxing district of the state that, by action of its legislative
75 authority, enters into an agreement with a port authority or a port
76 authority and one or more other governmental subdivisions or taxing
77 districts of the state. "Contracting subdivision" does not mean a
78 transportation improvement district.

79
80 (I) "Governmental subdivision" includes, but is not limited to, any
81 county, municipal corporation, township, port authority, water or
82 sewer district, solid waste management district, school district,
83 health district, park district, soil and water conservation district,
84 water conservancy district, regional transit authority, airport
85 authority, or other district, authority, or commission created
86 pursuant to the laws of this state. "Governmental subdivision" does
87 not include a transportation improvement district.

88
89 Effective Date: 05-17-2000.

90
91

91 **4582.02 Creation of port authority.**

92

93 Any municipal corporation, township, county, or any combination of a
94 municipal corporation, municipal corporations, township, townships,
95 county, or counties, none of which was included in a port authority in
96 existence on December 16, 1964, may create a port authority. A
97 municipal corporation shall act by ordinance, a township shall act by
98 resolution of the township trustees, and a county shall act by
99 resolution of the county commissioners, in authorizing the creation of
100 a port authority. A port authority created pursuant to this section is
101 a body corporate and politic that may sue and be sued, plead and be
102 impleaded, and has the powers and jurisdiction enumerated in sections
103 4582.01 to 4582.20 of the Revised Code. The exercise by the port
104 authority of the powers conferred upon it shall be considered to be
105 essential governmental functions of this state, but no port authority
106 is immune from liability by reason thereof.

107

108 Effective Date: 05-17-2000.

109

110

110 **4582.021, 4582.022 [Repealed].**

111

112 Effective Date: 05-17-2000.

113

114

114 **4582.023 Appropriation and expenditure of public funds for port**
115 **authority.**

116
117 Any political subdivision may appropriate and expend public funds not
118 otherwise appropriated to finance or subsidize the operation and
119 authorized purposes of the port authority so created.

120
121 Subject to making due provisions for payment and performance of its
122 obligations, a port authority may be dissolved by the subdivision or
123 subdivisions creating it, and in that event the properties of the port
124 authority shall be transferred to the subdivision creating it or, if
125 created by more than one subdivision, to the subdivisions creating it
126 in such manner as may be agreed upon between the subdivisions prior to
127 the dissolution of the port authority.

128
129 Effective Date: 05-17-2000.

130
131

131 **4582.024 Contiguous political subdivision may join port authority.**

132
133 After a port authority has been created, any municipal corporation,
134 township, or county, acting by ordinance, resolution of the township
135 trustees, or resolution of the county commissioners, respectively,
136 which is contiguous to such port authority, or to any municipal
137 corporation, township, or county which proposes to join such port
138 authority at the same time and is contiguous to such port authority,
139 or any county within which such port authority is situated, may join
140 such port authority and thereupon the jurisdiction and territory of
141 such port authority shall include such municipal corporation, county,
142 or township. If more than one such political subdivision is to be
143 joined to the port authority at the same time, then each such
144 ordinance or resolution shall designate the political subdivisions
145 which are to be so joined. Any territory or municipal corporation not
146 included in a port authority and which is annexed to a municipal
147 corporation included within the jurisdiction and territory of a port
148 authority shall, on such annexation and without further proceedings,
149 be annexed to and be included in the jurisdiction and territory of
150 such port authority. Before such political subdivision or subdivisions
151 are joined to a port authority, other than by annexation to a
152 municipality, the political subdivision or subdivisions theretofore
153 comprising such port authority shall agree upon the terms and
154 conditions pursuant to which such political subdivision or
155 subdivisions are to be joined. For all purposes of sections 4582.01 to
156 4582.20, inclusive, of the Revised Code, such political subdivision or
157 subdivisions shall be considered to have participated in the creation
158 of such port authority, except that the initial term of any director
159 of the port authority appointed by such a political subdivision shall
160 be four years. After each ordinance or resolution proposing joinder to
161 the port authority has become effective and the terms and conditions
162 of joinder have been agreed to, the board of directors of the port
163 authority shall by resolution either accept or reject such joinder.
164 Such joinder shall be effective on adoption of the resolution
165 accepting such joinder, unless the port authority to which a political
166 subdivision or subdivisions including a county within which such port
167 authority is located, are to be joined has authority under section
168 4582.14 of the Revised Code to levy a tax on property within its
169 jurisdiction, then such joinder shall not be effective until approved
170 by the affirmative vote of a majority of the electors voting on the
171 question of such joinder. If more than one political subdivision is to
172 be joined to the port authority, then the electors of such subdivision
173 shall vote as a district and the majority affirmative vote shall be
174 determined by the vote cast in such district as a whole. Such election
175 shall be called by the board of directors of the port authority and
176 shall be held, canvassed, and certified in the manner provided for the
177 submission of tax levies under section 5705.191 of the Revised Code
178 except that the question appearing on the ballot shall read:

179
180 "Shall

181
182 _____
183 (name or names of political subdivisions to be joined) be joined to
_____ port authority and the existing tax levy (levies)

184 of such (name) port authority (aggregating) ___ mill per dollar of
185 valuation be authorized to be levied against properties
186 within _____."

187

188 (name or names of political subdivision to be joined).

189

190 If the question is approved such joinder shall be immediately
191 effective and the port authority shall be authorized to extend the
192 levy of such tax against all the taxable property within the political
193 subdivision or political subdivisions which have been joined. If such
194 question is approved at a general election then the port authority may
195 amend its budget and resolution adopted pursuant to section 5705.34 of
196 the Revised Code and such levy shall be placed on the current tax list
197 and duplicate and collected as other taxes are collected from all
198 taxable property within the port authority including the political
199 subdivision or political subdivisions joined as a result of such
200 election.

201

202 Effective Date: 02-21-1967.

203

204

204 **4582.03 Organization of board of directors.**

205
206 (A) A port authority created in accordance with section 4582.02 of the
207 Revised Code shall be governed by a board of directors. Members of a
208 board of directors of a port authority created by the exclusive action
209 of a municipal corporation shall consist of the number of members it
210 considers necessary and shall be appointed by the mayor with the
211 advice and consent of the council. Members of a board of directors of
212 a port authority created by the exclusive action of a township shall
213 consist of such members as it considers necessary and shall be
214 appointed by the township trustees of the township. Members of a board
215 of directors of a port authority created by the exclusive action of a
216 county shall consist of such members as it considers necessary and
217 shall be appointed by the county commissioners of the county. Members
218 of a board of directors of a port authority created by a combination
219 of political subdivisions shall be divided among the political
220 subdivisions in such proportions as the political subdivisions may
221 agree and shall be appointed by the participating political
222 subdivisions in the same manner as this section provides for the
223 appointment of members by a political subdivision creating its own
224 port authority. When a port authority is created by a combination of
225 political subdivisions, the number of directors comprising the board
226 shall be determined by agreement between the political subdivisions,
227 which number from time to time may be changed by amendment of the
228 agreement. The appointing body may at any time remove a director
229 appointed by it for misfeasance, nonfeasance, or malfeasance in
230 office.

231
232 A majority of the directors shall have been qualified electors of, or
233 shall have had their businesses or places of employment in, one or
234 more political subdivisions within the area of the jurisdiction of the
235 port authority, for a period of at least three years next preceding
236 their appointment.

237
238 The directors of any port authority first appointed shall serve
239 staggered terms. Thereafter each successor shall serve for a term of
240 four years, except that any person appointed to fill a vacancy shall
241 be appointed to only the unexpired term and any director is eligible
242 for reappointment.

243
244 The board of directors by rule may provide for the removal of a
245 director who fails to attend three consecutive regular meetings of the
246 board. If a director is so removed, a successor shall be appointed for
247 the remaining term of the removed director in the same manner provided
248 for the original appointment.

249
250 The directors shall elect one of their membership as chairperson and
251 another as vice-chairperson and shall designate their terms of office,
252 and shall appoint a secretary who need not be a director. A majority
253 of the members of the board of directors shall constitute a quorum for
254 purposes of holding a meeting of the board. The affirmative vote of a
255 majority of a quorum shall be necessary for any action taken by the
256 port authority unless the board of directors determines by rule to

257 require a greater number of affirmative votes for particular actions
258 to be taken by the port authority. No vacancy in the membership of the
259 board shall impair the rights of a quorum to exercise all the rights
260 and perform all the duties of the port authority. The board of
261 directors may hold a meeting by interactive video conference or
262 teleconference as provided in section 4582.60 of Revised Code.

263
264 Each member of the board of directors of a port authority shall be
265 entitled to receive from the port authority such sum of money as the
266 board of directors may determine as compensation for services as
267 director and reimbursement for reasonable expenses in the performance
268 of official duties.

269
270 (B) Except for civil actions that arise out of the operation of a
271 motor vehicle and civil actions in which the port authority is the
272 plaintiff, no director, officer, or employee of a port authority shall
273 be liable in any civil action that arises under the law of this state
274 for damage or injury caused in the performance of official duties,
275 unless the director's, officer's, or employee's actions were
276 manifestly outside the scope of the director's, officer's, or
277 employee's employment or official responsibilities, or unless the
278 director, officer, or employee acted with malicious purpose, in bad
279 faith, or in a wanton or reckless manner.

280
281 This section does not eliminate, limit, or reduce any immunity from
282 civil liability that is conferred upon a director, officer, or
283 employee by any other provision of the Revised Code or by case law.

284
285 (C)
286
287 (1) A port authority, except as provided in division (B) of this
288 section, shall indemnify a director, officer, or employee from
289 liability incurred in the performance of official duties by
290 paying any judgment in, or amount negotiated in settlement of,
291 any civil action arising under federal law, the law of another
292 state, or the law of a foreign jurisdiction. The reasonableness
293 of the amount of any consent judgment or settlement is subject to
294 the review and approval of the board of directors of the port
295 authority. The maximum aggregate amount of indemnification paid
296 directly from funds to or on behalf of any director, officer, or
297 employee pursuant to this division shall be one million dollars
298 per occurrence, regardless of the number of persons who suffer
299 damage, injury, or death as a result of the occurrence.

300
301 (2) A port authority shall not indemnify a director, officer, or
302 employee under any of the following circumstances:

- 303
304 (a) To the extent the director, officer, or employee is
305 covered by a policy of insurance for civil liability
306 purchased by the port authority;
307
308 (b) When the director, officer, or employee acts manifestly
309 outside the scope of the director's, officer's, or

310 employee's employment or official responsibilities, with
311 malicious purpose, in bad faith, or in a wanton or reckless
312 manner;

313
314 (c) For any portion of a judgment that represents punitive
315 or exemplary damages;

316
317 (d) For any portion of a consent judgment or settlement
318 that is unreasonable.

319
320 (3) The port authority may purchase a policy or policies of
321 insurance on behalf of directors, officers, and employees of the
322 port authority from an insurer or insurers licensed to do
323 business in this state providing coverage for damages in
324 connection with any civil action, demand, or claim against the
325 director, officer, or employee by reason of an act or omission by
326 the director, officer, or employee occurring in the performance
327 of official duties and not coming within the terms of division
328 (C)(2)(b) of this section.

329
330 (4) This section does not affect any of the following:

331
332 (a) Any defense that would otherwise be available in an
333 action alleging personal liability of a director, officer,
334 or employee;

335
336 (b) The operation of section 9.83 of the Revised Code.

337
338 Amended by 131st General Assembly File No. TBD, HB 455, §1, eff.
339 4/6/2017.

340
341 Effective Date: 03-14-2003.

342
343

343 **4582.031 Civil immunity.**

344

345 In addition to any immunity from civil liability that is conferred
346 upon a director by any other provision of the Revised Code or by
347 decisions of Ohio or federal courts, no member of the board of
348 directors of a port authority shall be personally liable for any
349 monetary damages that arise from actions taken in the performance of
350 his official duties, except for acts or omissions that are not in good
351 faith or that involve intentional misconduct or a knowing violation of
352 law, or any transaction from which the director derived an improper
353 personal benefit.

354

355 Effective Date: 06-10-1987.

356

357

357 **4582.04 Port authority employees.**

358

359 (A) A port authority created in accordance with section 4582.02 of the
360 Revised Code shall employ and fix the qualifications, duties, and
361 compensation of any employees and professional help it may require to
362 conduct the business of the port and may appoint an advisory board,
363 which shall serve without compensation. Any employee may be suspended
364 or dismissed, and the services of professional help may be terminated
365 at any time by the port authority.

366

367 (B) A port authority may provide for the administration and
368 enforcement of the laws of the state by employing special police
369 officers and may seek the assistance of other appropriate law
370 enforcement officers to enforce its regulations and maintain order.

371

372 (C) Special police officers employed by a port authority shall serve
373 as police officers with respect to the property, grounds, buildings,
374 equipment, and facilities under the control of the port authority, to
375 prevent hijacking of aircraft or watercraft, protect the property of
376 the authority and the property of others located thereon, suppress
377 nuisances and disturbances and breaches of the peace, and enforce laws
378 and the rules of the port authority for the preservation of good
379 order. In performing their duties, special police officers are vested
380 with the same powers of arrest as police officers under section
381 2935.03 of the Revised Code.

382

383 Any person employed as a special police officer by a port authority is
384 a "public employee" as defined in section 145.01 of the Revised Code
385 and is not a "member of a police department" as defined in section
386 742.01 of the Revised Code.

387

388 Effective Date: 05-17-2000.

389

390

390 **4582.041 Group medical and life insurance.**

391
392 (A) A port authority created under section 4582.02 of the Revised Code
393 may procure and pay all or any part of the cost of group
394 hospitalization, surgical, major medical, sickness and accident
395 insurance, or group life insurance, or a combination of any of the
396 foregoing types of insurance or coverage for employees and their
397 families, issued by an insurance company duly authorized to do
398 business in this state.

399
400 (B) A port authority also may procure and pay all or any part of the
401 cost of a plan of group hospitalization, surgical, major medical, or
402 sickness and accident insurance with a health insuring corporation
403 holding a certificate of authority under Chapter 1751. of the Revised
404 Code, provided that each employee shall be permitted to:

405
406 (1) Exercise an option between a plan offered by an insurance
407 company as provided in division (A) of this section and a plan
408 offered by a health insuring corporation under this division, on
409 the condition that the employee shall pay any amount by which the
410 cost of the plan offered in this division exceeds the cost of the
411 plan offered under division (A) of this section; and

412
413 (2) Change from one of the two plans to the other at a time each
414 year as determined by the port authority.

415
416 (C) A port authority may procure or contract for any type of insurance
417 authorized by division (A) or (B) of this section on its own or
418 jointly as part of a group with one or more other governmental units
419 or agencies to provide that insurance for the employees of the members
420 of the group and their families. A port authority also may establish
421 and maintain an individual or joint self-insurance program for
422 hospitalization, surgical, major medical, or sickness and accident
423 insurance.

424
425 Effective Date: 05-17-2000.

426
427

427 **4582.05 Jurisdiction.**

428

429 The area of jurisdiction of a port authority created in accordance
430 with section 4582.02 of the Revised Code shall include all of the
431 territory of the political subdivision or subdivisions creating it,
432 provided that in no case other than as may result from the
433 determination of a port authority under division (C) of section
434 4582.201 of the Revised Code to change the provisions of Chapter 4582.
435 of the Revised Code that govern its operation, shall the same area be
436 included in more than one port authority.

437

438 Effective Date: 05-17-2000.

439

440

440 **4582.06 Port authority powers and duties.**

441
442 (A) A port authority created in accordance with section 4582.02 of the
443 Revised Code may:

444
445 (1) Acquire, construct, furnish, equip, maintain, repair, sell,
446 exchange, lease to or from, lease with an option to purchase,
447 convey other interests in, or operate real or personal property,
448 or any combination thereof, related to, useful for, or in
449 furtherance of any authorized purpose, and make charges for the
450 use of any port authority facility, which shall be not less than
451 the charges established for the same services furnished by a
452 public utility or common carrier in the jurisdiction of the
453 particular port authority;

454
455 (2) Straighten, deepen, and improve any canal, channel, river,
456 stream, or other water course or way that may be necessary or
457 proper in the development of the facilities of the port
458 authority;

459
460 (3) Issue bonds or notes for the acquisition, construction,
461 furnishing, or equipping of any real or personal property, or any
462 combination thereof, related to, useful for, or in furtherance of
463 any authorized purpose, in compliance with Chapter 133. of the
464 Revised Code, except that the bonds or notes only may be issued
465 pursuant to a vote of the electors residing within the territory
466 of the port authority. The net indebtedness incurred by a port
467 authority shall never exceed two per cent of the total value of
468 all property within the territory comprising the authority as
469 listed and assessed for taxation.

470
471 (4) By resolution of its board of directors, issue revenue bonds
472 beyond the limit of bonded indebtedness provided by law, for the
473 acquisition, construction, furnishing, or equipping of any real
474 or personal property, or any combination thereof, related to,
475 useful for, or in furtherance of any authorized purpose,
476 including all costs in connection with or incidental thereto.

477
478 The revenue bonds of the port authority shall be secured only by
479 a pledge of and a lien on the revenues of the port authority
480 derived from those loan payments, rentals, fees, charges, or
481 other revenues that are designated in the resolution, including,
482 but not limited to, any property to be acquired, constructed,
483 furnished, or equipped with the proceeds of the bond issue, after
484 provision only for the reasonable cost of operating, maintaining,
485 and repairing the property of the port authority so designated.
486 The bonds may further be secured by the covenant of the port
487 authority to maintain rates or charges that will produce revenues
488 sufficient to meet the costs of operating, maintaining, and
489 repairing such property and to meet the interest and principal
490 requirements of the bonds and to establish and maintain reserves
491 for the foregoing purposes. The board of directors, by
492 resolution, may provide for the issuance of additional revenue

493 bonds from time to time, to be secured equally and ratably,
494 without preference, priority, or distinction, with outstanding
495 revenue bonds, but subject to the terms and limitations of any
496 trust agreement described in this section, and of any resolution
497 authorizing bonds then outstanding. The board of directors, by
498 resolution, may designate additional property of the port
499 authority, the revenues of which shall be pledged and be subject
500 to a lien for the payment of the debt charges on revenue bonds
501 theretofore authorized by resolution of the board of directors,
502 to the same extent as the revenues above described.

503
504 In the discretion of the board of directors, the revenue bonds of
505 the port authority may be secured by a trust agreement between
506 the board of directors on behalf of the port authority and a
507 corporate trustee, that may be any trust company or bank having
508 powers of a trust company, within or without the state.

509
510 The trust agreement may provide for the pledge or assignment of
511 the revenues to be received, but shall not pledge the general
512 credit and taxing power of the port authority. A trust agreement
513 securing revenue bonds issued to acquire, construct, furnish, or
514 equip real property, plants, factories, offices, and other
515 structures and facilities for authorized purposes, consistent
516 with Section 13 or 16 of Article VIII, Ohio Constitution, may
517 mortgage the real or personal property, or a combination thereof,
518 to be acquired, constructed, furnished, or equipped from the
519 proceeds of such revenue bonds, as further security for the
520 bonds. The trust agreement or the resolution providing for the
521 issuance of revenue bonds may set forth the rights and remedies
522 of the bondholders and trustee, and may contain other provisions
523 for protecting and enforcing their rights and remedies that are
524 determined in the discretion of the board of directors to be
525 reasonable and proper. The agreement or resolution may provide
526 for the custody, investment, and disbursement of all moneys
527 derived from the sale of such bonds, or from the revenues of the
528 port authority, other than those moneys received from taxes
529 levied pursuant to section 4582.14 of the Revised Code, and may
530 provide for the deposit of such funds without regard to section
531 4582.15 of the Revised Code.

532
533 All bonds issued under authority of this chapter, regardless of
534 form or terms and regardless of any other law to the contrary,
535 shall have all qualities and incidents of negotiable instruments,
536 subject to provisions for registration, and may be issued in
537 coupon, fully registered, or other form, or any combination
538 thereof, as the board of directors determines. Provision may be
539 made for the registration of any coupon bonds as to principal
540 alone or as to both principal and interest, and for the
541 conversion into coupon bonds of any fully registered bonds or
542 bonds registered as to both principal and interest.

543
544 The revenue bonds shall bear interest at such rate or rates,
545 shall bear such date or dates, and shall mature within forty-five

546 years following the date of issuance and in such amount, at such
547 time or times, and in such number of installments, as may be
548 provided in or pursuant to the resolution authorizing their
549 issuance. The final maturity of any original issue of revenue
550 bonds shall not be later than forty-five years from their date of
551 issue. Such resolution also shall provide for the execution of
552 the bonds, which may be by facsimile signatures unless prohibited
553 by the resolution, and the manner of sale of the bonds. The
554 resolution shall provide for, or provide for the determination
555 of, any other terms and conditions relative to the issuance,
556 sale, and retirement of the bonds that the board of directors in
557 its discretion determines to be reasonable and proper.
558

559 Whenever a port authority considers it expedient, it may issue
560 renewal notes and refund any bonds, whether the bonds to be
561 refunded have or have not matured. The final maturity of any
562 notes, including any renewal notes, shall not be later than five
563 years from the date of issue of the original issue of notes. The
564 final maturity of any refunding bonds shall not be later than the
565 later of forty-five years from the date of issue of the original
566 issue of bonds. The refunding bonds shall be sold and the
567 proceeds applied to the purchase, redemption, or payment of the
568 bonds to be refunded and the costs of issuance of the refunding
569 bonds. The bonds and notes issued under this chapter, their
570 transfer, and the income therefrom, shall at all times be free
571 from taxation within the state.
572

573 (5) Do any of the following, in regard to any interests in any
574 real or personal property, or any combination thereof, including,
575 without limitation, machinery, equipment, plants, factories,
576 offices, and other structures and facilities related to, useful
577 for, or in furtherance of any authorized purpose, for such
578 consideration and in such manner, consistent with Article VIII,
579 Ohio Constitution, as the board in its sole discretion may
580 determine:
581

582 (a) Loan moneys to any person or governmental entity for
583 the acquisition, construction, furnishing, and equipping of
584 the property;
585

586 (b) Acquire, construct, maintain, repair, furnish, and
587 equip the property;
588

589 (c) Sell to, exchange with, lease, convey other interests
590 in, or lease with an option to purchase the same or any
591 lesser interest in the property to the same or any other
592 person or governmental entity;
593

594 (d) Guarantee the obligations of any person or governmental
595 entity.
596

597 A port authority may accept and hold as consideration for the
598 conveyance of property or any interest therein such property or

599 interests therein as the board in its discretion may determine,
600 notwithstanding any restrictions that apply to the investment of
601 funds by a port authority.

602
603 (6) Construct, maintain, repair, furnish, equip, sell, exchange,
604 lease, or lease with an option to purchase, any property that it
605 is authorized to acquire. A port authority that is subject to
606 this section also may operate any property in connection with
607 transportation, recreational, governmental operations, or
608 cultural activities.

609
610 (a) Any purchase, exchange, sale, lease, lease with an
611 option to purchase, conveyance of other interests in, or
612 other contract with a person or governmental entity that
613 pertains to the acquisition, construction, maintenance,
614 repair, furnishing, equipping, or operation of any real or
615 personal property, or any combination thereof, related to,
616 useful for, or in furtherance of an activity contemplated
617 by Section 13 or 16 of Article VIII, Ohio Constitution,
618 shall be made in such manner and subject to such terms and
619 conditions as may be determined by the board of directors
620 in its discretion.

621
622 (b) Division (A)(6)(a) of this section applies to all
623 contracts that are subject to the division, notwithstanding
624 any other provision of law that might otherwise apply,
625 including, without limitation, any requirement of notice,
626 any requirement of competitive bidding or selection, or any
627 requirement for the provision of security.

628
629 (c) Divisions (A)(6)(a) and (b) of this section do not
630 apply to either of the following:

631
632 (i) Any contract secured by or to be paid from moneys
633 raised by taxation or the proceeds of obligations
634 secured by a pledge of moneys raised by taxation;

635
636 (ii) Any contract secured exclusively by or to be paid
637 exclusively from the general revenues of the port
638 authority. For the purposes of this section, any
639 revenues derived by the port authority under a lease
640 or other agreement that, by its terms, contemplates
641 the use of amounts payable under the agreement either
642 to pay the costs of the improvement that is the
643 subject of the contract or to secure obligations of
644 the port authority issued to finance costs of such
645 improvement, are excluded from general revenues.

646
647 (7) Apply to the proper authorities of the United States pursuant
648 to appropriate law for the right to establish, operate, and
649 maintain foreign trade zones and to establish, operate, and
650 maintain foreign trade zones; and to acquire land or property

651 therefor, in a manner consistent with section 4582.17 of the
652 Revised Code;

653
654 (8) Exercise the right of eminent domain to appropriate any land,
655 rights, rights-of-way, franchises, easements, or other property,
656 necessary or proper for any authorized purpose, pursuant to the
657 procedure provided in sections 163.01 to 163.22 of the Revised
658 Code, if funds equal to the appraised value of the property to be
659 acquired as a result of such proceedings are available for that
660 purpose, except that nothing contained in sections 4582.01 to
661 4582.20 of the Revised Code shall authorize a port authority to
662 take or disturb property or facilities belonging to any agency or
663 political subdivision of this state, public utility, or common
664 carrier, which property or facilities are necessary and
665 convenient in the operation of the agency or political
666 subdivision, public utility, or common carrier, unless provision
667 is made for the restoration, relocation, or duplication of the
668 property or facilities, or upon the election of the agency or
669 political subdivision, public utility, or common carrier, for the
670 payment of compensation, if any, at the sole cost of the port
671 authority, provided that:

672
673 (a) If any restoration or duplication proposed to be made
674 pursuant to this section involves a relocation of such
675 property or facilities, the new facilities and location
676 shall be of at least comparable utilitarian value and
677 effectiveness, and the relocation shall not impair the
678 ability of the public utility or common carrier to compete
679 in its original area of operation.

680
681 (b) If any restoration or duplication made pursuant to this
682 section involves a relocation of such property or
683 facilities, the port authority shall acquire no interest or
684 right in or to the appropriated property or facilities,
685 except as provided in division (A)(11) of this section,
686 until the relocated property or facilities are available
687 for use and until marketable title thereto has been
688 transferred to the public utility or common carrier.

689
690 (c) Provisions for restoration or duplication shall be
691 described in detail in the resolution for appropriation
692 passed by the port authority.

693
694 (9) Enjoy and possess the same rights, privileges, and powers
695 granted municipal corporations under sections 721.04 to 721.11 of
696 the Revised Code;

697
698 (10) Maintain such funds as it considers necessary;

699
700 (11) Direct its agents or employees, when properly identified in
701 writing, and after at least five days' written notice, to enter
702 upon lands within the confines of its jurisdiction in order to
703 make surveys and examinations preliminary to location and

704 construction of works for the purposes of the port authority,
705 without liability of the port authority or its agents or
706 employees except for actual damage done;
707

708 (12) Sell, lease, or convey other interests in real and personal
709 property and grant easements or rights-of-way over property of
710 the port authority. The board of directors shall specify the
711 consideration and any terms thereof for the sale, lease, or
712 conveyance of other interests in real and personal property. Any
713 determinations made by the board of directors under this division
714 shall be conclusive. The sale, lease, or conveyance may be made
715 without advertising and the receipt of bids.
716

717 (13) Promote, advertise, and publicize the port authority
718 facilities and its authorized purposes, provide information to
719 persons with an interest in transportation and other port
720 authority activities, and appear before rate-making authorities
721 to represent and promote the interests of the port authority and
722 its authorized purposes;
723

724 (14) Adopt rules, not in conflict with general law, governing the
725 use of and the safeguarding of its property, grounds, buildings,
726 equipment, and facilities, safeguarding persons and their
727 property located on or in port authority property, and governing
728 the conduct of its employees and the public, in order to promote
729 the public safety and convenience in and about its terminals and
730 grounds, and to maintain order. Any such regulation shall be
731 posted at no less than five public places in the port authority,
732 as determined by the board of directors, for a period of not
733 fewer than fifteen days, and shall be available for public
734 inspection at the principal office of the port authority during
735 regular business hours. No person shall violate any lawful
736 regulation adopted and posted as provided in this division.
737

738 (15) Establish and administer one or more payment card programs
739 for purposes of paying expenses related to port authority
740 business. Any obligation incurred as a result of the use of such
741 a payment card shall be paid from port authority funds.
742

743 (16) Do all acts necessary or appropriate to carry out its
744 authorized purposes. The port authority shall have the powers and
745 rights granted to other subdivisions under section 9.20 of the
746 Revised Code.
747

748 (B) Any instrument by which real property is acquired pursuant to this
749 section shall identify the agency of the state that has the use and
750 benefit of the real property as specified in section 5301.012 of the
751 Revised Code.
752

753 (C) Whoever violates division (A)(14) of this section is guilty of a
754 minor misdemeanor.
755

756 Amended by 131st General Assembly File No. TBD, HB 53, §101.01, eff.
757 7/1/2015.
758
759 Amended by 130th General Assembly File No. 7, HB 51, §101.01, eff.
760 7/1/2013.
761
762 Amended by 128th General Assembly File No.26, SB 155, §1, eff.
763 3/31/2010.
764
765 Effective Date: 01-01-2004.
766
767

767 **4582.07 Plan for development of port.**

768
769 (A) The board of directors of a port authority shall prepare or cause
770 to be prepared a plan for any future development, construction, and
771 improvement of the maritime facilities of the port authority,
772 including such maps, profiles, and other data and descriptions as may
773 be necessary to set forth the location and character of the work to be
774 undertaken by the port authority and a then-current good faith
775 estimate of the cost of the proposed facilities. The plan also shall
776 contain the port authority's proposal for payment of the cost of such
777 facilities, including revenues, grants, subsidies, loans, and
778 financing; provided, that the plan and any such proposal and the
779 contents thereof, and anything contained or not contained therein,
780 shall not affect the legality, validity, or enforceability of any
781 bonds, notes, leases, certificates, or other financing instruments,
782 any real estate, operating or management contracts or instruments or
783 any taxes, tax abatements or exemptions, tax credits, tax increment
784 financing, assessments, or other financial participation related to
785 maritime facilities or such plan. Upon the completion of such plan the
786 board of directors shall cause notice by publication to be given as to
787 each county in which there is a political subdivision that
788 participated in the creation of the port authority, and shall permit
789 the inspection of the plan at the port authority office by all persons
790 interested. The notice shall fix the time and place for the hearing of
791 all comments on the plan, which shall be not less than thirty nor more
792 than sixty days after the completion of the notice. Any interested
793 person may file written comments on the plan, provided the comments
794 are filed with the secretary of the board of directors at the
795 secretary's office not less than five days prior to the date fixed for
796 the hearing. After the hearing the board of directors may adopt the
797 plan with any modifications or amendments to it as the official plan
798 for the maritime facilities of the port authority.

799
800 (B) For purposes of this section and section 4582.08 of the Revised
801 Code:

802
803 (1) "Maritime facilities" means docks, wharves, warehouses,
804 piers, and other terminal and transportation buildings or
805 structures used in connection with the transport, storage, or
806 distribution of commercial goods on, over, or across the
807 waterways or shorelines of this state, or buildings or structures
808 for the construction, rehabilitation, maintenance, or repair of
809 commercial vessels used for such purposes, which facilities are
810 or are expected to be owned or leased by a port authority,
811 operated by or on behalf of a port authority, or publicly owned
812 and financed by a port authority.

813
814 (2) "Notice by publication" means publication once in a newspaper
815 of general circulation in the county or counties where such
816 publication is required and the posting of the notice on the web
817 site, if any, of the port authority. Notice is complete on the
818 later of the date of posting or the date of newspaper
819 publication.

820

821 Amended by 128th General Assembly File No.9, HB 1, §101.01, eff.
822 10/16/2009.

823

824 Effective Date: 2008 SB353 04-07-2009

825

826

826 **4582.08 Modification of port development plan.**

827
828 The board of directors, from time to time after the adoption of an
829 official plan for the maritime facilities of the port authority, shall
830 have the power to modify, amend, or extend the plan; provided, that
831 prior to the making of any modification, amendment or extension of the
832 plan, the board shall cause notice by publication to be given and
833 shall conduct a hearing, all as provided in section 4582.07 of the
834 Revised Code, and shall not adopt any such modification, amendment, or
835 extension until the notice has been given and the hearing held as
836 provided in that section. The board, from time to time after the
837 adoption of an official plan under section 4582.07 of the Revised
838 Code, also shall have the power to modify, amend, or supplement any
839 proposal for any type of financing related to the plan and shall do so
840 prior to undertaking any financing not identified in the plan as then
841 in effect; provided, that the board shall first cause notice to be
842 given and shall conduct a hearing on that proposal, all as provided in
843 section 4582.07 of the Revised Code, and provided further that the
844 plan, and any such proposal and the contents thereof, and anything
845 contained or not contained therein, shall not affect the legality,
846 validity, or enforceability of any bonds, notes, leases, certificates,
847 or other financing instruments, any real estate, operating or
848 management contracts or instruments or any taxes, tax abatements or
849 exemptions, tax credits, tax increment financing, assessments, or
850 other financial participation related to maritime facilities, the
851 plan, or such proposal. Nothing in this section or in section 4582.07
852 of the Revised Code shall require a port authority to amend a plan,
853 publish a notice, or hold a public hearing except to add or delete
854 maritime facilities to the plan, to describe changes or deletions in
855 the location or character of the maritime facilities covered by the
856 plan, or to add, change, or delete financings not previously
857 identified in the plan or cost projection changes not previously
858 identified in the plan.

859
860 Amended by 128th General Assembly File No.9, HB 1, §101.01, eff.
861 10/16/2009.

862
863 Effective Date: 2008 SB353 04-07-2009

864
865

865 **4582.09 Port authority development plan final.**

866

867 The plan and any modification, amendment or extension of the plan,
868 when adopted by the board of directors after notice and hearing shall
869 be final and conclusive and its validity shall be conclusively
870 presumed.

871

872 Effective Date: 2008 SB353 04-07-2009.

873

874

874 **4582.091 Confidential information.**

875

876 (A) Financial and proprietary information, including trade secrets,
877 submitted by or on behalf of an employer to a port authority or to a
878 nonprofit corporation engaged by contract to provide economic
879 development services for a port authority, in connection with the
880 relocation, location, expansion, improvement, or preservation of the
881 business of that employer is not a public record subject to section
882 149.43 of the Revised Code. Any other information submitted by such an
883 employer under such circumstances is not a public record subject to
884 section 149.43 of the Revised Code until that employer commits in
885 writing to proceed with the relocation, location, expansion,
886 improvement, or preservation.

887

888 (B) Notwithstanding section 121.22 of the Revised Code, the board of
889 directors of a port authority and the board of trustees of a nonprofit
890 corporation described in division (A) of this section, and any
891 committee or subcommittee of either, when considering information that
892 is not a public record under this section, may close any meeting
893 during the consideration of that information pursuant to a vote of a
894 majority of the members present on a motion stating that such
895 information is to be considered. No other matters shall be considered
896 during the closed session.

897

898 Effective Date: 05-17-2000.

899

900

900 **4582.10 Private enterprise participation.**

901

902 The port authority shall foster and encourage the participation of
903 private enterprise in the development of port authority facilities to
904 the fullest extent it considers practicable in the interest of
905 limiting the necessity of construction and operation of those
906 facilities by the port authority.

907

908 Effective Date: 05-17-2000.

909

910

910 **4582.11 Effect on other laws.**

911

912 Nothing contained in sections 4582.01 to 4582.16 of the Revised Code
913 shall:

914

915 (A) Impair the provisions of law or ordinance directing the payment of
916 revenues derived from public property into sinking funds or dedicating
917 those revenues to specific purposes;

918

919 (B) Impair the powers of any county, township, or municipal
920 corporation to develop or improve port and terminal facilities except
921 as restricted by section 4582.16 of the Revised Code;

922

923 (C) Enlarge, alter, diminish, or affect in any way, any lease or
924 conveyance made, or action taken prior to the creation of a port
925 authority in accordance with section 4582.02 of the Revised Code by
926 any municipal corporation under the provisions of sections 721.04 to
927 721.11 of the Revised Code, or by any county under the provisions of
928 section 307.65 of the Revised Code;

929

930 (D) Impair or interfere with the exercise of any permit for the
931 removal of sand or gravel, or other similar permits issued by this
932 state or the United States;

933

934 (E) Impair or contravene applicable federal regulations.

935

936 Effective Date: 05-17-2000.

937

938

938 **4582.12 Procedure for bidding and contracts.**

939

940 (A)

941

942 (1) Except as otherwise provided in division (E) of section
943 307.671 of the Revised Code, division (A) of this section does
944 not apply to a port authority educational and cultural facility
945 acquired, constructed, and equipped pursuant to a cooperative
946 agreement entered into under section 307.671 of the Revised Code.

947

948 (2) Except as provided in division (C) of this section or except
949 when the port authority elects to construct a building,
950 structure, or other improvement pursuant to a contract made with
951 a construction manager at risk under sections 9.33 to 9.335 of
952 the Revised Code or with a design-build firm under sections
953 153.65 to 153.73 of the Revised Code, when the cost of a contract
954 for the construction of any building, structure, or other
955 improvement undertaken by a port authority involves an
956 expenditure exceeding one hundred fifty thousand dollars and the
957 port authority is the contracting entity, the port authority
958 shall make a written contract after notice calling for bids for
959 the award of the contract has been given by publication twice,
960 with at least seven days between publications, in a newspaper of
961 general circulation in the area of the jurisdiction of the port
962 authority. Each such contract shall be let to the lowest
963 responsive and responsible bidder in accordance with section
964 9.312 of the Revised Code. Every contract let shall be in writing
965 and if the contract involves work or construction, it shall be
966 accompanied by or shall refer to plans and specifications for the
967 work to be done, prepared for and approved by the port authority,
968 signed by an authorized officer of the port authority and by the
969 contractor, and shall be executed in triplicate.

970

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

973

974 The port authority may reject any and all bids.

975

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

981

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

990

991 (2) A commonly recognized industry or other standard or
992 specification does not exist and cannot objectively be
993 articulated for the improvement.
994
995 (3) The contract is for any energy conservation measure as
996 defined in section 307.041 of the Revised Code.
997
998 (4) With respect to material to be incorporated into the
999 improvement, only a single source or supplier exists for the
1000 material.
1001
1002 (5) A single bid is received by the port authority after
1003 complying with the provisions of division (A) of this section.
1004
1005 (C)
1006
1007 (1) If a contract is to be negotiated and awarded without
1008 competitive bidding for the reason set forth in division (B)(2)
1009 of this section, the port authority shall publish a notice
1010 calling for technical proposals at least twice, with at least
1011 seven days between publications, in a newspaper of general
1012 circulation in the area of the port authority. After receipt of
1013 the technical proposals, the port authority may negotiate with
1014 and award a contract for the improvement to the proposer making
1015 the proposal considered to be the most advantageous to the port
1016 authority.
1017
1018 (2) If a contract is to be negotiated and awarded without
1019 competitive bidding for the reason set forth in division (B)(4)
1020 of this section, any construction activities related to the
1021 incorporation of the material into the improvement also may be
1022 provided without competitive bidding by the source or supplier of
1023 that material.
1024
1025 Amended by 132nd General Assembly File No. TBD, HB 49, §101.01, eff.
1026 9/29/2017.
1027
1028 Amended by 129th General Assembly File No.28, HB 153, §101.01, eff.
1029 9/29/2011.
1030
1031 Amended by 129th General Assembly File No.7, HB 114, §101.01, eff.
1032 6/29/2011.
1033
1034 Effective Date: 05-17-2000; 12-30-2004
1035
1036

1036 **4582.121 Conveyance or exchange of property with political**
1037 **subdivision.**

1038
1039 The legislative authority of any municipal corporation, county,
1040 township, school district, or other political subdivision or taxing
1041 district, may convey or lease to, or exchange with, any port authority
1042 or any port authority may convey or lease to, or exchange with, a
1043 municipal corporation, county, township, school district, or other
1044 political subdivision or taxing district, without competitive bidding
1045 and on mutually agreeable terms, any personal property or real
1046 property, or any interest therein, which is not needed for the
1047 purposes of the grantor, or lessor, to be used by the recipient or
1048 lessee for its purposes.

1049
1050 Effective Date: 10-30-1965.

1051
1052

1052 **4582.13 Budget - surplus rent and charges.**

1053

1054 The board of directors of a port authority created in accordance with
1055 section 4582.02 of the Revised Code shall annually prepare a budget
1056 for the port authority.

1057

1058 Rents and charges received by the port authority shall be used for the
1059 general expenses of the port authority and to pay interest,
1060 amortization, and retirement charges on money borrowed. If there
1061 remains, at the end of any calendar year, any surplus of such funds
1062 after providing for the above uses, the board of directors may pay
1063 such surplus into the general funds of the political subdivisions
1064 creating and comprising the port authority in proportion to the
1065 taxable value of all property within the port authority which shall be
1066 listed on the general tax lists for the respective subdivisions.

1067

1068 Effective Date: 06-30-1955.

1069

1070

1070 **4582.14 Levying taxes.**

1071
1072 Upon the affirmative vote of at least a majority of the qualified
1073 electors in a primary or general election, within the port authority
1074 voting at an election held for the purpose of authorizing same, the
1075 port authority may levy upon the property within its jurisdiction a
1076 tax, for all purposes including bond debt charges, not in excess of
1077 one mill annually on the total value of all property as listed and
1078 assessed for taxation for any period not exceeding five years, except
1079 that when the tax is for the payment of bond debt charges, such tax
1080 shall be for the life of the bond indebtedness. On approval of such a
1081 levy, notes may be issued in anticipation of the collection of the
1082 proceeds thereof, other than the proceeds to be received for the
1083 payment of bond debt charges, in the amount and manner and at the
1084 times as are provided in section 5705.193 of the Revised Code, for the
1085 issuance of notes by a county in anticipation of the proceeds of a tax
1086 levy. The port authority may borrow money in anticipation of the
1087 collection of current revenues as provided in section 133.10 of the
1088 Revised Code.

1089
1090 The board of directors of a port authority shall be the taxing
1091 authority within sections 5705.01 and 133.10 of the Revised Code.

1092
1093 Such tax shall be for the purpose of providing funds necessary for the
1094 port authority budget and shall be certified annually to the taxing
1095 authorities of the political subdivision or subdivisions within the
1096 port authority. The collection of such tax levy shall conform in all
1097 matters to the provisions of the Revised Code governing the collection
1098 of taxes and assessments levied by local taxing districts and the same
1099 provisions concerning the nonpayment of taxes shall apply to taxes
1100 levied pursuant to this section.

1101
1102 Effective Date: 10-30-1989.

1103
1104

1104 **4582.15 Secretary's bond - care of funds.**

1105

1106 Before receiving any moneys, the secretary of a port authority created
1107 in accordance with section 4582.02 of the Revised Code shall furnish
1108 bond in such amount as shall be determined by the port authority, with
1109 sureties satisfactory to it, and all funds coming into the hands of
1110 said secretary shall be deposited by him to the account of the port
1111 authority in one or more such depositories as shall be qualified to
1112 receive deposits of county funds, which deposits shall be secured in
1113 the same manner as county funds are required to be secured. No
1114 disbursements shall be made from such funds except in accordance with
1115 rules and regulations adopted by the port authority.

1116

1117 Effective Date: 06-30-1955.

1118

1119

1119 **4582.16 Restricting powers of municipal corporations and counties.**

1120

1121 No municipal corporation or county, respectively, creating or
1122 participating in the creation of a port authority in accordance with
1123 section 4582.02 of the Revised Code shall during the time said port
1124 authority is in existence have the right to exercise the rights and
1125 powers as provided in sections 721.04 to 721.11, inclusive, or section
1126 307.65 of the Revised Code, respectively.

1127

1128 Effective Date: 06-30-1955.

1129

1130

1130 **4582.17 Contract powers - acquiring property.**

1131
1132 (A) A port authority created in accordance with section 4582.02 of the
1133 Revised Code may enter into such contracts or other arrangements with
1134 the United States government, or any department thereof, with persons,
1135 railroads, or other corporations, with public corporations, with
1136 public utilities, and with the state government of this or other
1137 states, with governments of foreign countries, with counties,
1138 municipalities, townships, or other governmental agencies created by
1139 or under the authority of the laws of this state, other states, or
1140 governments of foreign countries, including sewerage, drainage,
1141 conservation, conservancy, or other improvement districts in this or
1142 other states as may be necessary or convenient for the exercise of
1143 powers granted by sections 4582.01 to 4582.16 of the Revised Code,
1144 including the making of surveys, investigations, or reports thereon;
1145 provided that the contracts or arrangements shall not be in violation
1146 of Article VIII of the Ohio Constitution. The port authority may
1147 purchase, lease, or acquire land or other property in any county of
1148 this state and in adjoining states for the accomplishment of
1149 authorized purposes of the port authority, or for the improvement of
1150 the harbor and port facilities over which the port authority may have
1151 jurisdiction, and may let contracts or spend money for those purposes,
1152 including the development of port facilities in adjoining states. The
1153 authority granted in this section to enter into contracts or other
1154 arrangements with the United States government or any department
1155 thereof, includes the power to enter into any contracts, arrangements,
1156 or agreements as may be necessary to hold and save harmless the United
1157 States from damages due to the construction and maintenance by the
1158 United States of works the United States undertakes.

1159
1160 Any political subdivision that has participated in the creation of a
1161 port authority pursuant to section 4582.02 of the Revised Code, or is
1162 within or adjacent to, the jurisdiction of the port authority, may
1163 enter into an agreement, which may be amended or supplemented, with
1164 the port authority to accomplish any of the authorized purposes of the
1165 port authority. The agreement may set forth the extent to which the
1166 port authority shall act as the agent of the political subdivision.

1167
1168 (B) A port authority may enter into an agreement with one or more
1169 contracting subdivisions, whereby the port authority or any
1170 contracting subdivision undertakes, and is authorized by the port
1171 authority or any contracting subdivision, to exercise any power,
1172 perform any function, or render any service, on behalf of the port
1173 authority or a contracting subdivision, which the port authority or
1174 the contracting subdivision is authorized to exercise, perform, or
1175 render.

1176
1177 Upon the execution of such an agreement, and within the limitations
1178 prescribed by the agreement, the port authority and any contracting
1179 subdivision shall possess and may exercise the same powers and may
1180 perform the same functions and render the same services, as are
1181 possessed and are authorized to be exercised, or to be performed or
1182 rendered by the port authority or any contracting subdivision that is

1183 a party to the agreement, which, by such agreement, the port authority
1184 or a contracting subdivision undertakes to exercise, perform, or
1185 render, and all powers necessary or incidental thereto, as amply as
1186 such powers may be possessed and are authorized to be exercised, or
1187 those functions are authorized to be performed or those services are
1188 authorized to be rendered, by the port authority or any contracting
1189 subdivision directly. The exercise of those powers, performance of
1190 those functions, and rendering of those services by the port authority
1191 or any contracting subdivision shall be governed by any procedures
1192 applicable to the port authority or contracting subdivision on behalf
1193 of which the powers are being exercised, the functions are being
1194 performed, or the services are being rendered. Any such agreement
1195 shall not suspend the possession by the port authority or a
1196 contracting subdivision of, or its authority to exercise, any powers,
1197 or its authority to perform any function or render any service. A port
1198 authority or any contracting subdivision shall not acquire by virtue
1199 of any agreement entered into under this section any power to levy or
1200 exempt taxes or any power to exercise eminent domain within, and on
1201 behalf of, any other subdivision unless approved by a majority of the
1202 electors of that contracting subdivision.

1203

1204 Effective Date: 05-17-2000.

1205

1206

1206 **4582.171 Rental of port authority facilities.**

1207
1208 A port authority may charge, alter, and collect rentals or other
1209 charges for the use or services of any port authority facility and
1210 contract in the manner provided by this section with one or more
1211 persons, one or more governmental agencies, or any combination
1212 thereof, desiring the use or services of the facility, and fix the
1213 terms, conditions, rentals or other charges for the use or services.
1214 If the services are furnished in the jurisdiction of the port
1215 authority by a public utility or a common carrier, charges by the port
1216 authority for the services shall not be less than the charges
1217 established for the same services furnished by a public utility or
1218 common carrier in the port authority jurisdiction. The rentals or
1219 other charges shall not be subject to supervision or regulation by any
1220 other authority, commission, board, bureau, or agency of the state and
1221 the contract may provide for acquisition by the person or governmental
1222 agency of all or any part of the port authority facility for such
1223 consideration payable over the period of the contract or otherwise as
1224 the port authority in its sole discretion determines to be
1225 appropriate, but subject to the provisions of any resolution
1226 authorizing the issuance of port authority revenue bonds or any trust
1227 agreement securing the bonds. Any governmental agency that has power
1228 to construct, operate, and maintain port authority facilities may
1229 enter into a contract or lease with a port authority whereby the use
1230 or services of any port authority facility will be made available to
1231 the governmental agency, and may pay for the use or services rentals
1232 or other charges as may be agreed to by the port authority and the
1233 governmental agency.

1234
1235 Any governmental agency or combination of governmental agencies may
1236 cooperate with the port authority in the acquisition or construction
1237 of port authority facilities and shall enter into such agreements with
1238 the port authority as may be appropriate, with a view to effective
1239 cooperative action and safeguarding of the respective interests of the
1240 parties thereto, which agreements shall provide for contributions by
1241 the parties thereto in a proportion as may be agreed upon and other
1242 terms as may be mutually satisfactory to the parties including,
1243 without limitation, the authorization of the construction of the
1244 facility by one of the parties acting as agent for all of the parties
1245 and the ownership and control of the facility by the port authority to
1246 the extent necessary or appropriate. Any governmental agency may
1247 provide the funds for the payment of any contribution required under
1248 such agreements by the levy of taxes or assessments if otherwise
1249 authorized by the laws governing the governmental agency in the
1250 construction of the type of port authority facility provided for in
1251 the agreements, and may pay the proceeds from the collection of the
1252 taxes or assessments; or the governmental agency may issue bonds or
1253 notes, if authorized by those laws, in anticipation of the collection
1254 of the taxes or assessments, and may pay the proceeds of the bonds or
1255 notes to the port authority pursuant to such agreements. In addition,
1256 any governmental agency may provide the funds for the payment of a
1257 contribution by the appropriation of money or, if otherwise authorized
1258 by law, by the issuance of bonds or notes and may pay the appropriated

1259 money or the proceeds of the bonds or notes to the port authority
1260 pursuant to such agreements. The agreement by the governmental agency
1261 to provide a contribution, whether from appropriated money or from the
1262 proceeds of taxes or assessments, or bonds or notes, or any
1263 combination thereof, shall not be subject to Chapter 133. of the
1264 Revised Code or any rules or limitations contained therein. The
1265 proceeds from the collection of taxes or assessments, and any interest
1266 earned thereon, shall be paid into a special fund immediately upon the
1267 collection thereof by the governmental agency for the purpose of
1268 providing the contribution at the times required under such
1269 agreements.

1270
1271 When the contribution of any governmental agency is to be made over a
1272 period of time from the proceeds of the collection of special
1273 assessments, the interest accrued and to accrue before the first
1274 installment of the assessments is collected, which is payable by the
1275 governmental agency on the contribution under the terms and provisions
1276 of the agreements, shall be treated as part of the cost of the
1277 improvement for which the assessments are levied, and that portion of
1278 the assessments that is collected in installments shall bear interest
1279 at the same rate as the governmental agency is obligated to pay on the
1280 contribution under the terms and provisions of the agreements and for
1281 the same period of time as the contribution is to be made under the
1282 agreements. If the assessment or any installment thereof is not paid
1283 when due, it shall bear interest until the payment thereof at the same
1284 rate as the contribution and the county auditor shall annually place
1285 on the tax list and duplicate the interest applicable to the
1286 assessment and the penalty thereon as otherwise authorized by law.

1287
1288 As used in this section, the term "governmental agency" has the
1289 meaning defined in section 4582.21 of the Revised Code.

1290
1291 Added by 130th General Assembly File No. 7, HB 51, §101.01, eff.
1292 7/1/2013.

1293
1294

1294 **4582.18 Bonds are lawful investments.**

1295

1296 Bonds of a port authority issued pursuant to sections 4582.01 to
1297 4582.17 of the Revised Code are lawful investments of banks and trust
1298 companies with approval of the superintendent of banks, of savings and
1299 loan associations, of the bond retirement funds or the sinking funds
1300 of municipal corporations, boards of education, port authorities, and
1301 counties, of the administrator of workers' compensation, of the
1302 retirement board of the state teachers retirement system, of the
1303 retirement board of the state public school employees retirement
1304 system, of the retirement board of the public employees retirement
1305 system, and of domestic life insurance companies and domestic
1306 insurance companies other than life, and shall be acceptable as
1307 security for the deposit of public moneys.

1308

1309 Effective Date: 09-01-1995.

1310

1311

1311 **4582.19 Notice of street change proceedings.**

1312

1313 Whenever any action is proposed with respect to the vacation,
1314 dedication, narrowing, or widening of any street, avenue, alley, road,
1315 or highway, which is located within one-half mile of any navigable
1316 waters within the jurisdiction of a port authority, created in
1317 accordance with the provisions of Chapter 4582. of the Revised Code,
1318 notice of the pendency of any such proceeding shall be given to such
1319 port authority. Such notice shall be given by the municipal
1320 corporation, county, or other authority initiating or having
1321 jurisdiction over the action so proposed, which notice shall designate
1322 a time and place for a public hearing, at which the port authority
1323 shall have an opportunity to be heard.

1324

1325 Effective Date: 10-05-1961.

1326

1327

1327 **4582.20 Port authority property exempted from taxes.**

1328

1329 A port authority shall be exempt from and shall not be required to pay
1330 any taxes on property, both real and personal, or any combination
1331 thereof, belonging to any port authority that is used exclusively for
1332 any authorized purpose. This exemption shall not apply to any property
1333 occupied and used during a tax year by a person who is a lessee of the
1334 property as of the tax lien date for that tax year under a written
1335 lease with a remaining term longer than one year. The immediately
1336 preceding sentence shall not apply to real or personal property, or
1337 any combination thereof, leased to a lessee, which property would be
1338 exempt from taxes under Chapter 5709. of the Revised Code if such
1339 property belonged to that lessee. Nothing in this section eliminates
1340 the lessor's or the lessee's obligation to comply with other
1341 provisions of the Revised Code to obtain an exemption for such
1342 property.

1343

1344 Effective Date: 03-14-2003.

1345

1346

1346 **4582.201 Application of provisions before and after 7-9-82 1982.**

1347

1348 (A) Sections 4582.01 to 4582.20 of the Revised Code apply exclusively
1349 to a port authority in existence on July 9, 1982, unless the
1350 subdivision or subdivisions that created the port authority act
1351 pursuant to division (B) of this section.

1352

1353 (B) The subdivision or subdivisions that created a port authority in
1354 existence on July 9, 1982, may adopt a resolution or ordinance to
1355 permit the port authority to operate under sections 4582.21 to 4582.59
1356 of the Revised Code. Subject to division (C) of this section, upon
1357 adoption of such a resolution or ordinance, sections 4582.01 to
1358 4582.20 of the Revised Code no longer apply. At the time the
1359 resolution or ordinance is adopted, the subdivision or subdivisions
1360 that created the port authority also may act pursuant to division (B)
1361 of section 4582.22 of the Revised Code to restrict the powers of the
1362 port authority and may designate its authorized project, projects,
1363 facility, or facilities.

1364

1365 (C) The subdivision or subdivisions that have adopted a resolution or
1366 ordinance under division (B) of this section may adopt a resolution or
1367 ordinance to permit the port authority to resume operating under
1368 sections 4582.01 to 4582.20 of the Revised Code. Upon adoption of such
1369 a resolution or ordinance and adoption of a similar resolution by the
1370 board of directors of the affected port authority, sections 4582.21 to
1371 4582.59 of the Revised Code shall not apply and sections 4582.01 to
1372 4582.20 of the Revised Code shall apply from and after the time the
1373 last such resolution or ordinance is adopted. A subdivision or
1374 subdivisions that act under division (C) of this section may not
1375 thereafter adopt a resolution or ordinance under division (B) of this
1376 section.

1377

1378 Effective Date: 05-17-2000.

1379

1380

1380 **4582.202 New provisions prevail if no action taken.**

1381

1382 Sections 4582.21 to 4582.59 of the Revised Code apply exclusively to a
1383 port authority created after July 9, 1982, and to a port authority in
1384 existence on July 9, 1982, if the subdivision or subdivisions that
1385 created the port authority adopt a resolution or ordinance permitted
1386 under division (B) of section 4582.201 of the Revised Code but have
1387 not adopted a resolution or ordinance under division (C) of that
1388 section to resume operating under sections 4582.01 to 4582.20 of the
1389 Revised Code.

1390

1391 Effective Date: 05-17-2000.

1392

1393

1393 **4582.21 Newly created or adopting port authority definitions.**

1394
1395 As used in sections 4582.22 to 4582.59 of the Revised Code:

1396
1397 (A) "Port authority" means a body corporate and politic created
1398 pursuant to the authority of section 4582.22 of the Revised Code.

1399
1400 (B) "Authorized ~~purposes~~ project" or "~~purpose~~" "projects" means
1401 either of the following:

1402
1403 (1) Activities that enhance, foster, aid, provide, or
1404 promote ~~transportation~~ distribution (i.e., infrastructures
1405 including but not limited to ports, landing strips, and
1406 pads for airplanes, helicopters, drones, blimps, rockets,
1407 and other air and spacecraft types; monorail, funicular,
1408 trolley, tramway, subway, interurban, light rail, heavy
1409 rail, rail fixed guideway, tubular, maglev, and related
1410 systems; busways and other paved fixed guideways for rapid
1411 transit system types; electric power transmission systems;
1412 pipelines; towers, tunnels, ducts, conduits, and other
1413 guideways to host fiber optics, coaxial, twisted pair,
1414 copper, and related mediums for the electromagnetic,
1415 seismic, quantum mechanical and similar distribution means
1416 of information; adjacent improved and unimproved trails and
1417 service roadways; and beneficial uses of infrastructure
1418 rights of way and facilities including public gardens, bee
1419 pollinator programs, solar and wind energy generation,
1420 litter cleanup, cargo spillage and road salt
1421 neutralization, and the like when and where they can be
1422 openly accessible to the public safely and securely
1423 situated and separated from other infrastructure projects;
1424 and any combination of the foregoing), economic
1425 development, housing, recreation, education, governmental
1426 operations, culture, or research within the jurisdiction of
1427 the port authority;

1428
1429 (2) Activities authorized by Sections 13 and 16 of Article
1430 VIII, Ohio Constitution.

1431
1432 (C) "Governmental agency" means a department, division, or other
1433 unit of state government of this state or any other state, a
1434 municipal corporation, county, township, or other political
1435 subdivision, or any other public corporation or agency created
1436 under the laws of this state, any other state, the United States,
1437 or any department or agency thereof, and any agency, commission,
1438 or authority established pursuant to an interstate compact or
1439 agreement.

1440
1441 (D) "Person" means any individual, firm, partnership,
1442 association, or corporation, or any combination thereof.

1443
1444 (E) "Port authority facility" or "facility" means real or
1445 personal ~~property,~~ property; maritime facilities including docks,

1446 wharves, warehouses, piers, and other terminal and transportation
1447 buildings or structures used in connection with the transport,
1448 storage, or distribution of commercial goods on, over, or across
1449 the waterways or shorelines of this state, or buildings or
1450 structures for the construction, rehabilitation, maintenance, or
1451 repair of commercial vessels used for such purposes; vehicular
1452 service stations, vehicular inspection and weight measuring
1453 facilities, fueling stations, passenger stations, freight
1454 stations, airports, airpads, launch pads, intermodal and
1455 transloading terminals, network interexchange facilities,
1456 restaurants, vending and food service, farmer's markets,
1457 videogame arcades, wireless hotspot facilities, hotels, and
1458 motels; and recreational facilities including roadside parks,
1459 rest areas, playgrounds, parking, camping, tenting, rest and
1460 sleeping facilities; information kiosks and first aid stations;
1461 and all similar facilities providing and facilitating commercial
1462 and non-profit services, comforts, and aid to project users or
1463 any combination thereof owned, leased, or otherwise controlled or
1464 financed by a port authority and related to, useful for, or in
1465 furtherance of, one or more authorized purposes projects.
1466

1467 (F) "Cost" as applied to a port authority project or facility
1468 means the cost of acquisition or construction of the project or
1469 facility, and the cost of acquisition of all land, rights-of-way,
1470 property rights, easements, franchise rights, and interests
1471 required for that acquisition or construction, the cost of
1472 demolishing or removing any buildings or structures on land so
1473 acquired, including the cost of acquiring any lands to which
1474 those buildings or structures may be moved, the cost of acquiring
1475 or constructing and equipping a principal and branch office
1476 offices of the port authority, the cost of diverting highways,
1477 interchange of highways, and access roads to private property,
1478 including the cost of land or easements for the access roads, the
1479 cost of public utility and common carrier relocation or
1480 duplication, the cost of all machinery, furnishings, and
1481 equipment, financing charges, interest prior to and during
1482 construction and for no more than eighteen months after
1483 completion of construction, engineering, expenses of research and
1484 development with respect to port authority projects, facilities,
1485 legal expenses, plans, specifications, surveys, studies,
1486 estimates of cost and revenues, other expenses necessary or
1487 incident to determining the feasibility or practicability of
1488 acquiring or constructing the project or facility, administrative
1489 expense, and other expenses as may be necessary or incident to
1490 the acquisition or construction of the project or facility, the
1491 financing of the acquisition or construction, including the
1492 amount authorized in the resolution of the port authority
1493 providing for the issuance of port authority revenue bonds to be
1494 paid into any special funds from the proceeds of such bonds and
1495 the financing of the placing of the project or facility in
1496 operation. Any obligation, cost, or expense incurred by any
1497 governmental agency or person for surveys, borings, preparation
1498 of plans and specifications, and other engineering services, or

1499 any other cost described above, in connection with the
1500 acquisition or construction of a project or facility may be
1501 regarded as part of the cost of the project or facility and may
1502 be reimbursed out of the proceeds of port authority revenue bonds
1503 as authorized by this chapter.
1504

1505 (G) "Revenues" means all rentals, tolls, fees, and other charges
1506 received by the port authority for the use or services of any
1507 port authority project or facility, any gift or grant received
1508 with respect to any port authority project or facility, any
1509 moneys received with respect to the lease, sublease, sale,
1510 including installment sale or conditional sale, or other
1511 disposition of a port authority project or facility, moneys
1512 received in repayment of and for interest on any loans made by
1513 the port authority to a person or governmental agency, whether
1514 from the United States or any department, administration, or
1515 agency thereof, or otherwise, proceeds of port authority revenue
1516 bonds to the extent the use thereof for payment of principal or
1517 of premium, if any, or interest on the bonds is authorized by the
1518 port authority, proceeds from any insurance, condemnation, or
1519 guaranty pertaining to a project or facility or property
1520 mortgaged to secure bonds or pertaining to the financing of the
1521 project or facility, and income and profit from the investment of
1522 the proceeds of port authority revenue bonds or of any revenues.
1523

1524 (H) "Public roads" includes all public highways, roads, and
1525 streets in the state, whether maintained by the state or by a
1526 county, township, municipal corporation, or other political
1527 subdivision.
1528

1529 (I) "Construction," unless the context indicates a different
1530 meaning or intent, includes alteration, construction, creation,
1531 development, enlargement, improvement, installation,
1532 reconstruction, remodeling, and renovation.
1533

1534 (J) "Port authority revenue bonds," unless the context indicates
1535 a different meaning or intent, includes revenue notes, revenue
1536 renewal notes, and revenue refunding bonds.
1537

1538 (K) "Contracting subdivision" means any governmental subdivision
1539 or taxing district of the state that, by action of its
1540 legislative authority, enters into an agreement with a port
1541 authority or a port authority and one or more other governmental
1542 subdivisions or taxing districts of the state. "Contracting
1543 subdivision" does not mean a transportation improvement district
1544 or a regional transportation improvement project.
1545

1546 (L) "Governmental subdivision" includes, but is not limited to,
1547 any county, municipal corporation, township, port authority,
1548 water or sewer district, solid waste management district, school
1549 district, health district, park district, soil and water
1550 conservation district, water conservancy district, regional
1551 transit authority, airport authority, or other district,

1552 authority, or commission created pursuant to the laws of this
1553 state. "Governmental subdivision" does not include a
1554 transportation improvement district or a regional transportation
1555 improvement project.

1556
1557 Effective Date: 05-17-2000.

1558
1559

1559 **4582.22 Creation and dissolution of ~~new~~ port authority.**
1560

1561 (A) Any municipal corporation, township, or county ~~not included in a~~
1562 ~~port authority in existence on December 16, 1964,~~ subject to division
1563 (E) of section 4582.22 of the Revised Code may create, or any
1564 combination of a municipal corporation, municipal corporations,
1565 township, townships, county, or counties, ~~no one of which has been~~
1566 ~~included in a port authority in existence on December 16, 1964,~~
1567 subject to division (E) of section 4582.22 of the Revised Code may
1568 create, and any of the foregoing together with any other political
1569 subdivision or subdivisions may create a port authority.

1570 ¶
1571 A municipal corporation shall act by ordinance, a township shall act
1572 by resolution of the township trustees, a county shall act by
1573 resolution of the county commissioners, and any other political
1574 subdivision shall act by resolution of its legislative authority, in
1575 authorizing the creation of a port authority.

1576 ¶
1577 A port authority created pursuant to this section is a body corporate
1578 and politic which may sue and be sued, plead and be impleaded, and has
1579 the powers and jurisdiction enumerated in sections 4582.21 to 4582.59
1580 of the Revised Code. The exercise by such port authority of the powers
1581 conferred upon it shall be deemed to be essential governmental
1582 functions of this state, but no port authority is immune from
1583 liability by reason thereof.

1584
1585 (B) At the time a port authority is created pursuant to division (A)
1586 of section 4582.22 of the Revised Code or, in the case of a port
1587 authority in existence on July 9, 1982, at the time the subdivision or
1588 subdivisions which created such authority act pursuant to division (B)
1589 of section 4582.201 of the Revised Code, the subdivision or
1590 subdivisions which create the port authority may restrict the powers
1591 granted the port authority and may designate its authorized project,
1592 projects, facility, or facilities pursuant to this chapter by
1593 specifically setting forth such restrictions and designations in the
1594 resolution or ordinance creating the port authority or in the
1595 resolution or ordinance adopted pursuant to division (B) of section
1596 4582.201 of the Revised Code.

1597
1598 (C) The subdivision or subdivisions which created a port authority
1599 whose powers have been restricted and whose projects and facilities
1600 have been designated pursuant to division (B) of this section may, at
1601 any time, adopt a resolution or ordinance to grant additional powers,
1602 projects, and facilities so long as the powers, projects, and
1603 facilities so granted do not exceed the powers, projects, and
1604 facilities permitted pursuant to this chapter.

1605
1606 (D) The area of jurisdiction of a port authority created in division
1607 (A) of section 4582.22 of the Revised Code shall include all of the
1608 territory of the political subdivision or subdivisions creating it
1609 unless the political subdivision or subdivisions creating the port
1610 authority designates specific territories within the political

1611 subdivision or subdivisions as the area of jurisdiction of the port
1612 authority.

1613
1614 The political subdivision or subdivisions creating the port authority
1615 may designate the specific territory upon which a mode of distribution
1616 or a facility is located that the port authority owns or leases as the
1617 area or as additional area of the jurisdiction of the port authority,
1618 regardless of whether the territory is located in the jurisdiction of
1619 the political subdivision or subdivisions creating the port authority.

1620
1621 (E) A political subdivision that has created a port authority or
1622 joined an existing port authority shall not be included in create or
1623 join with any other existing port authority authorities unless each
1624 port authority initiates and administers separate projects and
1625 facilities from each other.

1626
1627 (F) Subject to making due provisions for payment and performance of
1628 its obligations, a port authority may be dissolved by the subdivision
1629 or subdivisions creating it, and in that event the properties of the
1630 port authority shall be transferred to the subdivision creating it or,
1631 if created by more than one subdivision, to the subdivisions creating
1632 it in such manner as may be agreed upon between the subdivisions prior
1633 to the dissolution of the port authority.

1634
1635 (G) Subject to making due provisions for payment and performance of
1636 its obligations, a port authority may be dissolved by a vote of the
1637 general public within the jurisdiction of the subdivision or
1638 subdivisions creating the port authority during the next primary or
1639 general election or at a special election. The election shall be
1640 called by the subdivision or subdivisions creating the port authority
1641 and shall be held, canvassed, and certified in the manner provided for
1642 under chapter 3501 of the Revised Code. The question appearing on the
1643 ballot shall read:

1644
1645 "Shall (name or names of subdivision or subdivisions) that created the
1646 (name of the port authority) resolve to dissolve (name of the port
1647 authority)?"

1648
1649 Upon the affirmative vote of at least a majority of the qualified
1650 electors voting at an election held for the purpose, the subdivision
1651 or subdivisions creating the port authority shall resolve to dissolve
1652 the port authority, and the properties of the port authority shall be
1653 transferred to the subdivision creating it or, if created by more than
1654 one subdivision, to the subdivisions creating it in such manner as may
1655 be agreed upon between the subdivisions prior to the dissolution of
1656 the port authority.

1657
1658 Effective Date: 05-17-2000.

1659
1660 4582.23, 4582.23 [Repealed].

1661 Effective Date: 05-17-2000.

1662
1663

1663 **4582.25 Appropriation and expenditure of public funds for port**
1664 **authority.**

1665
1666 (A) Any municipal corporation, township, county, or other political
1667 subdivision ~~creating or participating in the creation of a port~~
1668 ~~authority in accordance with section 4582.22 of the Revised Code~~ may
1669 appropriate and expend public funds to finance or subsidize the
1670 operation and authorized ~~purposes~~ projects or facilities of the port
1671 authority.

1672
1673 ~~(B) Subject to making due provisions for payment and performance of~~
1674 ~~its obligations, a port authority may be dissolved by the subdivision~~
1675 ~~or subdivisions creating it, and in such event the properties of the~~
1676 ~~port authority shall be transferred to the subdivision creating it or,~~
1677 ~~if created by more than one subdivision, to the subdivisions creating~~
1678 ~~it in a manner agreed upon between the subdivisions prior to the~~
1679 ~~dissolution of the port authority.~~

1680
1681 Effective Date: 05-17-2000.

1682
1683

1683 **4582.26 Contiguous political subdivision may join port authority.**

1684
1685 After a port authority has been created, any municipal corporation,
1686 township, county, or other political subdivision, acting by ordinance
1687 or resolution, which is contiguous to any municipal corporation,
1688 township, county, or other political subdivision which participated in
1689 the creation of such port authority or to any municipal corporation,
1690 township, county, or other political subdivision which proposes to
1691 join the port authority at the same time and is contiguous to any
1692 municipal corporation, township, county, or other political
1693 subdivision which participated in the creation of such port authority,
1694 may join such port authority, and thereupon the jurisdiction and
1695 territory and designated projects and facilities of the port authority
1696 includes the municipal corporation, county, township, or other
1697 political subdivision so joining. If more than one such political
1698 subdivision is to be joined to the port authority at the same time,
1699 then each such ordinance or resolution shall designate the political
1700 subdivisions which are to be so joined.

1701 ¶
1702 Any territory or municipal corporation not included in a port
1703 authority and which is annexed to a municipal corporation included
1704 within the jurisdiction and territory of a port authority shall, on
1705 such annexation and without further proceedings, be annexed to and be
1706 included in the jurisdiction and territory and designated projects and
1707 facilities of the port authority.

1708 ¶
1709 Before such political subdivision or subdivisions are joined to a port
1710 authority, other than by annexation to a municipal corporation, the
1711 political subdivision or subdivisions theretofore comprising such port
1712 authority shall agree upon the terms and conditions pursuant to which
1713 such political subdivision or subdivisions are to be joined.

1714 ¶
1715 For all purposes of sections 4582.21 to 4582.59 of the Revised Code,
1716 such political subdivision or subdivisions shall be considered to have
1717 participated in the creation of such port authority, except that the
1718 initial term of any director of the port authority appointed by such a
1719 political subdivision shall be four years.

1720 ¶
1721 After each ordinance or resolution proposing joinder to the port
1722 authority has become effective and the terms and conditions of joinder
1723 have been agreed to, ~~the board of directors of the port authority~~
1724 ~~shall by resolution either accept or reject such joinder. Such~~ such
1725 joinder shall ~~then~~ be effective ~~upon adoption of the resolution~~
1726 ~~accepting such joinder immediately,~~ unless the port authority to which
1727 a political subdivision or subdivisions, ~~including a county within~~
1728 ~~which such port authority is located,~~ are to be joined, has authority
1729 under section 4582.40 of the Revised Code to levy a tax on property
1730 within its jurisdiction, then such joinder shall not be effective
1731 until approved by the affirmative vote of a majority of the electors
1732 voting on the question of the joinder. If more than one political
1733 subdivision is to be joined to the port authority, then the electors
1734 of such subdivisions shall vote as a district and the majority
1735 affirmative vote shall be determined by the vote cast in such district

1736 as a whole. The election shall be called by the board of directors of
1737 the port authority and shall be held, canvassed, and certified in the
1738 manner provided for the submission of tax levies under section
1739 5705.191 of the Revised Code except that the question appearing on the
1740 ballot shall read:

1741
1742 "Shall
1743
1744 (Name or names of
1745 political subdivisions to be joined) be joined to
1746
1747 port authority (Name) and the existing tax
1748 levy (levies) of such port authority (aggregating)mill per
1749 dollar of valuation be authorized to be levied against properties
1750 within
1751
1752"?
1753 (Name or names of political subdivisions to be joined)

1754
1755 If the question is approved the joinder becomes immediately effective
1756 and the port authority is authorized to extend the levy of such tax
1757 against all the taxable property within the political subdivision or
1758 political subdivisions which have been joined. If such question is
1759 approved at a general election, then the port authority may amend its
1760 budget and resolution adopted pursuant to section 5705.34 of the
1761 Revised Code and such levy shall be placed on the current tax list and
1762 duplicate and collected as other taxes are collected from all taxable
1763 property within the port authority including the political subdivision
1764 or political subdivisions joined as a result of the election.

1765
1766 Effective Date: 05-17-2000.

1767
1768

1768 **4582.27 Organization of board of directors.**

1769
1770 A port authority created in accordance with section 4582.22 of the
1771 Revised Code shall be governed by a board of directors. Members of a
1772 board of directors of a port authority created by the exclusive action
1773 of a municipal corporation shall consist of the number of members it
1774 considers necessary and shall be appointed by the mayor with the
1775 advice and consent of the council. Members of a board of directors of
1776 a port authority created by the exclusive action of a township shall
1777 consist of such members as it considers necessary and shall be
1778 appointed by the township trustees of the township. Members of a board
1779 of directors of a port authority created by the exclusive action of a
1780 county shall consist of such members as it considers necessary and
1781 shall be appointed by the board of county commissioners of the county.
1782 Members of a board of directors of a port authority created by a
1783 combination of political subdivisions shall be divided among the
1784 political subdivisions in such proportions as the political
1785 subdivisions may agree and shall be appointed by the participating
1786 political subdivisions in the same manner as this section provides for
1787 the appointment of members by a political subdivision creating its own
1788 port authority. If a participating political subdivision is not
1789 authorized by section 4582.22 of the Revised Code to create its own
1790 port authority, the political subdivision's elected legislative body,
1791 if the political subdivision has an elected legislative body, or the
1792 political subdivision's elected official or officials who appoint the
1793 legislative body of the political subdivision shall appoint the
1794 members of a board of directors of a port authority that are to be
1795 appointed by that political subdivision. If the electors of a
1796 participating political subdivision do not elect either the
1797 legislative body of the political subdivision or the official or
1798 officials who appoint the legislative body of the political
1799 subdivision, the participating political subdivision may not appoint
1800 any member of a board of directors of a port authority. When a port
1801 authority is created by a combination of political subdivisions, the
1802 number of directors comprising the board shall be determined by
1803 agreement between the political subdivisions, which number may be
1804 changed from time to time by amendment of the agreement.

1805 ¶
1806 The appointing body may at any time remove a director appointed by it
1807 for misfeasance, nonfeasance, or malfeasance in office.

1808
1809 A majority of the directors shall have been qualified electors of, or
1810 shall have had their businesses or places of employment in, one or
1811 more political subdivisions within the area of the jurisdiction of the
1812 port authority, for a period of at least three years next preceding
1813 their appointment. The appointing body may impose certain
1814 qualifications upon all or specific director positions.

1815
1816 The directors of any port authority first appointed shall serve
1817 staggered terms. Thereafter each successor shall serve for a term of
1818 four years, except that any person appointed to fill a vacancy shall
1819 be appointed to only the unexpired term and any director is eligible
1820 for reappointment.

1821
1822 The board of directors by rule may provide for the removal of a
1823 director who fails to attend three consecutive regular meetings of the
1824 board. If a director is so removed, a successor shall be appointed for
1825 the remaining term of the removed director in the same manner provided
1826 for the original appointment.

1827
1828 The directors shall elect one of their membership as chairperson and
1829 another as vice-chairperson, and shall designate their terms of
1830 office, and shall appoint a secretary who need not be a director. A
1831 majority of the members of the board of directors shall constitute a
1832 quorum for purposes of holding a meeting of the board. The affirmative
1833 vote of a majority of a quorum shall be necessary for any action taken
1834 by the port authority unless the board of directors determines by rule
1835 to require a greater number of affirmative votes for particular
1836 actions to be taken by the port authority. No vacancy in the
1837 membership of the board shall impair the rights of a quorum to
1838 exercise all the rights and perform all the duties of the port
1839 authority.

1840 ¶
1841 The board of directors may hold a meeting by interactive video
1842 conference or teleconference as provided in section 4582.60 of the
1843 Revised Code.

1844
1845 Each member of the board of directors of a port authority shall be
1846 entitled to receive from the port authority such sum of money as the
1847 board of directors may determine as compensation for services as
1848 director and reimbursement for reasonable expenses in the performance
1849 of official duties.

1850
1851 Amended by 131st General Assembly File No. TBD, HB 455, §1, eff.
1852 4/6/2017.

1853
1854 Effective Date: 04-09-2003.

1855
1856

1856 **4582.271 Civil immunity.**

1857

1858 In addition to any immunity from civil liability that is conferred
1859 upon a director by any other provision of the Revised Code or by
1860 decisions of Ohio or federal courts, no member of the board of
1861 directors of a port authority shall be personally liable for any
1862 monetary damages that arise from actions taken in the performance of
1863 his official duties, except for acts or omissions that are not in good
1864 faith or that involve intentional misconduct or a knowing violation of
1865 law, or any transaction from which the director derived an improper
1866 personal benefit.

1867

1868 Effective Date: 06-10-1987.

1869

1870

1870 **4582.28 Port authority employees.**

1871

1872 (A) A port authority created in accordance with section 4582.22 of the
1873 Revised Code shall employ and fix the qualifications, duties, and
1874 compensation of any employees and enter into contracts for any
1875 professional services it may require to conduct the business of the
1876 port authority and may appoint an advisory board, which shall serve
1877 without compensation. Any employee may be suspended or dismissed, and
1878 any contract for professional services may be terminated at any time
1879 by the port authority.

1880

1881 (B) A port authority may provide for the administration and
1882 enforcement of the laws of the state by employing special police
1883 officers, and may seek the assistance of other appropriate law
1884 enforcement officers to enforce its rules and maintain order.

1885

1886 (C) Special police officers employed by a port authority shall serve
1887 as a police force with respect to the property, grounds, buildings,
1888 equipment, projects, and facilities under the control of the port
1889 authority, to prevent hijacking of aircraft or watercraft vehicles and
1890 other equipment, protect the property of the authority and the
1891 property of others located thereon, suppress nuisances and
1892 disturbances and breaches of the peace, and enforce laws and the rules
1893 of the port authority for the preservation of good order. In
1894 performing their duties, special police officers are vested with the
1895 same powers of arrest as police officers under section 2935.03 of the
1896 Revised Code.

1897

1898 Any person employed as a special police officer by a port authority is
1899 a "public employee" as defined in section 145.01 of the Revised Code
1900 and is not a "member of a police department" as defined in section
1901 742.01 of the Revised Code.

1902

1903 Effective Date: 05-17-2000.

1904

1905

1905 **4582.29 Group medical and life insurance.**

1906

1907 (A) A port authority created under section 4582.22 of the Revised Code
1908 may procure and pay all or any part of the cost of group
1909 hospitalization, surgical, major medical, sickness and accident
1910 insurance, or group life insurance, or a combination of any of the
1911 foregoing types of insurance or coverage for employees and their
1912 families, issued by an insurance company duly authorized to do
1913 business in this state.

1914

1915 (B) A port authority also may procure and pay all or any part of the
1916 cost of a plan of group hospitalization, surgical, major medical, or
1917 sickness and accident insurance with a health insuring corporation
1918 holding a certificate of authority under Chapter 1751. of the Revised
1919 Code, provided that each employee shall be permitted to:

1920

1921 (1) Exercise an option between a plan offered by an insurance
1922 company as provided in division (A) of this section and a plan
1923 offered by a health insuring corporation under this division, on
1924 the condition that the employee shall pay any amount by which the
1925 cost of the plan offered in this division exceeds the cost of the
1926 plan offered under division (A) of this section; and

1927

1928 (2) Change from one of the two plans to the other at a time each
1929 year as determined by the port authority.

1930

1931 (C) A port authority may procure or contract for any type of insurance
1932 authorized by division (A) or (B) of this section on its own or
1933 jointly as part of a group with one or more other governmental units
1934 or agencies to provide that insurance for the employees of the members
1935 of the group and their families. A port authority also may establish
1936 and maintain an individual or joint self-insurance program for
1937 hospitalization, surgical, major medical, or sickness and accident
1938 insurance.

1939

1940 Effective Date: 05-17-2000.

1941

1942

1942 ~~4582.30 Area of jurisdiction.~~

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1994

~~(A)~~

~~(1) Except as otherwise provided in division (A)(2) or (3) of this section, the area of jurisdiction of a port authority created in accordance with section 4582.22 of the Revised Code shall include all of the territory of the political subdivision or subdivisions creating and joining it and, if the port authority owns or leases a railroad line or airport a mode of distribution, the territory on which the railroad's mode's line, terminals, infrastructure and related facilities or the airport's runways, terminals, and related facilities are located, regardless of whether the territory is located in the political subdivision or subdivisions creating the port authority.~~

~~(2) A municipal corporation with a population of at least one hundred thousand according to the most recent federal decennial census may create a port authority within a county that previously created an existing port authority, if the municipal corporation did not join with the county in creating the port authority or thereafter join that port authority. The newly created port authority and the previously created and existing port authority shall possess concurrent jurisdiction over any territory within the jurisdiction of both.~~

~~(3) A county may create a port authority the area of jurisdiction of which excludes any territory that is located in that county and is in the area of jurisdiction of any port authority created in accordance with section 4582.02 or 4582.22 of the Revised Code that is then existing in the county.~~

~~(B)~~

~~(1) Except as provided in division (B)(2) or (3) of this section, a political subdivision that has created a port authority or joined an existing port authority shall not be included in any other port authority.~~

~~(2) A municipal corporation with a population of less than one hundred thousand according to the most recent federal decennial census that has joined an existing port authority in a county with a population of five hundred thousand or less may create a port authority within the territorial jurisdiction of the municipal corporation.~~

~~(3) A municipal corporation and a county jointly may create a new port authority if both of the following apply:~~

~~(a) The municipal corporation created a port authority after July 9, 1982, and that port authority operates an airport;~~

1995 ~~(b) The county joined a port authority after July 9, 1982,~~
1996 ~~and that port authority operated an airport.~~

1997
1998 ~~Effective Date: 03-14-2003.~~

1999
2000 **4582.30 Desired port authority project and facility initiation and**
2001 **administration issues.**

2002
2003 (A) As used in section 4582.30 of the Revised Code:

2004
2005 (1) "Incumbent port authority" means a port authority created,
2006 co-created, or joined by a political subdivision or political
2007 subdivisions having a jurisdiction within a specific designated
2008 territory and authorized with specific powers and one or more
2009 projects or facilities.

2010
2011 (2) "Outside port authority" means a port authority created, co-
2012 created, or joined by a political subdivision or political
2013 subdivisions having a jurisdiction within a specific designated
2014 territory and authorized with specific powers and one or more
2015 projects or facilities located in a territory separate from an
2016 incumbent port authority.

2017
2018 (B) The general public within the jurisdiction of an incumbent port
2019 authority may request the political subdivision or political
2020 subdivisions that created, co-created, or joined an incumbent port
2021 authority to authorize the incumbent port authority to initiate and
2022 administer one or more desired projects or facilities within the
2023 jurisdiction of the incumbent port authority that it may not already
2024 be initiating or administering.

2025
2026 (C) If the political subdivision or political subdivisions that
2027 created, co-created, or joined an incumbent port authority declines to
2028 authorize and require the incumbent port authority to initiate and
2029 administer one or more projects or facilities within the jurisdiction
2030 of the incumbent port authority that it may not already be initiating
2031 or administering that the general public within the incumbent port
2032 authority jurisdiction desires, then the general public within the
2033 jurisdiction of an incumbent port authority may request a political
2034 subdivision or political subdivisions that created, co-created, or
2035 joined an outside port authority in a jurisdiction contiguous to the
2036 political subdivision or political subdivisions that created, co-
2037 created, or joined an incumbent port authority to initiate, extend to,
2038 and administer one or more desired projects or facilities within the
2039 jurisdiction of the incumbent port authority.

2040
2041 If the contiguous political subdivision or political subdivisions that
2042 created, co-created, or joined an outside port authority concurs with
2043 the request by the general public, the outside port authority shall
2044 initiate, extend to, and administer one or more desired projects or
2045 facilities within the jurisdiction of the incumbent port authority.

2046

2047 The outside port authority initiating, extending to, and administering
2048 one or more desired projects or facilities within the jurisdiction of
2049 an incumbent port authority shall for the duration of the desired
2050 projects or facilities:

2051
2052 (1) Enjoy and possess the same rights, privileges, and powers as
2053 authorized by this chapter within the territory of the incumbent
2054 port authority;

2055
2056 (2) If desired, retain all of the revenues generated by the
2057 initiated, extended, and administered projects or facilities
2058 within the territory of the incumbent port authority;

2059
2060 (3) Remain exempt from any real and personal taxes and rentals,
2061 tolls, fees, and other charges that may be assessed by the
2062 incumbent port authority.

2063
2064 (D) An incumbent port authority not initiating and administering one
2065 or more projects or facilities desired by the general public within
2066 its jurisdiction can later initiate and administer those desired
2067 projects or facilities within its jurisdiction, whereupon the outside
2068 port authority shall cease initiating, extending to, and administering
2069 those desired projects or facilities within the jurisdiction of the
2070 incumbent port authority. The outside port authority shall then convey
2071 any existing initiated and administered projects and facilities to the
2072 incumbent port authority, although those existing initiated and
2073 administered projects and facilities shall be subject to clawback by
2074 the outside port authority for the duration of the project or facility
2075 if the incumbent port authority fails to initiate and administer the
2076 project or facility to the full satisfaction of the outside port
2077 authority. Both the incumbent and outside port authorities may later
2078 agree to jointly initiate and administer those desired projects or
2079 facilities within the jurisdiction of the incumbent port authority.

2080
2081 (E) If the political subdivision or political subdivisions that
2082 created, co-created, or joined a port authority declines to authorize
2083 and require the incumbent port authority initiate and administer one
2084 or more projects or facilities the incumbent port authority may not
2085 already be initiating or administering that the general public within
2086 the jurisdiction of the incumbent port authority desires, then the
2087 general public within the jurisdiction of the incumbent port authority
2088 may initiate a question during the next primary or general election or
2089 at a special election to require the political subdivision or
2090 political subdivisions that created, co-created, or joined the
2091 incumbent port authority authorize and require the incumbent port
2092 authority to initiate and administer one or more desired projects or
2093 facilities. The election shall be called by the political subdivision
2094 or political subdivisions that created, co-created, or joined the
2095 incumbent port authority and shall be held, canvassed, and certified
2096 in the manner provided for under chapter 3501 of the Revised Code. The
2097 question appearing on the ballot shall read:

2098

2099 "Shall (name or names of political subdivision or political
2100 subdivisions) that created, co-created, or joined the (name of the
2101 incumbent port authority) authorize and require (name of the incumbent
2102 port authority) to initiate and administer (name and description of
2103 one or more desired projects or facilities)?"

2104
2105 Upon the affirmative vote of at least a majority of the qualified
2106 electors within the incumbent port authority jurisdiction voting at an
2107 election held for the purpose, the authorization and requirement shall
2108 become immediately effective, and the political subdivision or
2109 political subdivisions that created, co-created, or joined an
2110 incumbent port authority shall be required to authorize and require
2111 the incumbent port authority to initiate and administer one or more of
2112 the general public's desired projects or facilities.

2113
2114 (F) The general public within the jurisdiction of an incumbent port
2115 authority may request the political subdivision or political
2116 subdivisions that created, co-created, or joined an incumbent port
2117 authority to require the incumbent port authority cease initiating and
2118 administering one or more projects or facilities the incumbent port
2119 authority may be currently initiating or administering.

2120
2121 (G) If the political subdivision or political subdivisions that
2122 created, co-created, or joined the incumbent port authority declines
2123 to require the incumbent port authority cease initiating and
2124 administering one or more projects or facilities the incumbent port
2125 authority may already be initiating or administering that the general
2126 public does not desire, then the general public within the
2127 jurisdiction of the incumbent port authority may initiate a question
2128 during the next primary or general election or at a special election
2129 to require the political subdivision or political subdivisions that
2130 created, co-created, or joined an incumbent port authority require the
2131 incumbent port authority to cease initiating and administering one or
2132 more projects or facilities. The election shall be called by the
2133 political subdivision or political subdivisions that created, co-
2134 created, or joined the incumbent port authority and shall be held,
2135 canvassed, and certified in the manner provided for under chapter 3501
2136 of the Revised Code. The question appearing on the ballot shall read:

2137
2138 "Shall (name or names of political subdivision or political
2139 subdivisions) that created, co-created, or joined the (name of the
2140 incumbent port authority) require (name of the incumbent port
2141 authority) to cease initiating and administering (name and description
2142 of one or more projects or facilities)?"

2143
2144 Upon the affirmative vote of at least a majority of the qualified
2145 electors within the incumbent port authority jurisdiction voting at an
2146 election held for the purpose, the requirement shall become
2147 immediately effective, and the political subdivision or political
2148 subdivisions that created, co-created, or joined the incumbent port
2149 authority shall be required to require the incumbent port authority to
2150 cease initiating and administering one or more of the projects or
2151 facilities not desired by the general public.

2152

2153

2153 **4582.31 Powers of port authority.**

2154

2155 (A) A port authority created in accordance with section 4582.22 of the
2156 Revised Code may:

2157

2158 (1) Adopt bylaws for the regulation of its affairs and the
2159 conduct of its business;

2160

2161 (2) Adopt an official seal;

2162

2163 (3) Maintain a principal office within its jurisdiction, and
2164 maintain such branch offices as it may require;

2165

2166 (4) Acquire, construct, furnish, equip, maintain, repair, sell,
2167 exchange, lease to or from, or lease with an option to purchase,
2168 convey other interests in real or personal property, or any
2169 combination thereof, related to, useful for, or in furtherance of
2170 any authorized purpose project or facility and operate any
2171 property in connection with ~~transportation~~ distribution,
2172 recreational, governmental operations, or cultural activities;

2173

2174 (5) Straighten, deepen, and improve any channel, river, stream,
2175 or other water course or way which may be necessary or proper in
2176 the development of the projects or facilities of a port
2177 authority;

2178

2179 (6) Make available the use or services of any port authority
2180 project or facility to one or more persons, one or more
2181 governmental agencies, or any combination thereof;

2182

2183 (7) Issue bonds or notes for the acquisition, construction,
2184 furnishing, or equipping of any port authority project or
2185 facility or other permanent improvement that a port authority is
2186 authorized to acquire, construct, furnish, or equip, in
2187 compliance with Chapter 133. of the Revised Code, except that
2188 such bonds or notes may only be issued pursuant to a vote of the
2189 electors residing within the area of jurisdiction of the port
2190 authority. The net indebtedness incurred by a port authority
2191 shall never exceed two per cent of the total value of all
2192 property within the territory comprising the port authority as
2193 listed and assessed for taxation.

2194

2195 (8) Issue port authority revenue bonds beyond the limit of bonded
2196 indebtedness provided by law, payable solely from revenues as
2197 provided in section 4582.48 of the Revised Code, for the purpose
2198 of providing funds to pay the costs of any port authority project
2199 or projects or facility or facilities or parts thereof;

2200

2201 (9) Apply to the proper authorities of the United States pursuant
2202 to appropriate law for the right to establish, operate, and
2203 maintain foreign trade zones and establish, operate, and maintain
2204 foreign trade zones and to acquire, exchange, sell, lease to or
2205 from, lease with an option to purchase, or operate projects,

2206 facilities, land, or property therefor in accordance with the
2207 "Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to
2208 81u;

2209
2210 (10) Enjoy and possess the same rights, privileges, and powers
2211 granted municipal corporations under sections 721.04 to 721.11 of
2212 the Revised Code;

2213
2214 (11) Maintain such funds as it considers necessary;

2215
2216 (12) Direct its agents or employees, when properly identified in
2217 writing, and after at least five days' written notice, to enter
2218 upon lands within the confines of its jurisdiction in order to
2219 make surveys and examinations preliminary to location and
2220 construction of works for the ~~purposes~~ projects or facilities of
2221 the port authority, without liability of the port authority or
2222 its agents or employees except for actual damage done;

2223
2224 (13) Promote, advertise, and publicize the port authority and its
2225 projects and facilities; provide information to shippers, users,
2226 and other commercial interests; and appear before rate-making
2227 authorities to represent and promote the interests of the port
2228 authority;

2229
2230 (14) Adopt rules, not in conflict with general law, it finds
2231 necessary or incidental to the performance of its duties and the
2232 execution of its powers under sections 4582.21 to 4582.54 of the
2233 Revised Code. Any such rule shall be posted ~~at no less than five~~
2234 ~~public places in the port authority, as determined by the board~~
2235 ~~of directors,~~ on the port authority's website and at Public
2236 Notices Ohio (<https://www.publicnoticesohio.com/>), or in a
2237 newspaper of general circulation in the county or region of the
2238 port authority, and in such other publications as the port
2239 authority determines, unless the publications cease publishing
2240 print versions of their newspapers anymore, for a period of not
2241 fewer than fifteen days, and shall be available for public
2242 inspection at the principal office of the port authority during
2243 regular business hours. No person shall violate any lawful rule
2244 adopted and posted as provided in this division.

2245
2246 (15) Do any of the following, in regard to any interests in any
2247 real or personal property, or any combination thereof, including,
2248 without limitation, machinery, equipment, plants, factories,
2249 offices, and other structures ~~and facilities~~ related to, useful
2250 for, or in furtherance of any authorized ~~purpose~~ project or
2251 facility, for such consideration and in such manner, consistent
2252 with Article VIII of the Ohio Constitution, as the board in its
2253 sole discretion may determine:

2254
2255 (a) Loan moneys to any person or governmental entity for
2256 the acquisition, construction, furnishing, and equipping of
2257 the property;

2258

- 2259 (b) Acquire, construct, maintain, repair, furnish, and
2260 equip the property;
2261
2262 (c) Sell to, exchange with, lease, convey other interests
2263 in, or lease with an option to purchase the same or any
2264 lesser interest in the property to the same or any other
2265 person or governmental entity;
2266
2267 (d) Guarantee the obligations of any person or governmental
2268 entity.
2269

2270 A port authority may accept and hold as consideration for the
2271 conveyance of property or any interest therein such property or
2272 interests therein as the board in its discretion may determine,
2273 notwithstanding any restrictions that apply to the investment of
2274 funds by a port authority.
2275

2276 (16) Sell, lease, or convey other interests in real and personal
2277 property, and grant easements or rights-of-way over property of
2278 the port authority. The board of directors shall specify the
2279 consideration and any terms for the sale, lease, or conveyance of
2280 other interests in real and personal property. Any determination
2281 made by the board under this division shall be conclusive. The
2282 sale, lease, or conveyance may be made without advertising and
2283 the receipt of bids.
2284

2285 (17) Exercise the right of eminent domain to appropriate any
2286 land, rights, rights-of-way, franchises, easements, or other
2287 property, necessary or proper for any authorized purpose project
2288 or facility, pursuant to the procedure provided in sections
2289 163.01 to 163.22 of the Revised Code, if funds equal to the
2290 appraised value of the property to be acquired as a result of
2291 such proceedings are available for that purpose project or
2292 facility. However, nothing contained in sections 4582.201 to
2293 4582.59 of the Revised Code shall authorize a port authority to
2294 take or disturb property or facilities belonging to any agency or
2295 political subdivision of this state, public utility, cable
2296 operator, or common carrier, which property or facilities are
2297 necessary and convenient in the operation of the agency or
2298 political subdivision, public utility, cable operator, or common
2299 carrier, unless provision is made for the restoration,
2300 relocation, or duplication of such property or facilities, or
2301 upon the election of the agency or political subdivision, public
2302 utility, cable operator, or common carrier, for the payment of
2303 compensation, if any, at the sole cost of the port authority,
2304 provided that:
2305

2306 (a) If any restoration or duplication proposed to be made
2307 under this section involves a relocation of the property or
2308 facilities, the new facilities and location shall be of at
2309 least comparable utilitarian value and effectiveness and
2310 shall not impair the ability of the public utility, cable

2311 operator, or common carrier to compete in its original area
2312 of operation;

2313
2314 (b) If any restoration or duplication made under this
2315 section involves a relocation of the property or
2316 facilities, the port authority shall acquire no interest or
2317 right in or to the appropriated property or facilities,
2318 except as provided in division (A)(15) of this section,
2319 until the relocated property or facilities are available
2320 for use and until marketable title thereto has been
2321 transferred to the public utility, cable operator, or
2322 common carrier.

2323
2324 As used in division (A)(17) of this section, "cable
2325 operator" has the same meaning as in the "Cable
2326 Communications Policy Act of 1984," Pub. L. No. 98-549, 98
2327 Stat. 2780, 47 U.S.C. 522, as amended by the
2328 "Telecommunications Act of 1996," Pub. L. No. 104-104, 110
2329 Stat. 56.

2330
2331 (18)

2332
2333 (a) Make and enter into all contracts and agreements and
2334 execute all instruments necessary or incidental to the
2335 performance of its duties and the execution of its powers
2336 under sections 4582.21 to 4582.59 of the Revised Code.

2337
2338 (b) Except as provided in division (A)(18)(c) of this
2339 section or except when the port authority elects to
2340 construct a building, structure, or other improvement
2341 pursuant to a contract made with a construction manager at
2342 risk under sections 9.33 to 9.335 of the Revised Code or
2343 with a design-build firm under section 153.65 to 153.73 of
2344 the Revised Code, when the cost of a contract for the
2345 construction of any building, structure, or other
2346 improvement undertaken by a port authority involves an
2347 expenditure exceeding one hundred fifty thousand dollars
2348 and the port authority is the contracting entity, the port
2349 authority shall make a written contract after notice
2350 calling for bids for the award of the contract has been
2351 ~~given by publication twice, with at least seven days~~
2352 ~~between publications, in a newspaper of general circulation~~
2353 ~~in the area of the port authority or as provided in section~~
2354 ~~7.16 of the Revised Code, posted on the port authority's~~
2355 ~~website and at Public Notices Ohio~~
2356 (<https://www.publicnoticesohio.com/>), or twice in a
2357 newspaper of general circulation in the county or region of
2358 the port authority, and in such other publications as the
2359 port authority determines, unless the publications cease
2360 publishing print versions of their newspapers anymore, with
2361 at least seven days between publications. Each such
2362 contract shall be let to the lowest responsive and
2363 responsible bidder in accordance with section 9.312 of the

2364 Revised Code. Every contract shall be accompanied by or
2365 shall refer to plans and specifications for the work to be
2366 done, prepared for and approved by the port authority,
2367 signed by an authorized officer of the port authority and
2368 by the contractor, and shall be executed in triplicate.

2369
2370 Each bid shall be awarded in accordance with sections
2371 153.54, 153.57, and 153.571 of the Revised Code. The port
2372 authority may reject any and all bids.

2373
2374 (c) The board of directors by rule may provide criteria for
2375 the negotiation and award without competitive bidding of
2376 any contract as to which the port authority is the
2377 contracting entity for the construction of any building or
2378 structure or other improvement under any of the following
2379 circumstances:

2380
2381 (i) There exists a real and present emergency that
2382 threatens damage or injury to persons or property of
2383 the port authority or other persons, provided that a
2384 statement specifying the nature of the emergency that
2385 is the basis for the negotiation and award of a
2386 contract without competitive bidding shall be signed
2387 by the officer of the port authority that executes
2388 that contract at the time of the contract's execution
2389 and shall be attached to the contract.

2390
2391 (ii) A commonly recognized industry or other standard
2392 or specification does not exist and cannot objectively
2393 be articulated for the improvement.

2394
2395 (iii) The contract is for any energy conservation
2396 measure as defined in section 307.041 of the Revised
2397 Code.

2398
2399 (iv) With respect to material to be incorporated into
2400 the improvement, only a single source or supplier
2401 exists for the material.

2402
2403 (v) A single bid is received by the port authority
2404 after complying with the provisions of division
2405 (A)(18)(b) of this section.

2406
2407 (d)

2408
2409 (i) If a contract is to be negotiated and awarded
2410 without competitive bidding for the reason set forth
2411 in division (A)(18)(c)(ii) of this section, the port
2412 authority shall ~~publish a notice calling for technical~~
2413 ~~proposals twice, with at least seven days between~~
2414 ~~publications, in a newspaper of general circulation in~~
2415 ~~the area of the port authority or as provided in~~
2416 ~~section 7.16 of the Revised Code~~ post a notice calling

2417 for technical proposals on the port authority's
2418 website and at Public Notices Ohio
2419 (<https://www.publicnoticesohio.com/>), or twice in a
2420 newspaper of general circulation in the county or
2421 region of the port authority, and in such other
2422 publications as the port authority determines, unless
2423 the publications cease publishing print versions of
2424 their newspapers anymore, with at least seven days
2425 between publications. After receipt of the technical
2426 proposals, the port authority may negotiate with and
2427 award a contract for the improvement to the proposer
2428 making the proposal considered to be the most
2429 advantageous to the port authority.

2430
2431 (ii) If a contract is to be negotiated and awarded
2432 without competitive bidding for the reason set forth
2433 in division (A)(18)(c)(iv) of this section, any
2434 construction activities related to the incorporation
2435 of the material into the improvement also may be
2436 provided without competitive bidding by the source or
2437 supplier of that material.

2438
2439 (e)

2440
2441 (i) Any purchase, exchange, sale, lease, lease with an
2442 option to purchase, conveyance of other interests in,
2443 or other contract with a person or governmental entity
2444 that pertains to the acquisition, construction,
2445 maintenance, repair, furnishing, equipping, or
2446 operation of any real or personal property, or any
2447 combination thereof, related to, useful for, or in
2448 furtherance of an activity contemplated by Section 13
2449 or 16 of Article VIII, Ohio Constitution, shall be
2450 made in such manner and subject to such terms and
2451 conditions as may be determined by the board of
2452 directors in its discretion.

2453
2454 (ii) Division (A)(18)(e)(i) of this section applies to
2455 all contracts that are subject to the division,
2456 notwithstanding any other provision of law that might
2457 otherwise apply, including, without limitation, any
2458 requirement of notice, any requirement of competitive
2459 bidding or selection, or any requirement for the
2460 provision of security.

2461
2462 (iii) Divisions (A)(18)(e)(i) and (ii) of this section
2463 do not apply to either of the following: any contract
2464 secured by or to be paid from moneys raised by
2465 taxation or the proceeds of obligations secured by a
2466 pledge of moneys raised by taxation; or any contract
2467 secured exclusively by or to be paid exclusively from
2468 the general revenues of the port authority. For the
2469 purposes of this section, any revenues derived by the

2470 port authority under a lease or other agreement that,
2471 by its terms, contemplates the use of amounts payable
2472 under the agreement either to pay the costs of the
2473 improvement that is the subject of the contract or to
2474 secure obligations of the port authority issued to
2475 finance costs of such improvement, are excluded from
2476 general revenues.
2477

2478 (19) Employ managers, superintendents, and other employees and
2479 retain or contract with consulting engineers, financial
2480 consultants, accounting experts, architects, attorneys, and any
2481 other consultants and independent contractors as are necessary in
2482 its judgment to carry out this chapter, and fix the compensation
2483 thereof. All expenses thereof shall be payable from any available
2484 funds of the port authority or from funds appropriated for that
2485 purpose by a political subdivision creating or participating in
2486 the creation of the port authority.
2487

2488 (20) Receive and accept from any state or federal agency grants
2489 and loans for or in aid of the construction of any port authority
2490 project or facility or for research and development with respect
2491 to port authority projects or facilities, and receive and accept
2492 aid or contributions from any source of money, property, labor,
2493 or other things of value, to be held, used, and applied only for
2494 the purposes for which the grants and contributions are made;
2495

2496 (21) Engage in research and development with respect to port
2497 authority projects or facilities;
2498

2499 (22) Purchase fire and extended coverage and liability insurance
2500 for any port authority project or facility and for the principal
2501 office and branch offices of the port authority, insurance
2502 protecting the port authority and its officers and employees
2503 against liability for damage to property or injury to or death of
2504 persons arising from its operations, and any other insurance the
2505 port authority may agree to provide under any resolution
2506 authorizing its port authority revenue bonds or in any trust
2507 agreement securing the same;
2508

2509 (23) Charge, alter, and collect rentals, tolls, fees, and other
2510 charges for the use or services of any port authority project or
2511 facility as provided in section 4582.43 of the Revised Code;
2512

2513 (24) Provide coverage for its employees under Chapters 145.,
2514 4123., and 4141. of the Revised Code;
2515

2516 (25) Establish and administer one or more payment card programs
2517 for purposes of paying expenses related to port authority
2518 business. Any obligation incurred as a result of the use of such
2519 a payment card shall be paid from port authority funds.
2520

2521 (26) Do all acts necessary or proper to carry out the powers
2522 expressly granted in sections 4582.21 to 4582.59 of the Revised
2523 Code.

2524
2525 (B) Any instrument by which real property is acquired pursuant to this
2526 section shall identify the agency of the state that has the use and
2527 benefit of the real property as specified in section 5301.012 of the
2528 Revised Code.

2529
2530 (C) Whoever violates division (A)(14) of this section is guilty of a
2531 minor misdemeanor.

2532
2533 Amended by 132nd General Assembly File No. TBD, HB 49, §101.01, eff.
2534 9/29/2017.

2535
2536 Amended by 131st General Assembly File No. TBD, HB 53, §101.01, eff.
2537 7/1/2015.

2538
2539 Amended by 129th General Assembly File No.28, HB 153, §101.01, eff.
2540 9/29/2011.

2541
2542 Amended by 129th General Assembly File No.7, HB 114, §101.01, eff.
2543 6/29/2011.

2544
2545 Effective Date: 01-01-2004.

2546
2547

2547 **4582.32 Plan for development of port authority maritime projects and**
2548 **facilities.**

2549
2550 (A) The board of directors of a port authority shall prepare, or cause
2551 to be prepared, a plan for any future development, construction, and
2552 improvement of the maritime projects and facilities of the port
2553 authority, including such maps, profiles, and other data and
2554 descriptions as may be necessary to set forth the location and
2555 character of the work to be undertaken by the port authority and a
2556 then-current good faith estimate of the cost of the proposed projects
2557 and facilities. The plan also shall contain the port authority's
2558 proposal for payment of the cost of such projects and facilities,
2559 including revenues, grants, subsidies, loans, and financing; provided,
2560 that the plan and any such proposal and the contents thereof, and
2561 anything contained or not contained therein, shall not affect the
2562 legality, validity, or enforceability of any bonds, notes, leases,
2563 certificates, or other financing instruments, any real estate,
2564 operating or management contracts or instruments or any taxes, tax
2565 abatements or exemptions, tax credits, tax increment financing,
2566 assessments, or other financial participation related to maritime
2567 projects or facilities or such plan.

2568 ¶
2569 Upon the completion of such plan the board of directors shall ~~cause~~
2570 ~~notice by publication to be given as to each county in which there is~~
2571 ~~a political subdivision that participated in the creation of the port~~
2572 ~~authority post the plan on the port authority's website and at Public~~
2573 ~~Notices Ohio (<https://www.publicnoticesohio.com/>), or in a newspaper~~
2574 ~~of general circulation in the county or counties or region of the~~
2575 ~~political subdivision or political subdivisions that participated in~~
2576 ~~the creation of the port authority, and in such other publications as~~
2577 ~~the port authority determines, unless the publications cease~~
2578 ~~publishing print versions of their newspapers anymore, and shall~~
2579 permit the inspection of the plan at the port authority office by all
2580 persons interested. The notice shall fix the time and place for the
2581 hearing of all comments on the plan, which shall be not less than
2582 thirty nor more than sixty days after the completion of the notice.
2583 Any interested person may file online and written comments on the
2584 plan, provided the comments are filed with the secretary of the board
2585 of directors at the secretary's office not less than five days prior
2586 to the date fixed for the hearing. After the hearing the board of
2587 directors may adopt the plan with any modifications or amendments
2588 thereto as the official plan for the maritime projects and facilities
2589 of the port authority.

2590 ~~(B) For purposes of this section and section 4582.33 of the Revised~~
2591 ~~Code:~~

2592
2593
2594 ~~(1) "Maritime facilities" means docks, wharves, warehouses,~~
2595 ~~piers, and other terminal and transportation buildings or~~
2596 ~~structures used in connection with the transport, storage, or~~
2597 ~~distribution of commercial goods on, over, or across the~~
2598 ~~waterways or shorelines of this state, or buildings or structures~~
2599 ~~for the construction, rehabilitation, maintenance, or repair of~~

2600 ~~commercial vessels used for such purposes, which facilities are~~
2601 ~~or are expected to be owned or leased by a port authority,~~
2602 ~~operated by or on behalf of a port authority, or publicly owned~~
2603 ~~and financed by a port authority.~~

2604
2605 ~~(2) "Notice by publication" means publication once in a newspaper~~
2606 ~~of general circulation in the county or counties where such~~
2607 ~~publication is required and the posting of the notice on the web~~
2608 ~~site, if any, of the port authority. Notice is complete on the~~
2609 ~~later of the date of posting or the date of newspaper~~
2610 ~~publication.~~

2611
2612 Amended by 128th General Assembly File No.9, HB 1, §101.01, eff.
2613 10/16/2009.

2614
2615 Effective Date: 2008 SB353 04-07-2009

2616
2617

2617 **4582.33 Modification of port authority maritime projects and**
2618 **facilities development plan.**
2619

2620 The board of directors, from time to time after the adoption of an
2621 official plan for the maritime projects and facilities of the port
2622 authority, shall have the power to modify, amend, or extend the plan,
2623 provided that prior to the making of any modification, amendment, or
2624 extension of the plan, the board shall cause notice by publication to
2625 be given and shall conduct a hearing, all as provided in section
2626 4582.32 of the Revised Code, and shall not adopt any such
2627 modification, amendment, or extension until the notice has been given
2628 and the hearing held as provided in that section.

2629 ¶
2630 The board, from time to time after the adoption of an official plan
2631 under section 4582.32 of the Revised Code, also shall have the power
2632 to modify, amend, or supplement any proposal for any type of financing
2633 related to the plan and shall do so prior to undertaking any financing
2634 not identified in or pursuant to the plan as then in effect; provided,
2635 that the board shall first cause notice to be given and shall conduct
2636 a hearing on that proposal, all as provided in section 4582.32 of the
2637 Revised Code, and provided further that the plan, and any such
2638 proposal and the contents thereof, and anything contained or not
2639 contained therein, shall not affect the legality, validity, or
2640 enforceability of any bonds, notes, leases, certificates, or other
2641 financing instruments, any real estate, operating or management
2642 contracts or instruments or any taxes, tax abatements or exemptions,
2643 tax credits, tax increment financing, assessments or other financial
2644 participation related to maritime projects and facilities, the plan,
2645 or such proposal.

2646 ¶
2647 Nothing in this section or in section 4582.32 of the Revised Code
2648 shall require a port authority to amend a plan, publish a notice, or
2649 hold a public hearing except to add or delete maritime projects and
2650 facilities to the plan, to describe changes or deletions in the
2651 location or character of the maritime projects and facilities covered
2652 by the plan, or to add, change, or delete financings not previously
2653 identified in the plan or cost projection changes not previously
2654 identified in the plan.

2655
2656 Amended by 128th General Assembly File No.9, HB 1, §101.01, eff.
2657 10/16/2009.

2658
2659 Effective Date: 2008 SB353 04-07-2009
2660
2661

2661 **4582.34 Port authority maritime projects and facilities development**
2662 **plan final.**

2663
2664 A plan and any modification, amendment or extension of the plan, when
2665 adopted by the board of directors after notice and hearing under
2666 section 4582.32 or 4582.33 of the Revised Code shall be final and
2667 conclusive and its validity shall be conclusively presumed.

2668
2669 Effective Date: 2008 SB353 04-07-2009.

2670
2671

2671 ~~4582.35 Private enterprise participation.~~

2672

2673 ~~The port authority shall foster and encourage the participation of~~
2674 ~~private enterprise in the development of the port facilities to the~~
2675 ~~fullest extent it considers practicable in the interest of limiting~~
2676 ~~the necessity of construction and operation of the facilities by the~~
2677 ~~port authority.~~

2678

2679 ~~Effective Date: 05-17-2000.~~

2680

2681

2681 **4582.36 Effect on other laws.**

2682

2683 Nothing contained in sections 4582.25 to 4582.59 of the Revised Code
2684 shall:

2685

2686 (A) Impair the provisions of law or ordinance directing the
2687 payment of revenues derived from public property into sinking
2688 funds or dedicating those revenues to specific purposes;

2689

2690 (B) Impair the powers of any county, municipal corporation, or
2691 other political subdivision to develop or improve port ~~and~~
2692 ~~terminal~~ authority projects and facilities except as restricted
2693 by section 4582.42 of the Revised Code;

2694

2695 (C) Enlarge, alter, diminish, or affect in any way, any lease or
2696 conveyance made, or action taken prior to the creation of a port
2697 authority in accordance with section 4582.22 of the Revised Code
2698 by any municipal corporation under the provisions of sections
2699 721.04 to 721.11 of the Revised Code, or by any county under the
2700 provisions of section 307.65 of the Revised Code;

2701

2702 (D) Impair or interfere with the exercise of any permit for the
2703 removal of sand or gravel, or other similar permits issued by
2704 this state or the United States;

2705

2706 (E) Impair or contravene applicable federal regulations.

2707

2708 Effective Date: 05-17-2000.

2709

2710

2710 ~~4582.37 [Repealed]~~

2711

2712 ~~Repealed by 129th General Assembly File No. 28, HB 153, §105.01, eff.~~

2713 ~~9/29/2011.~~

2714

2715

2715 **4582.38 Conveyance or exchange of property with political subdivision.**

2716

2717 The legislative authority of any municipal corporation, county,
2718 township, school district, or other political subdivision or taxing
2719 district, may convey or lease to or from, lease with an option to
2720 purchase, or exchange with, any port authority or any port authority
2721 may convey or lease to or from, lease with an option to purchase, or
2722 exchange with, a municipal corporation, county, township, school
2723 district, or other political subdivision or taxing district, without
2724 competitive bidding and on mutually agreeable terms, any personal
2725 property or real property, or any interest therein, that is not needed
2726 for the purposes of the grantor, or lessor, to be used by the
2727 recipient or lessee for its purposes.

2728

2729 Effective Date: 05-17-2000.

2730

2731

2731 **4582.39 Budget - surplus rent, tolls, fees, and charges.**

2732

2733 The board of directors of a port authority created in accordance with
2734 section 4582.22 of the Revised Code shall annually prepare a budget
2735 for the port authority.

2736

2737 Rents, tolls, fees, and charges received by the port authority shall
2738 be used for the general expenses of the port authority and to pay
2739 interest, amortization, and retirement charges on money borrowed. If
2740 there remains, at the end of any calendar year, any surplus of such
2741 funds after providing for the above uses, the board of directors may
2742 pay such surplus into the general funds of the political subdivisions
2743 creating and comprising the port authority in proportion to the
2744 taxable value of all property within the port authority which shall be
2745 listed on the general tax lists for the respective subdivisions.

2746

2747 Effective Date: 07-09-1982.

2748

2749

2749 **4582.40 Levying taxes.**

2750
2751 Upon the affirmative vote in a primary or general election of at least
2752 a majority of the qualified electors within the port authority voting
2753 at an election held for the purpose, the port authority may levy upon
2754 the property within its jurisdiction a tax, for all purposes of a
2755 project or facility including bond debt charges, not in excess of one
2756 mill annually on the total value of all property as listed and
2757 assessed for taxation for any period not exceeding five years, except
2758 that when the tax is for the payment of bond debt charges, such tax
2759 shall be for the life of the bond indebtedness. On approval of such a
2760 levy, notes may be issued in anticipation of the collection of the
2761 proceeds of the tax levy, other than the proceeds to be received for
2762 the payment of bond debt charges, in the amount and manner and at the
2763 times as are provided in section 5705.193 of the Revised Code, for the
2764 issuance of notes by a county in anticipation of the proceeds of a tax
2765 levy. The port authority may borrow money in anticipation of the
2766 collection of current revenues as provided in section 133.10 of the
2767 Revised Code.

2768
2769 The board of directors of a port authority shall be the taxing
2770 authority under sections 133.10 and 5701.01 of the Revised Code.

2771
2772 Such tax shall be for the purpose of providing funds necessary for the
2773 port authority project or facility budget and shall be certified
2774 annually to the taxing authorities of the political subdivision or
2775 subdivisions within the port authority. The collection of the tax levy
2776 shall conform in all matters to the provisions of the Revised Code
2777 governing the collection of taxes and assessments levied by local
2778 taxing districts and the same provisions concerning the nonpayment of
2779 taxes shall apply to taxes levied pursuant to this section.

2780
2781 A port authority that is created by the exclusive action of a
2782 political subdivision or political subdivisions and is located
2783 partially or fully within the jurisdiction of an existing port
2784 authority created by a political subdivision or political subdivisions
2785 may levy a tax for a project or facility under section 4582.40 of the
2786 Revised Code only if the existing port authority has not initiated and
2787 is administering the same or similar project or facility and has no
2788 such tax levy in effect for the same or similar project or facility.

2789
2790 Effective Date: 10-30-1989.

2791
2792

2792 ~~4582.401 Levying taxes by municipal port authority.~~

2793

2794 ~~A port authority that is created by the exclusive action of a~~
2795 ~~municipal corporation and located within an existing port authority~~
2796 ~~created by a county may levy a tax under section 4582.40 of the~~
2797 ~~Revised Code only if the existing port authority created by the county~~
2798 ~~has no such tax levy in effect. Unless the existing port authority~~
2799 ~~created by the county subsequently levies a tax under section 4582.40~~
2800 ~~of the Revised Code, one half of the proceeds, or such percentage as~~
2801 ~~is agreed to by the boards of both port authorities, from any tax~~
2802 ~~levied under the authority of this section by a municipal port~~
2803 ~~authority shall be distributed to the existing port authority created~~
2804 ~~by the county within which the municipal port authority is located, to~~
2805 ~~be used by the existing port authority created by the county for the~~
2806 ~~purposes established under section 4582.40 of the Revised Code.~~

2807

2808 ~~Effective Date: 07-18-1990.~~

2809

2810

2810 **4582.41 Secretary's bond - care of funds.**

2811

2812 Before receiving any moneys, the secretary of a port authority created
2813 in accordance with section 4582.22 of the Revised Code shall furnish
2814 bond in such amount as shall be determined by the port authority, with
2815 sureties satisfactory to it, and all funds coming into the hands of
2816 said secretary shall be deposited by him to the account of the port
2817 authority in one or more such depositories as shall be qualified to
2818 receive deposits of county funds, which deposits shall be secured in
2819 the same manner as county funds are required to be secured. No
2820 disbursements shall be made from such funds except in accordance with
2821 rules adopted by the port authority.

2822

2823 Effective Date: 07-09-1982.

2824

2825

2825 **4582.42 Limitations on county and municipal powers as to harbor or**
2826 **waterfront improvements.**

2827

2828 No municipal corporation or county creating or participating in the
2829 creation of a port authority in accordance with section 4582.22 of the
2830 Revised Code may, during the time the port authority is in existence,
2831 exercise the rights and powers provided in sections 307.65 or 721.04
2832 to 721.11 of the Revised Code.

2833

2834 Effective Date: 07-09-1982.

2835

2836

2836 **4582.43 Rentals, tolls, fees, or charges - cooperation for**
2837 **construction of projects and facilities.**
2838

2839 A port authority may charge, alter, and collect rentals, tolls, fees,
2840 or other charges for the use or services of any port authority project
2841 and facility and contract in the manner provided by this section with
2842 one or more persons, one or more governmental agencies, or any
2843 combination thereof, desiring the use or services of the project or
2844 facility, and fix the terms, conditions, rentals, tolls, fees, or
2845 other charges for the use or services. ~~If the services are furnished~~
2846 ~~in the jurisdiction of the port authority by a public utility or a~~
2847 ~~common carrier, charges by the port authority for the services shall~~
2848 ~~not be less than the charges established for the same services~~
2849 ~~furnished by a public utility or common carrier in the port authority~~
2850 ~~jurisdiction.~~ The rentals, tolls, fees, or other charges shall not be
2851 subject to supervision or regulation by any other authority,
2852 commission, board, bureau, or agency of the state and the contract may
2853 provide for acquisition by the person or governmental agency of all or
2854 any part of the port authority project or facility for such
2855 consideration payable over the period of the contract or otherwise as
2856 the port authority in its sole discretion determines to be
2857 appropriate, but subject to the provisions of any resolution
2858 authorizing the issuance of port authority revenue bonds or any trust
2859 agreement securing the bonds. Any governmental agency that has power
2860 to construct, operate, and maintain port authority projects and
2861 facilities may enter into a contract or lease with a port authority
2862 whereby the use or services of any port authority project and facility
2863 will be made available to the governmental agency, and may pay for the
2864 use or services rentals, tolls, fees, or other charges as may be
2865 agreed to by the port authority and the governmental agency.

2866
2867 Any governmental agency or combination of governmental agencies may
2868 cooperate with the port authority in the acquisition or construction
2869 of port authority projects and facilities and shall enter into such
2870 agreements with the port authority as may be appropriate, with a view
2871 to effective cooperative action and safeguarding of the respective
2872 interests of the parties thereto, which agreements shall provide for
2873 contributions by the parties thereto in a proportion as may be agreed
2874 upon and other terms as may be mutually satisfactory to the parties
2875 including, without limitation, the authorization of the construction
2876 of the project or facility by one of the parties acting as agent for
2877 all of the parties and the ownership and control of the project or
2878 facility by the port authority to the extent necessary or appropriate.
2879 Any governmental agency may provide the funds for the payment of any
2880 contribution required under such agreements by the levy of taxes or
2881 assessments if otherwise authorized by the laws governing the
2882 governmental agency in the construction of the type of port authority
2883 project or facility provided for in the agreements, and may pay the
2884 proceeds from the collection of the taxes or assessments; or the
2885 governmental agency may issue bonds or notes, if authorized by those
2886 laws, in anticipation of the collection of the taxes or assessments,
2887 and may pay the proceeds of the bonds or notes to the port authority
2888 pursuant to such agreements. In addition, any governmental agency may

2889 provide the funds for the payment of a contribution by the
2890 appropriation of money or, if otherwise authorized by law, by the
2891 issuance of bonds or notes and may pay the appropriated money or the
2892 proceeds of the bonds or notes to the port authority pursuant to such
2893 agreements. The agreement by the governmental agency to provide a
2894 contribution, whether from appropriated money or from the proceeds of
2895 taxes or assessments, or bonds or notes, or any combination thereof,
2896 shall not be subject to Chapter 133. of the Revised Code or any rules
2897 or limitations contained therein. The proceeds from the collection of
2898 taxes or assessments, and any interest earned thereon, shall be paid
2899 into a special fund immediately upon the collection thereof by the
2900 governmental agency for the purpose of providing the contribution at
2901 the times required under such agreements.

2902
2903 When the contribution of any governmental agency is to be made over a
2904 period of time from the proceeds of the collection of special
2905 assessments, the interest accrued and to accrue before the first
2906 installment of the assessments is collected, which is payable by the
2907 governmental agency on the contribution under the terms and provisions
2908 of the agreements, shall be treated as part of the cost of the
2909 improvement for which the assessments are levied, and that portion of
2910 the assessments that is collected in installments shall bear interest
2911 at the same rate as the governmental agency is obligated to pay on the
2912 contribution under the terms and provisions of the agreements and for
2913 the same period of time as the contribution is to be made under the
2914 agreements. If the assessment or any installment thereof is not paid
2915 when due, it shall bear interest until the payment thereof at the same
2916 rate as the contribution and the county auditor shall annually place
2917 on the tax list and duplicate the interest applicable to the
2918 assessment and the penalty thereon as otherwise authorized by law.

2919
2920 Any governmental agency, pursuant to a favorable vote of the electors
2921 in an election held before or after July 9, 1982, for the purpose of
2922 issuing bonds to provide funds to acquire, construct, or equip, or
2923 provide real estate and interests in real estate for, a port authority
2924 project or facility, whether or not the governmental agency, at the
2925 time of the election, had the authority to pay the proceeds from the
2926 bonds or notes issued in anticipation of the bonds to the port
2927 authority as provided in this section, may issue such bonds or notes
2928 in anticipation of the issuance of the bonds and pay the proceeds of
2929 the bonds or notes to the port authority in accordance with its
2930 agreement with the port authority; provided, that the legislative
2931 authority of the governmental agency finds and determines that the
2932 port authority project or facility to be acquired or constructed by
2933 the port authority in cooperation with the governmental agency will
2934 serve the same public purpose and meet substantially the same public
2935 need as the project or facility otherwise proposed to be acquired or
2936 constructed by the governmental agency with the proceeds of the bonds
2937 and notes.

2938
2939 Effective Date: 05-17-2000.

2940
2941

2941 **4582.431 Contract powers - acquiring property.**

2942
2943 (A) A port authority may enter into any contracts or other
2944 arrangements with the United States government, or any department
2945 thereof, with persons, railroads, or other corporations, with public
2946 corporations, with public utilities, and with the state government of
2947 this or any other state, with counties, municipalities, townships, or
2948 other governmental agencies created by or under the authority of the
2949 laws of this state or other states, including sewerage, drainage,
2950 conservation, conservancy, or other improvement districts in this or
2951 other states or the governments or agencies of foreign countries as
2952 may be necessary or convenient for the exercise of the powers granted
2953 by sections 4582.21 to 4582.59 of the Revised Code, including the
2954 making of surveys, investigations, or reports thereon; provided that
2955 the contracts or arrangements shall not be in violation of Section 13
2956 or 16 of Article VIII, Ohio Constitution.

2957 ¶
2958 The port authority may purchase, lease, or acquire land or other
2959 property in any county of this state and in adjoining states for the
2960 accomplishment of authorized ~~purposes~~ projects and facilities of the
2961 port authority, or for the improvement of the harbor and port projects
2962 and facilities over which the port authority may have jurisdiction,
2963 and may let contracts or spend money for those ~~purposes~~ projects and
2964 facilities, including development of port projects and facilities in
2965 adjoining states.

2966 ¶
2967 The authority granted in this section to enter into contracts or other
2968 arrangements with the United States government or any department
2969 thereof, includes the power to enter into any contracts, arrangements,
2970 or agreements that may be necessary to hold and save harmless the
2971 United States from damages due to the construction and maintenance by
2972 the United States of work the United States undertakes.

2973
2974 Any political subdivision that has participated in the creation of a
2975 port authority, or is within, or adjacent to a political subdivision
2976 that is within, the jurisdiction of a port authority, may enter into
2977 an agreement, which may be amended or supplemented, with the port
2978 authority to accomplish any of the authorized ~~purposes~~ projects and
2979 facilities of the port authority. The agreement may set forth the
2980 extent to which the port authority shall act as the agent of the
2981 political subdivision.

2982
2983 (B) A port authority may enter into an agreement with one or more
2984 contracting subdivisions, whereby the port authority or any
2985 contracting subdivision ~~undertakes,~~ undertakes and is authorized by
2986 the port authority or any contracting ~~subdivision,~~ subdivision to
2987 exercise any power, implement and administer any project or facility,
2988 perform any function, or render any ~~service,~~ service on behalf of the
2989 port authority or a contracting subdivision, which the port authority
2990 or the contracting subdivision is authorized to ~~exercise, perform, or~~
2991 ~~render~~ exercise any power, implement and administer any project or
2992 facility, perform any function, or render any service.

2993

2994 Upon the execution of such an agreement, and within the limitations
2995 prescribed by the agreement, the port authority and any contracting
2996 subdivision shall possess and may exercise the same powers and may
2997 implement and administer any project or facility and may perform the
2998 same functions and may render the same services, as are possessed and
2999 are authorized to be exercised, or are to be performed or rendered by
3000 the port authority or any contracting subdivision that is a party to
3001 the agreement, which, by such agreement, the port authority or a
3002 contracting subdivision undertakes to ~~exercise, perform, or render,~~
3003 exercise any power, implement and administer any project or facility,
3004 perform any function, or render any service, and all powers necessary
3005 or incidental thereto, as amply as such powers may be possessed and
3006 are authorized to be exercised, or those projects or facilities are
3007 authorized to be implemented and administered, or those functions are
3008 authorized to be ~~performed~~ performed, or those services are authorized
3009 to be rendered, by the port authority or any contracting subdivision
3010 directly.

3011 ¶
3012 The exercise of those powers, implementation and administration any
3013 project or facility, performance of those functions, and rendering of
3014 those services by the port authority or any contracting subdivision
3015 shall be governed by any procedures applicable to the port authority
3016 or contracting subdivision on behalf of which the powers are being
3017 exercised, the projects or facilities are being implemented and
3018 administered, the functions are being performed, or the services are
3019 being rendered. Any such agreement shall not suspend the possession by
3020 the port authority or a contracting subdivision of, or its authority
3021 to exercise, any powers, its authority to implement and administer any
3022 project or facility, or its authority to perform any function or
3023 render any service. A port authority or any contracting subdivision
3024 shall not acquire by virtue of any agreement entered into under this
3025 section any power to levy or exempt taxes or any power to exercise
3026 eminent domain within, and on behalf of, any other subdivision unless
3027 approved by a majority of the electors of that contracting
3028 subdivision.

3029
3030 Effective Date: 05-17-2000.

3031
3032

3032 **4582.44 Bonds are lawful investments.**

3033

3034 Bonds of a port authority and port authority revenue bonds issued
3035 pursuant to sections 4582.22 to 4582.59 of the Revised Code are lawful
3036 investments of banks, societies for savings, trust companies, savings
3037 and loan associations, deposit guaranty associations, trustees,
3038 fiduciaries, trustees or other officers having charge of the bond
3039 retirement funds or sinking funds of port authorities and political
3040 subdivisions, and taxing districts of this state, the commissioners of
3041 the sinking fund of this state, the administrator of workers'
3042 compensation, the state teachers retirement system, the school
3043 employees retirement system, the public employees retirement system,
3044 the Ohio police and fire pension fund, and insurance companies,
3045 including domestic life insurance companies and domestic insurance
3046 companies other than life, and are acceptable as security for the
3047 deposit of public moneys.

3048

3049 Effective Date: 11-02-1999.

3050

3051

3051 ~~4582.46 Port authority property exempted from taxes.~~

3052
3053 ~~A port authority shall be exempt from and shall not be required to pay~~
3054 ~~any taxes on property, both real and personal, or any combination~~
3055 ~~thereof, belonging to any port authority that is used exclusively for~~
3056 ~~any authorized purpose. This exemption shall not apply to any property~~
3057 ~~occupied and used during a tax year by a person who is a lessee of the~~
3058 ~~property as of the tax lien date for that tax year under a written~~
3059 ~~lease with a remaining term longer than one year. The immediately~~
3060 ~~preceding sentence shall not apply to real or personal property, or~~
3061 ~~any combination thereof, leased to a lessee, which property would be~~
3062 ~~exempt from taxes under Chapter 5709. of the Revised Code if such~~
3063 ~~property belonged to that lessee. Nothing in this section eliminates~~
3064 ~~the lessor's or the lessee's obligation to comply with other~~
3065 ~~provisions of the Revised Code to obtain an exemption for such~~
3066 ~~property.~~

3067
3068 4582.46 Real and personal property taxes.

3069
3070 (A) A person who is a lessee of and occupies and uses port authority
3071 property for economic development, housing, recreation, education,
3072 governmental operations, culture, or research purposes, which property
3073 would be exempt from taxes under Chapter 5709, shall not be required
3074 to pay any real and personal taxes on the port authority property.

3075
3076 (B) A person who is a lessee of and occupies and uses port authority
3077 property for economic development, housing, recreation, education,
3078 governmental operations, culture, or research purposes, which property
3079 would not be exempt from taxes under Chapter 5709, shall be required
3080 to pay any real and personal taxes on the port authority property.

3081
3082 (C) A person leasing port authority right of way for the installation
3083 and administration of the person's own distribution project
3084 infrastructure shall be exempt from real property taxes upon the port
3085 authority right of way but shall be required to pay any personal
3086 property taxes upon the person's own distribution project
3087 infrastructure.

3088
3089 (D) A port authority leasing port authority right of way to a person
3090 for the installation and administration of the person's own
3091 distribution project infrastructure where the person is the sole
3092 provider of the distribution project type of infrastructure by
3093 agreement with the port authority, or where the person is the sole
3094 provider of the distribution project type of infrastructure on port
3095 authority right of way due to capacity restraints of the port
3096 authority's existing right of way or due to the unavailability of
3097 additional right of way that the port authority cannot acquire and
3098 provide, shall be required to pay any real property taxes upon the
3099 right of way.

3100
3101 E) A person leasing port authority infrastructure for the installation
3102 and administration of the person's own distribution project personal
3103 property shall be exempt from personal property taxes upon the port

3104 authority infrastructure but shall be required to pay any personal
3105 property taxes upon the person's own distribution project personal
3106 property.

3107
3108 (F) A port authority leasing port authority infrastructure to a person
3109 for the installation and administration of the person's own
3110 distribution project personal property where the person is the sole
3111 provider of the distribution project type of personal property by
3112 agreement with the port authority, or where the person is the sole
3113 provider of the distribution project type of personal property on port
3114 authority infrastructure due to capacity restraints of the port
3115 authority's existing infrastructure or due to the unavailability of
3116 additional infrastructure that the port authority cannot acquire or
3117 initiate and provide, shall be required to pay any personal property
3118 taxes upon the infrastructure.

3119
3120 (G) A person leasing port authority real property for the installation
3121 and administration of the person's own distribution project user
3122 facility shall be exempt from real property taxes upon the port
3123 authority real property but shall be required to pay any personal
3124 property taxes upon the person's own distribution project user
3125 facility.

3126
3127 (H) A port authority leasing port authority real property to a person
3128 for the installation and administration of the person's own
3129 distribution project user facility where the person is the sole
3130 provider of the distribution project type of user facility by
3131 agreement with the port authority, or where the person is the sole
3132 provider of the distribution project type of user facility on port
3133 authority real property due to capacity restraints of the port
3134 authority's existing real property or due to the unavailability of
3135 additional real property that the port authority cannot acquire and
3136 provide, shall be required to pay any real property taxes upon the
3137 real property.

3138
3139 (I) Nothing in this section eliminates the lessor's or the lessee's
3140 obligation to comply with other provisions of the Revised Code to
3141 obtain an exemption for such property.

3142
3143 Effective Date: 03-14-2003.

3144
3145

3145 **4582.47 Loans for acquisition and construction of projects and**
3146 **facilities.**

3147
3148 (A) With respect to projects and facilities, and their financing, for
3149 authorized ~~purposes~~ projects and facilities, under agreements whereby
3150 the person to whom the project or facility is to be leased, subleased,
3151 or sold, or to whom a loan is to be made for the project or facility,
3152 is to make payments sufficient to pay all of the principal of,
3153 premium, if any, and interest on the port authority revenue bonds
3154 issued for the project or facility, the port authority, in addition to
3155 other powers under sections 4582.22 to 4582.59 of the Revised Code,
3156 may do any of the following:

3157
3158 (1) Make loans for the acquisition or construction of the project
3159 or facility to such person upon such terms as the port authority
3160 may determine or authorize including secured or unsecured loans,
3161 and, in connection therewith, enter into loan agreements and
3162 other agreements, accept notes and other forms of obligation to
3163 evidence such indebtedness and mortgages, liens, pledges,
3164 assignments, or other security interests to secure such
3165 indebtedness, which may be prior or subordinate to or on a parity
3166 with other indebtedness, obligations, mortgages, pledges,
3167 assignments, other security interests, or liens or encumbrances,
3168 and take actions it considers appropriate to protect such
3169 security and safeguard against losses, including, without
3170 limitation, foreclosure and the bidding upon and purchase of
3171 property upon foreclosure or other sale;

3172
3173 (2) Sell the project or facility under such terms as it may
3174 determine, including, without limitation, sale by conditional
3175 sale or installment sale, under which title may pass prior to or
3176 after completion of the project or facility or payment or
3177 provisions for payment of all principal of, premium, if any, and
3178 interest on the bonds, or at any other time provided in the
3179 agreement pertaining to the sale, and including sale under an
3180 option to purchase at a price which may be a nominal amount or
3181 less than true value at the time of purchase;

3182
3183 (3) Grant a mortgage, lien, or other encumbrance on, or pledge or
3184 assignment of, or other security interest with respect to, all or
3185 any part of the project or facility, revenues, reserve funds, or
3186 other funds established in connection with the bonds, or on, of,
3187 or with respect to any lease, sublease, sale, conditional sale or
3188 installment sale agreement, loan agreement, or other agreement
3189 pertaining to the lease, sublease, sale, or other disposition of
3190 a project or facility or pertaining to a loan made for a project
3191 or facility, or any guaranty or insurance agreement made with
3192 respect thereto, or any interest of the port authority therein,
3193 or any other interest granted, assigned, or released to secure
3194 payments of the principal of, premium, if any, or interest on the
3195 bonds or to secure any other payments to be made by the port
3196 authority, which mortgage, lien, encumbrance, pledge, assignment,
3197 or other security interest may be prior or subordinate to or on a

3198 parity with any other mortgage, assignment, or other security
3199 interest, or lien or encumbrance;
3200
3201 (4) Provide that the interest on the bonds may be at a variable
3202 rate or rates changing from time to time in accordance with a
3203 base or formula as authorized by the port authority;
3204
3205 (5) Contract for the acquisition or construction of the project
3206 or facility or any part thereof and for the leasing, subleasing,
3207 sale, or other disposition of the project or facility in a manner
3208 determined by the port authority in its sole discretion, without
3209 necessity for competitive bidding or performance bonds;
3210
3211 (6) Make appropriate provision for adequate maintenance of the
3212 project or facility.
3213
3214 (B) With respect to the projects and facilities referred to in this
3215 section, the authority granted by this section is cumulative and
3216 supplementary to all other authority granted in this chapter. The
3217 authority granted by this section does not alter or impair any similar
3218 authority granted elsewhere in this chapter for or with respect to
3219 other projects or facilities.
3220
3221 Effective Date: 05-17-2000.
3222
3223

3223 **4582.48 Issuing revenue and refunding bonds.**

3224
3225 A port authority at any time may issue port authority revenue bonds in
3226 such principal amounts as, in the opinion of the port authority, are
3227 necessary for the purpose of paying the cost of one or more port
3228 authority projects or facilities or parts thereof. A port authority at
3229 any time may issue renewal notes, issue bonds to retire its notes and
3230 whenever it considers refunding expedient, refund any bonds by the
3231 issuance of port authority revenue refunding bonds whether the bonds
3232 to be refunded have or have not matured, and issue port authority
3233 revenue bonds partly to refund outstanding bonds and partly for any
3234 other authorized purpose project or facility. The port authority
3235 revenue refunding bonds shall be sold and the proceeds applied to the
3236 purchase, redemption, or payment of the bonds to be refunded. Port
3237 authority revenue bonds shall be special obligations of the port
3238 authority payable out of the revenues of the port authority that are
3239 pledged for such payment. The pledge shall be valid and binding from
3240 the time the pledge is made and the revenues so pledged and thereafter
3241 received by the port authority immediately shall be subject to the
3242 lien of the pledge without any physical delivery thereof or further
3243 act, and the lien of the pledge is valid and binding as against all
3244 parties having claims of any kind in tort, contract, or otherwise
3245 against the port authority, irrespective of whether those parties have
3246 notice thereof. Neither the resolution nor any trust agreement by
3247 which a pledge is created need be filed or recorded except in the
3248 records of the port authority.

3249
3250 Whether or not the port authority revenue bonds are of such form and
3251 character as to be negotiable instruments, the port authority revenue
3252 bonds shall have all the qualities and incidents of negotiable
3253 instruments, subject only to the provisions of the bonds for
3254 registration.

3255
3256 The port authority revenue bonds shall be authorized by resolution of
3257 the port authority, and shall bear interest at such rate or rates,
3258 shall bear such date or dates, and shall mature at such time or times,
3259 and in such number of installments as may be provided in or pursuant
3260 to that resolution. The final maturity of any port authority revenue
3261 bond in the form of a note and any renewals thereof shall not exceed
3262 five years from the date of issue of the original note. The final
3263 maturity of any issue of port authority revenue bonds shall not be
3264 later than forty-five years from the date of issue of the original
3265 issue of bonds. Any such bonds or notes shall be executed in a manner
3266 as the resolution or resolutions may provide. The port authority
3267 revenue bonds shall be in such denominations, be in such form, either
3268 coupon or registered, carry such registration privileges, be payable
3269 in such medium of payment, at such place or places, and be subject to
3270 such terms of redemption as may be provided in or pursuant to the
3271 resolution authorizing their issuance. Port authority revenue bonds of
3272 the port authority may be sold by the port authority, at public or
3273 private sale, at or at not less than a price or prices as the port
3274 authority determines. In case any officer whose signature or a
3275 facsimile of whose signature appears on any bonds, notes, or coupons,

3276 ceases to be such officer before delivery of bonds or notes, the
3277 signature or facsimile shall nevertheless be sufficient for all
3278 purposes the same as if the officer had remained in office until such
3279 delivery, and in case the seal of the port authority has been changed
3280 after a facsimile has been imprinted on such bonds or notes, the
3281 facsimile seal will continue to be sufficient for all purposes.
3282

3283 Any resolution or resolutions authorizing any port authority revenue
3284 bonds or any issue of bonds may contain provisions, subject to any
3285 agreements with bondholders as may then exist, which provisions shall
3286 be a part of the contract with the holders of bonds, as to the
3287 pledging of all or any part of the revenues of the port authority to
3288 secure the payment of the port authority bonds or of any issue of the
3289 bonds; the use and disposition of revenues of the port authority; a
3290 covenant to fix, alter, and collect rentals, tolls, fees, and other
3291 charges so that pledged revenues will be sufficient to pay costs of
3292 operation, maintenance, and repairs for the project or facility, pay
3293 principal of and interest on bonds secured by the pledge of such
3294 revenues, and provide any reserves that may be required by the
3295 applicable resolution or trust agreement; the setting aside of reserve
3296 funds, sinking funds, or replacement and improvement funds and the
3297 regulation and disposition thereof; the crediting of the proceeds of
3298 the sale of bonds to and among the funds referred to or provided for
3299 in or pursuant to the resolution authorizing the issuance of the bonds
3300 or notes; the use, lease, sale, or other disposition of any port
3301 authority project or facility or any other assets of the port
3302 authority; limitations on the purpose to which the proceeds of sale of
3303 bonds may be applied and the pledging of those proceeds to secure the
3304 payment of the bonds or of any issue of the bonds; as to notes issued
3305 in anticipation of the issuance of bonds, the agreement of the port
3306 authority to do all things necessary for the authorization, issuance,
3307 and sale of the bonds in amounts that may be necessary for the timely
3308 retirement of the notes; limitations on the issuance of additional
3309 bonds; the terms upon which additional bonds may be issued and
3310 secured; the refunding of outstanding bonds; the procedure, if any, by
3311 which the terms of any contract with bondholders may be amended or
3312 abrogated, the amount of bonds the holders of which must consent
3313 thereto, and the manner in which such consent may be given;
3314 limitations on the amount of moneys to be expended by the port
3315 authority for operating, administrative, or other expenses of the port
3316 authority; securing any bonds or notes by a trust agreement in
3317 accordance with section 4582.50 of the Revised Code; and any other
3318 matters, of like or different character, that in any way affect the
3319 security or protection of the bonds or notes.
3320

3321 Neither the board of directors of the port authority nor any person
3322 executing the bonds shall be liable personally on the bonds or be
3323 subject to any personal liability or accountability by reason of the
3324 issuance thereof.
3325

3326 Amended by 128th General Assembly File No.26, SB 155, §1, eff.
3327 3/31/2010.
3328

3329 Effective Date: 05-17-2000.
3330
3331

3331 **4582.49 Bond laws not applicable to port authority revenue bonds.**
3332
3333 The issuance of port authority revenue bonds under sections 4582.22 to
3334 4582.59 of the Revised Code need not comply with any other law
3335 applicable to the issuance of bonds or notes.
3336
3337 Effective Date: 07-09-1982.
3338
3339

3339 **4582.50 Securing bonds by trust agreements.**

3340
3341 In the discretion of the port authority, any port authority revenue
3342 bonds issued under sections 4582.22 to 4582.59 of the Revised Code may
3343 be secured by a trust agreement between the port authority and a
3344 corporate trustee that may be any trust company or bank having the
3345 powers of a trust company within or without the state.

3346
3347 The trust agreement may pledge or assign revenues of the port
3348 authority to be received and may convey or mortgage any port authority
3349 facility or any part thereof. The trust agreement or any resolution
3350 providing for the issuance of such bonds may contain any provisions
3351 for protecting and enforcing the rights and remedies of the
3352 bondholders as are reasonable and proper and not in violation of law,
3353 including covenants setting forth the duties of the port authority in
3354 relation to the acquisition of property, the construction,
3355 improvement, maintenance, repair, operation, and insurance of the port
3356 authority project or facility in connection with which the bonds are
3357 authorized, the rentals, tolls, fees, or other charges to be imposed
3358 for the use or services of any port authority project or facility, the
3359 custody, safeguarding, and application of all moneys, and provisions
3360 for the employment of consulting engineers in connection with the
3361 construction or operation of the port authority project or facility.
3362 Any bank or trust company incorporated under the laws of this state
3363 that may act as depository of the proceeds of bonds or of revenues may
3364 furnish any indemnifying bonds or may pledge any securities that are
3365 required by the port authority. The trust agreement may set forth the
3366 rights and remedies of the bondholders and of the trustee, and may
3367 restrict the individual right of action by bondholders as is customary
3368 in trust agreements or trust indentures securing similar bonds. The
3369 trust agreement may contain any other provisions that the port
3370 authority determines reasonable and proper for the security of the
3371 bondholders. All expenses incurred in carrying out the provisions of
3372 the trust agreement may be treated as a part of the cost of the
3373 operation of the port authority project or facility.

3374
3375 Effective Date: 05-17-2000.

3376
3377

3377 **4582.51 Protection and enforcement of rights of bondholder and**
3378 **trustees.**

3379
3380 Any holder of port authority revenue bonds issued under sections
3381 4582.22 to 4582.59 of the Revised Code, or any of the coupons
3382 appertaining thereto, and the trustee under any trust agreement,
3383 except to the extent the rights given by such sections may be
3384 restricted by the applicable resolution or such trust agreement, may
3385 by suit, action, mandamus, or other proceedings, protect and enforce
3386 any rights under the laws of the state or granted under such sections,
3387 trust agreement, or the resolution authorizing the issuance of such
3388 bonds, and may enforce and compel the performance of all duties
3389 required by such sections, or by the trust agreement or resolution, to
3390 be performed by the port authority or any officer of the port
3391 authority, including the fixing, charging, and collecting of rentals,
3392 tolls, fees, or other charges.

3393
3394 Effective Date: 07-09-1982.

3395
3396

3396 **4582.52 Bonds not a debt of state.**

3397
3398 Port authority revenue bonds issued under sections 4582.22 to 4582.59
3399 of the Revised Code do not constitute a debt, or a pledge of the faith
3400 and credit, of the state or any political subdivision of the state,
3401 and the holders or owners of the bonds have no right to have taxes
3402 levied by the general assembly or taxing authority of any political
3403 subdivision of the state for the payment of the principal of or
3404 interest on the bonds, but the bonds are payable solely from the
3405 revenues and funds pledged for their payment as authorized by those
3406 sections, unless the notes are issued in anticipation of the issuance
3407 of bonds or the bonds are refunded by refunding bonds issued under
3408 those sections, which bonds or refunding bonds shall be payable solely
3409 from revenues and funds pledged for their payment as authorized by
3410 those sections. All the bonds shall contain on the face thereof a
3411 statement to the effect that the bonds, as to both principal and
3412 interest, are not debts of the state or any political subdivision of
3413 the state, but are payable solely from revenues and funds pledged for
3414 their payment.

3415
3416 Effective Date: 05-17-2000.

3417
3418

3418 **4582.53 Property and funds held in trust.**

3419
3420 All moneys, funds, properties, and assets acquired by the port
3421 authority under sections 4582.22 to 4582.59 of the Revised Code,
3422 whether as proceeds from the sale of port authority revenue bonds or
3423 as revenues, or otherwise, shall be held by it in trust for the
3424 purposes of carrying out its powers and duties, shall be used and
3425 reused as provided in such sections, and shall at no time be part of
3426 other public funds. Such funds, except as otherwise provided in any
3427 resolution authorizing its port authority revenue bonds or in any
3428 trust agreement securing the same, or except when invested pursuant to
3429 section 4582.54 of the Revised Code, shall be kept in depositories
3430 selected by the port authority in the manner provided in Chapter 135.
3431 of the Revised Code, and the deposits shall be secured as provided in
3432 that chapter. The resolution authorizing the issuance of such bonds of
3433 any issue or the trust agreement securing such bonds shall provide
3434 that any officer to whom, or any bank or trust company to which, such
3435 moneys are paid shall act as trustee of such moneys and hold and apply
3436 them for the purposes hereof, subject to such conditions as such
3437 chapter and such resolutions or trust agreement provide.

3438
3439 Effective Date: 07-09-1982.

3440
3441

3441 **4582.54 Investing excess funds.**

3442

3443 Moneys in the funds of the port authority, except as otherwise
3444 provided in any resolution authorizing the issuance of its port
3445 authority revenue bonds or in any trust agreement securing the same,
3446 in excess of current needs, may be invested as permitted by sections
3447 135.01 to 135.21 of the Revised Code or invested in linked deposit
3448 programs established by resolution of the board of directors in
3449 accordance with section 135.80 of the Revised Code. Income from all
3450 investments of moneys in any fund shall be credited to funds as the
3451 port authority determines, subject to the provisions of any such
3452 resolution or trust agreement, and the investments may be sold at any
3453 time the port authority determines.

3454

3455 Effective Date: 05-17-2000; 07-01-2005.

3456

3457

3457 **4582.56 Agreements for lakeshore improvement projects.**

3458
3459 (A) As used in this section:

3460
3461 (1) "Eligible county" means a county whose territory includes a
3462 part of Lake Erie the shoreline of which represents at least
3463 fifty per cent of the linear length of the county's border with
3464 other counties of this state.

3465
3466 (2) "Lakeshore improvement project" means construction of a port
3467 authority project or facility within one mile of the Lake Erie
3468 shoreline in an eligible county.

3469
3470 (3) "Construction" includes acquisition, alteration,
3471 construction, creation, development. enlargement, equipment,
3472 improvement, installation, reconstruction, remodeling,
3473 renovation, or any combination thereof.

3474
3475 (B) The board of directors of a port authority may enter into an
3476 agreement with the board of county commissioners of an eligible county
3477 that created the port authority providing for all of the following,
3478 and any other terms mutually agreeable to the boards:

3479
3480 (1) The board of county commissioners levies an excise tax under
3481 division (M) of section 5739.09 of the Revised Code and pledges
3482 all the revenue from the tax to the port authority for the
3483 purpose of financing lakeshore improvement projects including the
3484 payment of debt charges on any securities issued under division
3485 (C) of this section.

3486
3487 (2) The port authority constructs or finances the construction of
3488 lakeshore ~~improvements~~ improvement projects and pays the costs of
3489 such projects with revenue from the tax pledged under the
3490 agreement. Such construction or financing is an authorized
3491 ~~purpose~~ project for the purposes of division (B) of section
3492 4582.21 of the Revised Code.

3493
3494 (3) The port authority may not enter into any contract or other
3495 obligation regarding a lakeshore improvement project before
3496 obtaining the approval for the project by the board of county
3497 commissioners by a resolution of the board.

3498
3499 (C) The board of directors of a port authority that enters into an
3500 agreement under this section may issue port authority special
3501 obligation bonds, and notes anticipating the proceeds of the bonds, in
3502 the principal amount that, in the opinion of the board, are necessary
3503 for the purpose of paying the costs of one or more lakeshore
3504 improvement projects or parts of one or more projects and interest on
3505 the bonds payable over the term of the issue. The board may refund any
3506 special obligation bonds by the issuance of special obligation
3507 refunding bonds regardless of whether the bonds to be refunded have or
3508 have not matured. The refunding bonds shall be sold, and the proceeds

3509 needed for such purpose applied, in the manner provided in the bond
3510 proceedings.

3511
3512 Every issue of special obligation bonds issued under this section
3513 shall be payable from the revenue from the tax levied under division
3514 (M) of section 5739.09 of the Revised Code and pledged for such
3515 payment under the agreement. The pledge shall be valid and binding
3516 from the time the pledge is made, and the revenue so pledged and
3517 received by the port authority shall be subject to the lien of the
3518 pledge without any physical delivery of the revenue or any further
3519 act. The lien of any pledge is valid and binding as against all
3520 parties having claims of any kind in tort, contract, or otherwise
3521 against the port authority, whether or not such parties have notice of
3522 the lien. Neither the resolution nor any trust agreement by which a
3523 pledge is created need be filed or recorded except in the port
3524 authority's records.

3525
3526 Whether or not the bonds are of such form and character as to be
3527 negotiable instruments under Title XIII of the Revised Code, the bonds
3528 shall have all the qualities and incidents of negotiable instruments,
3529 subject only to their provisions for registration, if any.

3530
3531 Bonds issued under this section shall bear such date or dates, and
3532 shall mature at such time or times not exceeding thirty years from the
3533 date of issue of the original bonds and shall be executed in the
3534 manner that the resolution authorizing the bonds may provide. The
3535 bonds shall bear interest at such rates, or at variable rate or rates
3536 changing from time to time, in accordance with provisions provided in
3537 the authorizing resolution, shall be in such denominations and form,
3538 either coupon or registered, shall carry such registration privileges,
3539 shall be payable in such medium of payment and at such place or
3540 places, and be subject to such terms of redemption, as the board of
3541 directors of the port authority may authorize or provide. The bonds
3542 may be sold at public or private sale, and at, or at not less than,
3543 the price or prices as the board determines. If any officer whose
3544 signature or a facsimile of whose signature appears on any bonds or
3545 coupons ceases to be such officer before delivery of the bonds, the
3546 signature or facsimile shall nevertheless be sufficient for all
3547 purposes as if the officer had remained in office until delivery of
3548 the bonds, and in case the seal of the authority has been changed
3549 after a facsimile has been imprinted on the bonds, the facsimile seal
3550 will continue to be sufficient for all purposes.

3551
3552 Any resolution authorizing bonds under this section may contain
3553 provisions governing the use and disposition of revenue pledged under
3554 the agreement under division (B) of this section; the crediting of the
3555 proceeds of the sale of the bonds to and among the funds referred to
3556 or provided for in the resolution; limitations on the purpose to which
3557 the proceeds of sale of the bonds may be applied and the pledging of
3558 portions of such proceeds to secure payment of the bonds; the issuance
3559 of notes in anticipation of the issuance of bonds; the terms upon
3560 which additional bonds may be issued and secured; the refunding of
3561 outstanding bonds; the procedure, if any, by which the terms of any

3562 contract with bondholders may be amended, the amount of bonds the
3563 holders of which must consent thereto, and the manner in which such
3564 consent may be given; securing any bonds by a trust agreement in
3565 accordance with division (D) of this section; and any other matters
3566 that may affect the security or protection of the bonds. The taxes
3567 anticipated by the bonds are not subject to diminution by initiative
3568 or referendum or by law while the bonds or notes remain outstanding in
3569 accordance with their terms, unless provision is made by law or by the
3570 board of county commissioners and board of directors of the port
3571 authority for an adequate substitute therefor reasonably satisfactory
3572 to the trustee, if a trust agreement secures the bonds.

3573

3574 Neither the members of the board of directors of the port authority
3575 nor any person executing the bonds shall be liable personally on the
3576 bonds or be subject to any personal liability or accountability by
3577 reason of the issuance.

3578

3579 (D) In the discretion of the board of directors, the bonds issued
3580 under this section may be secured by a trust agreement between the
3581 board of directors on behalf of the port authority and a corporate
3582 trustee, which may be any trust company or bank having powers of a
3583 trust company, within or outside the state.

3584

3585 The trust agreement may provide for the pledge or assignment of the
3586 tax revenue to be received under the agreement entered into under
3587 division (B) of this section, but shall not pledge the general credit
3588 or other taxing power of the county or the general credit or taxing
3589 power of the port authority. The trust agreement or the resolution
3590 providing for the issuance of the bonds may set forth the rights and
3591 remedies of the bondholders and trustee, and may contain other
3592 provisions for protecting and enforcing their rights and remedies that
3593 are determined in the discretion of the board of directors to be
3594 reasonable and proper.

3595

3596 Amended by 131st General Assembly File No. TBD, HB 233, §1, eff.
3597 8/5/2016.

3598

3599 Added by 131st General Assembly File No. TBD, HB 64, §101.01, eff.
3600 9/29/2015.

3601

3602

3602 **4582.57 Changing location of public road, state highway, railroad, or**
3603 **public utility project or facility.**
3604

3605 When a port authority finds it necessary to change the location of any
3606 portion of any public road, state highway, railroad, or public utility
3607 project or facility in connection with the construction of a port
3608 authority project or facility, it shall cause it to be reconstructed
3609 at such location as the division of government having jurisdiction
3610 over such road, highway, railroad, or public utility project or
3611 facility finds most favorable. Such construction shall be of
3612 substantially the same type and in as good condition as the original
3613 road, highway, railroad, or public utility project or facility. The
3614 cost of such reconstruction, relocation, or removal and any damage
3615 incurred in changing the location of any such road, highway, railroad,
3616 or public utility project or facility shall be paid by the port
3617 authority as a part of the cost of the port authority project or
3618 facility.

3619
3620 When the port authority finds it necessary that any public highway or
3621 portion of a public highway be vacated by reason of the acquisition or
3622 construction of a port authority project or facility, the port
3623 authority may request the director of transportation, in writing, to
3624 vacate such highway or portion in accordance with section 5511.07 of
3625 the Revised Code if the highway or portion to be vacated is on the
3626 state highway system, or, if the highway or portion to be vacated is
3627 under the jurisdiction of the county commissioners, the port authority
3628 shall request the director, in writing, to petition the board of
3629 county commissioners, in the manner provided in section 5553.041 of
3630 the Revised Code, to vacate such highway or portion. The port
3631 authority shall pay to the director or to the county, as a part of the
3632 cost of such port authority project or facility, any amounts required
3633 to be deposited with any court in connection with proceedings for the
3634 determination of compensation and damages and all amounts of
3635 compensation and damages finally determined to be payable as a result
3636 of such vacation.

3637
3638 The port authority may adopt reasonable rules for the installation,
3639 construction, maintenance, repair, renewal, relocation, and removal of
3640 railroad or public utility projects and facilities in, on, over, or
3641 under any port authority project or facility. Whenever the port
3642 authority determines that it is necessary that any such projects or
3643 facilities installed or constructed in, on, over, or under property of
3644 the port authority pursuant to such rules be relocated, the public
3645 utility owning or operating such projects or facilities shall relocate
3646 or remove them in accordance with the order of the port authority. The
3647 cost and expenses of such relocation or removal, including the cost of
3648 installing such projects or facilities in a new location, the cost of
3649 any lands, or any rights or interests in lands, and any other rights,
3650 acquired to accomplish such relocation or removal, shall be paid by
3651 the port authority as a part of the cost of the port authority project
3652 or facility. In case of any such relocation or removal of such
3653 projects or facilities, the railroad or public utility owning or
3654 operating them, its successors, or assigns may maintain and operate

3655 such project and facilities, with the necessary appurtenances, in the
3656 new location in, on, over, or under the property of the port authority
3657 for as long a period and upon the same terms as it had the right to
3658 maintain and operate such projects and facilities in their former
3659 location.

3660

3661 Effective Date: 07-09-1982.

3662

3663

3663 **4582.58 Journalization of final actions - public records.**

3664

3665 (A) All final actions of the port authority shall be journalized and
3666 the journal and the records of the port authority shall be open to
3667 public inspection on the port authority's website and at the port
3668 authority office at all reasonable times. Not later than the first day
3669 of April every year, every port authority shall submit a report to the
3670 director of development detailing the authorized projects and
3671 facilities, and activities of the port authority during the previous
3672 calendar year. The report shall include, but not be limited to, all
3673 aspects of those authorized projects and facilities, and activities,
3674 including the progress and status of the authorized projects and their
3675 costs, and any other information the director determines should be
3676 included in the report.

3677

3678 (B) Financial and proprietary information, including trade secrets,
3679 submitted by or on behalf of an employer to a port authority or to a
3680 nonprofit corporation engaged by contract to provide economic
3681 development services for a port authority, in connection with the
3682 relocation, location, expansion, improvement, or preservation of the
3683 business of that employer is not a public record subject to section
3684 149.43 of the Revised Code. Any other information submitted by such an
3685 employer under those circumstances is not a public record subject to
3686 section 149.43 of the Revised Code until that employer commits in
3687 writing to proceed with the relocation, location, expansion,
3688 improvement, or preservation.

3689

3690 (C) Notwithstanding section 121.22 of the Revised Code, the board of
3691 directors of a port authority and the board of trustees of a nonprofit
3692 corporation described in division (B) of this section, and any
3693 committee or subcommittee of either, when considering information that
3694 is not a public record under this section, may close any meeting
3695 during the consideration of that information pursuant to a vote of the
3696 majority of the members present on a motion stating that such
3697 information is to be considered. No other matters shall be considered
3698 during the closed session.

3699

3700 Effective Date: 05-17-2000.

3701

3702

3702 **4582.59 Liberal construction of chapter.**

3703

3704 Sections 4582.22 to 4582.59 of the Revised Code and division (C) of
3705 section 4582.06 of the Revised Code being necessary for the welfare of
3706 the state and its inhabitants shall be liberally construed to effect
3707 the purposes thereof.

3708

3709 Effective Date: 01-01-2004.

3710

3711

3711 **4582.60 Meeting by interactive video conference or teleconference.**
3712

3713 (A) The requirement in division (C) of section 121.22 of the Revised
3714 Code that a member of a public body be present in person at a meeting
3715 open to the public in order to be part of a quorum or to vote does not
3716 apply to the board of directors of a port authority if the board holds
3717 the meeting by interactive video conference or by teleconference in
3718 the following manner:

3719
3720 (1) The board establishes a primary meeting location that is open
3721 and accessible to the public;

3722
3723 (2) Meeting-related materials that are available before the
3724 meeting are sent via electronic mail, facsimile, hand-delivery,
3725 or United States postal service to each board member;

3726
3727 (3) In the case of an interactive video conference, the board
3728 causes a clear video and audio connection to be established that
3729 enables all meeting participants at the primary meeting location
3730 to see and hear each board member;

3731
3732 (4) In the case of a teleconference, the board causes a clear
3733 audio connection to be established that enables all meeting
3734 participants at the primary meeting location to hear each board
3735 member;

3736
3737 (5) All board members have the capability to receive meeting-
3738 related materials that are distributed during a board meeting;

3739
3740 (6) A roll call voice vote is recorded for each vote taken; and

3741
3742 (7) The minutes of the board meeting identify which board members
3743 remotely attended the meeting by interactive video conference or
3744 teleconference and their remote location.

3745
3746 If the board proceeds under this division, use of an interactive
3747 video conference is preferred, but nothing in this section
3748 prohibits the board from conducting its meetings by
3749 teleconference or by a combination of interactive video
3750 conference and teleconference at the same meeting.

3751
3752 (B) A port authority board of directors shall adopt rules necessary to
3753 implement this section. At a minimum, the rules shall do all of the
3754 following:

3755
3756 (1) Authorize board members to remotely attend a board meeting by
3757 interactive video conference or teleconference, or by a
3758 combination thereof, in lieu of attending the meeting in person;

3759
3760 (2) Establish a minimum number of board members that must be
3761 physically present in person at the primary meeting location if
3762 the board conducts a meeting by interactive video conference or
3763 teleconference;

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(3) Require that not more than one board member remotely attending a board meeting by teleconference is permitted to be physically present at the same remote location;

~~(4) Establish geographic restrictions for participation in meetings by interactive video conference and by teleconference;~~

~~(5)~~ (4) Establish a policy for distributing and circulating meeting-related materials to board members, the public, and the media in advance of or during a meeting at which board members are permitted to attend by interactive video conference or teleconference; and

~~(6)~~ (5) Establish a method for verifying the identity and location of a board member who remotely attends a meeting by teleconference.

Added by 131st General Assembly File No. TBD, HB 455, §1, eff. 4/6/2017.

3785 **4582.71 Program fund loans for research and development costs.**

3786
3787 (A) As used in this section:

3788
3789 (1) "Bond proceedings" means, with respect to obligations
3790 authorized under this section, the resolutions, certifications
3791 and agreements, including without limitation a venture capital
3792 agreement, the loan documents and any trust agreements, and any
3793 authorized credit enhancement facilities or swaps or other
3794 hedging instruments, and amendments or supplements thereto, or to
3795 any one or more or combination of them, authorizing, awarding, or
3796 providing for the terms and conditions applicable to or providing
3797 for the security or liquidity of, the particular obligations, and
3798 the provisions contained in those obligations.
3799

3800 (2) "Issuing authority" means a port authority that, pursuant to
3801 a venture capital agreement, issues or issued obligations to fund
3802 one or more loans to the program fund.
3803

3804 (3) "Loan" means an extension of credit to or in aid of the
3805 program fund in any form, including loans to lenders or the
3806 purchase of loans, including the purchase for cancellation of any
3807 loan, and evidenced in any manner including, without limitation,
3808 by a loan agreement, a promissory note, a bond, note, certificate
3809 of participation or other security, a letter of credit and
3810 reimbursement agreement or other credit facility, or a standby
3811 bond or note purchase agreement, line of credit or other
3812 liquidity facility, and including, in any event, any related swap
3813 or other hedging instrument.
3814

3815 (4) "Obligations" means, as applicable to the issuing authority,
3816 bonds, notes, or other forms or evidences of obligation
3817 constituting revenue bonds as that term is used in division
3818 (A)(4) of section 4582.06 of the Revised Code, or port authority
3819 revenue bonds as that term is used in section 4582.48 and
3820 division (A)(8) of section 4582.31 of the Revised Code, which
3821 obligations are issued by the issuing authority pursuant to the
3822 bond proceedings and this section.
3823

3824 ~~(5) "Port authority" means a port authority organized and~~
3825 ~~existing under Chapter 4582. of the Revised Code.~~
3826

3827 ~~(6)~~ (5) "Research and development costs" means costs of or in
3828 support of or related to the implementation of research and
3829 development purposes projects and facilities including, without
3830 limitation, capital formation, direct operating costs, costs of
3831 research ~~and facilities~~, including interests in real property
3832 therefor, and other support, and costs of making grants, loans,
3833 including loans to lenders or the purchase of loans, subsidies,
3834 contributions, advances or guarantees, or direct investments in,
3835 or payment, or reimbursement from available moneys for,
3836 implementing research and development purposes consistent with
3837 Section 2p of Article VIII, Ohio Constitution, and the investment

3838 policy adopted by the venture capital authority pursuant to
3839 section 150.03 of the Revised Code, and includes financing
3840 charges, amounts necessary to establish the reserves required
3841 pursuant to the bond proceedings, interest on loans including
3842 loans purchased for cancellation, interest on the obligations
3843 from their date until the time determined in the bond proceedings
3844 when interest is to be paid from sources other than the proceeds
3845 of obligations, legal expenses and other costs of or related to
3846 the issuance of obligations, estimates of costs and revenues or
3847 other expenses necessary or incident to determining the
3848 feasibility or practicability of the financing of any research
3849 and development costs with proceeds of obligations or other
3850 sources, administrative expenses related to obligations, and the
3851 application of the proceeds of obligations, including fees of the
3852 issuing authority, any trustee, and any other costs and expenses
3853 reasonably necessary or incident thereto or to the financing of
3854 research and development costs, and costs described in this
3855 division incurred prior to the issuance of obligations and paid,
3856 advanced, or borrowed by an issuing authority, the venture
3857 capital authority, the program fund or other public or private
3858 person or entity, which costs may be reimbursed from the proceeds
3859 of such obligations. "Research and development costs" does not
3860 include any otherwise qualifying costs that are in support of the
3861 purposes provided for in Section 15 of Article VIII, Ohio
3862 Constitution.

3863
3864 ~~(7)~~ (6) "Tax credits" means the refundable tax credits authorized
3865 by section 150.07 of the Revised Code and to be issued by the
3866 venture capital authority to any lender.

3867
3868 ~~(8)~~ (7) "Venture capital agreement" means an agreement between
3869 the venture capital authority and an issuing authority entered
3870 into under division (E) of section 150.02 of the Revised Code.

3871
3872 ~~(9)~~ (8) "Venture capital authority" means the Ohio venture
3873 capital authority established under section 150.02 of the Revised
3874 Code.

3875
3876 ~~(10)~~ (9) "Lender," "program fund," and "research and development
3877 purposes" have the same meanings as in section 150.01 of the
3878 Revised Code.

3879
3880 (B) An issuing authority may issue obligations pursuant to this
3881 section and Section 2p of Article VIII, Ohio Constitution, to make
3882 loans to the program fund to provide for research and development
3883 costs. The proceeds of the obligations shall be used to make loans to
3884 provide for research and development costs and all such proceeds shall
3885 be so used in accordance with the bond proceedings. Activities
3886 authorized by Section 2p of Article VIII, Ohio Constitution, shall be
3887 authorized ~~purposes~~ projects and facilities of port authorities to the
3888 extent necessary for a port authority to act as an issuing authority
3889 under this section.

3890

3891 (C) Except to any extent inconsistent with this section, all terms,
3892 provisions, and authorizations in Chapter 4582. of the Revised Code as
3893 applicable to the issuing authority, and the terms, provisions, and
3894 authorizations of sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the
3895 Revised Code apply to the obligations and the bond proceedings except
3896 as otherwise provided or provided for in those obligations and bond
3897 proceedings. The obligations shall be secured by a trust agreement
3898 between the issuing authority and a trustee, and such trust agreement,
3899 and the establishment, deposit, investment and application of special
3900 funds, and the safeguarding of moneys shall be governed by the bond
3901 proceedings and by Chapter 4582. of the Revised Code, as applicable to
3902 the issuing authority. Pursuant to the trust agreement and other bond
3903 proceedings, there shall be established, in addition to any other
3904 special funds in the custody of the trustee, one or more funds into
3905 which shall be deposited the proceeds of the obligations and the
3906 revenues pledged to the payment of the obligations, including a
3907 reserve fund in an amount established in, and to be funded as provided
3908 in, the bond proceedings.

3909
3910 (D) The trustee, for the benefit of the issuing authority, may be
3911 authorized under the venture capital agreement to receive and claim
3912 tax credits in accordance with division (E) of section 150.07 of the
3913 Revised Code. If the trustee is so authorized, the holders of the
3914 obligations, or any book-entry interests therein, shall have no rights
3915 with respect to the tax credits except any right established under the
3916 applicable trust agreement to direct the trustee to take the actions
3917 necessary to receive and claim any available tax credits. Upon receipt
3918 of any tax credit certificate issued by the venture capital authority,
3919 the trustee shall, within the times required by law, file an
3920 appropriate tax return to claim the applicable tax credits and, upon
3921 receipt of the proceeds of any such tax credits, shall promptly
3922 deposit the proceeds into the funds established in accordance with
3923 division (C) of this section.

3924
3925 (E) The obligations do not constitute a debt, or a pledge of the faith
3926 and credit, of the state, the issuing authority or any political
3927 subdivision of the state, and the holders or owners of the obligations
3928 have no right to have taxes levied by the general assembly or the
3929 taxing authority of the issuing authority or any political subdivision
3930 of the state for the payment of the principal of or interest or any
3931 premium on the obligations, but the obligations are payable solely
3932 from the revenues and funds pledged for their payment as authorized in
3933 or pursuant to this section and the bond proceedings, and the
3934 obligations shall contain on the face thereof a statement to the
3935 effect that the obligations, as to principal and interest and any
3936 premium, are not debts of the state, the issuing authority, or any
3937 political subdivision of the state, but are payable solely from the
3938 revenues and funds pledged for their payment.

3939
3940 (F) This section is intended to implement Section 2p of Article VIII,
3941 Ohio Constitution, including provision for procedures for incurring
3942 and issuing obligations of local public entities and agencies
3943 authorized by that section, for the purpose of making loans to the

3944 program fund to provide for research and development costs, and shall
3945 be liberally construed to effect such purposes. The powers and
3946 authorizations granted in this section may be exercised jointly or
3947 separately by one or more issuing authorities and are in addition to
3948 and supplemental to the powers and authorizations otherwise granted to
3949 port authorities under applicable provisions of Chapter 4582. of the
3950 Revised Code and shall not be construed as a limitation on any such
3951 powers or authorizations.

3952

3953 Added by 128th General Assembly File No.9, HB 1, §101.01, eff.

3954 10/16/2009.

3955

3956

3956 ~~4582.99 [Repealed]~~
3957
3958 ~~Effective Date: 01-01-2004.~~
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