

H. B. No. 96
As Introduced

_____ moved to amend as follows:

After line 20933, insert:

- 1
- 2 **"Sec. 929.03.** (A) (1) No public entity with authority to
- 3 levy special assessments on real property shall collect an
- 4 assessment for purposes of sewer, water, or electrical service
- 5 on real property that is within an agricultural district as
- 6 described in division (A) (2) of this section without the
- 7 permission of the owner, except that any assessment may be
- 8 collected on a lot surrounding a dwelling or other structure not
- 9 used in agricultural production that does not exceed one acre or
- 10 the minimum area required by local zoning or subdivision rules,
- 11 whichever is the greater area.
- 12 (2) For purposes of division (A) (1) of this section, an
- 13 agricultural district is such a district that is established:
- 14 (a) In the case of counties, prior to the adoption of a
- 15 resolution of necessity by a board of county commissioners,
- 16 pursuant to section 6103.05 or 6117.06 of the Revised Code;
- 17 (b) In the case of municipal corporations, prior to
- 18 whichever of the following occurs first:
- 19 (i) The adoption of the resolution of necessity by the

municipal legislative authority, pursuant to section 727.12 or 20
729.02 of the Revised Code; 21

(ii) The service of notice on all or some of the owners to 22
be assessed pursuant to section 729.06 of the Revised Code; 23

(iii) The adoption of the resolution or ordinance by the 24
municipal legislative authority declaring the necessity for the 25
improvement, the costs of which are to be assessed under 26
procedures authorized by a municipal charter adopted pursuant to 27
Section 7 of Article XVIII, Ohio Constitution, or, if no such 28
ordinance or resolution is required under the charter, the 29
service of the first notice on all or some of the owners of 30
lands to be assessed, or the adoption of the first ordinance or 31
resolution by the municipal legislative authority pertaining to 32
the assessment proceedings under the charter. 33

(c) In the case of a regional water and sewer district 34
established pursuant to Chapter 6119. of the Revised Code, prior 35
to the adoption of a resolution of necessity by the board of 36
trustees of the district under section 6119.25 of the Revised 37
Code. 38

(B) For each special assessment levied by a public entity 39
on real property within an agricultural district for purposes of 40
sewer, water, or electrical service, the county auditor shall 41
make and maintain a list showing: 42

(1) The name of the owner of each lot, tract, or parcel of 43
land that is exempt from the collection of the special 44
assessment under this section; 45

(2) A description of the exempt land; 46

(3) The purpose of the special assessment; 47

(4) The amount of the uncollected assessment on the exempt land. 48
49

In the case of a county project constructed under Chapter 50
6103. or 6117. of the Revised Code, the county auditor may use a 51
list provided for in those chapters in lieu of the list required 52
by division (B) of this section. The auditor shall also record 53
in the water works record required by section 6103.16 of the 54
Revised Code or the sewer improvement record required by section 55
6117.33 of the Revised Code those assessments not collected 56
under this section. The recording of the assessments does not 57
permit the collection of the assessments until such time as 58
exempt lands are withdrawn from agricultural districts or 59
converted to nonagricultural use. 60

(C) If at any time any of the owner's exempt land, other 61
than a lot sold or transferred to a son, daughter, brother, 62
sister, mother, or father for the purpose of constructing a 63
dwelling in which the relative will reside for at least three 64
years, is withdrawn from an agricultural district or if the 65
owner of the exempt land uses on that land the service for which 66
the special assessment was assessed, the public entity may 67
collect the entire uncollected assessment, except as otherwise 68
provided in this division, in addition to an amount equal to the 69
rate of interest that any bonds or notes issued for the project 70
for which the assessment was made did bear for the number of 71
years the land was exempted, not to exceed twenty-five or the 72
number of years for which the bonds or notes were issued, 73
whichever is the lesser number. The owner shall notify the 74
county auditor of any withdrawal from a district or use of the 75
service within ninety days following the withdrawal or use of 76
the service. The charge shall constitute a lien of the public 77

entity upon the land and shall continue until discharged. All 78
liens shall be recorded in the appropriate county recorder's 79
office. Moneys collected as a result of the charge shall be 80
deposited in the appropriate fund of the public entity that 81
levied the special assessment. 82

If the owner of exempt land sells or transfers a lot to 83
the owner's son, daughter, brother, sister, mother, or father 84
for the purpose of constructing a dwelling in which the relative 85
will reside for at least three years, and if the owner or the 86
buyer of the lot uses the service for which the special 87
assessment was assessed only to provide service to that lot, the 88
owner of the lot shall pay only that portion of the uncollected 89
assessment and interest that applies to the lot. 90

If at any time any part of an owner's exempt land is 91
appropriated, the owner shall pay only that portion of the 92
uncollected assessment and interest that applies to the 93
appropriated parcel of land. 94

In lieu of immediate payment of the uncollected assessment 95
and interest, the board of county commissioners, legislative 96
authority of a municipal corporation, the board of trustees of a 97
regional water and sewer district, or other governing board of 98
any other public entity may, upon the request of the owner, 99
establish an extended repayment schedule for the owner. If the 100
board, legislative authority, board of trustees, or other 101
governing board establishes such a schedule, it shall notify the 102
county auditor of the schedule. 103

(D) A board of county commissioners, legislative authority 104
of a municipal corporation, the board of trustees of a regional 105
water and sewer district, or other governing board of any other 106
public entity may apply to the water and sewer commission 107

created by section 6121.31 of the Revised Code for an advance of 108
money from the water and sewer fund, created by section 6121.30 109
of the Revised Code, in an amount equal to that portion of the 110
costs of a water or sewer improvement authorized by law that is 111
to be financed by assessments whose collection is prohibited 112
under division (A) of this section. The application for such an 113
advance of money shall be made in the manner prescribed by rules 114
of the commission. Upon collection of any assessment whose 115
collection was prohibited under division (A) of this section, 116
the board of county commissioners, legislative authority, board 117
of trustees, or other governing board shall repay the commission 118
the amount of any money advanced by it in regard to the 119
assessments." 120

After line 101678, insert: 121

"Sec. 6103.052. (A) A board of county commissioners may 122
apply to the water and sewer commission, created by section 123
6121.30 of the Revised Code, for an advance of money from the 124
water and sewer fund, created by section 6121.31 of the Revised 125
Code, in an amount equal to that portion of the costs of an 126
improvement authorized under sections 6103.02 to 6103.30 of the 127
Revised Code which is to be financed by assessments whose 128
collection is deferred pursuant to division (B) of this section. 129
The application for such an advance of money shall be made in 130
the manner prescribed by rules of the commission. 131

(B) At any time prior to the expiration of the five-day 132
period provided by section 6103.05 of the Revised Code for the 133
filing of written objections, any owner of property which is 134
classified on the general tax list of the county auditor as 135
agricultural land and has been assessed for the extension of a 136
main water line over or along such property under sections 137

6103.02 to 6103.30 of the Revised Code may file with the board 138
of county commissioners a request in writing for deferment of 139
the collection of the owner's assessment if the main water line 140
~~provides water facilities to aid in the establishment of new-~~ 141
~~industrial plants, the expansion of existing industrial plants, or~~ 142
~~such other industrial development, or provides water~~ 143
~~facilities to aid in the establishment of commercial and~~ 144
~~residential developments,~~ serves a purpose set forth in section 145
6121.33 of the Revised Code for which the water and sewer fund 146
may be used. Such request shall identify the property in 147
connection with which the request for deferment is made, shall 148
describe its present use and present classification on the 149
general tax list of the county auditor, shall state its 150
estimated market value, showing separately the value of the land 151
and the value of the buildings thereon, shall state the reasons, 152
if any, why a portion of the benefit of the improvement will not 153
be realized until the use of the land is changed, and shall 154
state the amount to be deferred. The board shall promptly 155
consider such request and may order the deferment of the 156
collection of that portion of the assessment representing a 157
benefit from the improvement that will not be realized until the 158
use of the land is changed. The board may, upon request of an 159
owner whose property has been assessed for the extension of a 160
main water line over or along such property under sections 161
6103.02 to 6103.31 of the Revised Code, defer all or any part of 162
the assessment on property which is classified on the general 163
tax list of the county auditor as agricultural land, by 164
attributing the amount of such assessment or part thereof as 165
tap-in charges, if the main water line ~~provides water facilities~~ 166
~~to aid in the establishment of new industrial plants, the~~ 167
~~expansion of existing industrial plants, or such other~~ 168

~~industrial development, or provides water facilities to aid in~~ 169
~~the establishment of commercial and residential~~ 170
~~developmentsserves a purpose set forth in section 6121.33 of the~~ 171
Revised Code for which the water and sewer fund may be used. A 172
deferment under this section may be conditioned upon the 173
approval of the advance of money applied for pursuant to 174
division (A) of this section, and a maximum length of the 175
deferment may be fixed to coincide with the maximum time within 176
which the advance must be repaid. The decision on the request 177
for deferment of collection of assessments shall be made 178
pursuant to standards established by rules of the commission. 179
Upon determination and approval of final assessments, the board 180
of county commissioners shall certify all deferred assessments 181
and a fee equal to ~~two per cent of the amount of the any fee~~ 182
paid by the board to the commission pursuant to division (C) of 183
section 6121.32 of the Revised Code attributable to the deferred 184
assessments to the county auditor. For purposes of this section, 185
"assessment," "deferred assessment," or "assessment deferred 186
under this section" mean the fee and the deferred assessment 187
certified to the county auditor. The county auditor shall record 188
an assessment deferred under this section in the water works 189
record. Such record shall be kept until such time as the 190
assessments are paid in full or certified for collection in 191
installments as provided in this section. During the time when 192
the assessment is deferred there shall be a lien on the property 193
assessed, which lien shall arise at the time of recordation by 194
the county auditor and shall be in force until the assessments 195
are paid in full or certified for collection in installments. 196

~~(B)~~ (C) The board of county commissioners shall defer the 197
collection of an assessment, except the amount of such 198
assessment or part thereof attributable as tap-in charges, which 199

has been deferred pursuant to division ~~(A)~~(B) of this section on 200
or before January 1, 1987, beyond the expiration of the maximum 201
time for the original deferment if the property owner requests 202
in writing, no later than six months prior to the expiration of 203
the original deferment, that the assessment be further deferred 204
and as long as the property owner's land could qualify for 205
placement in an agricultural district pursuant to section 929.02 206
of the Revised Code. 207

The board shall regularly review the use and ownership of 208
the property for which the collection of assessments has been 209
deferred pursuant to this division, and upon finding that the 210
land could no longer qualify for placement in an agricultural 211
district pursuant to section 929.02 of the Revised Code, the 212
board shall immediately collect, without interest, the full 213
amount of the assessment deferred and repay the commission the 214
amount of any money advanced by it in regard to such assessment. 215
The board shall pay all such amounts to the commission in one 216
annual payment or longer period as approved by the commission. 217

~~(C)~~(D) The board of county commissioners shall send a 218
notice by regular or certified mail to all owners of property on 219
which assessments have been deferred pursuant to division ~~(A)~~ 220
(B) of this section, which lists the expiration of the 221
deferment, not later than two hundred ten days prior to the 222
expiration of the deferment of those assessments. 223

~~(D)~~(E) The board shall collect the assessments, without 224
interest, which have been deferred pursuant to division ~~(A)~~(B) 225
of this section upon expiration of the maximum time for which 226
deferments were made and repay the commission the amount of any 227
money advanced by it in regard to such assessments; provided, 228
that for a property owner who requests in writing, no later than 229

six months prior to the expiration of the deferment period, that 230
payment of the owner's deferred assessments be in installments, 231
the board of county commissioners upon expiration of the 232
deferment period may by resolution further certify for 233
collection pursuant to section 6103.16 of the Revised Code, such 234
deferred assessments in installments over not more than twenty 235
years, as determined by the board, together with interest 236
thereon each year on the unpaid balance at the same rate borne 237
by bonds of the county which shall be issued in anticipation 238
thereof as provided in Chapter 133. of the Revised Code, and the 239
proceeds of the bond issue used to repay such deferred 240
assessments to the commission. 241

Assessments which have been deferred by attribution as 242
tap-in charges under division ~~(A)~~ (B) of this section shall be 243
collected as deferred assessments at that time. As the board 244
collects tap-in charges that are deferred assessments under 245
division (B) of this section, it shall repay the commission the 246
amount of those charges that was advanced by it in regard to 247
such assessments. An owner of property for which assessments 248
have been deferred under division ~~(A)~~ (B) of this section, in 249
requesting a tap-in may, subject to the approval of the board, 250
designate a part of an entire assessed tract as the part which 251
the tap-in is to serve, and the board shall collect the deferred 252
assessment on that tract in the proportion that the part bears 253
to the entire tract, on a front foot or other basis approved by 254
the commission, but if in the judgment of the board the tap-in 255
is reasonably intended to serve the entire tract or 256
substantially all of the tract, it shall collect the deferred 257
assessment for the entire tract. 258

Prior to the expiration of the maximum time of deferment, 259

the board shall regularly review the use of the property for 260
which the collection of assessments has been deferred and upon 261
finding, pursuant to the rules of the commission, that the use 262
of the land has changed from the use at the time of the 263
deferment so that the benefit of the improvement can then be 264
realized, the board shall immediately collect the full amount of 265
the assessment for the portion of the property for which the use 266
has so changed, without interest, and repay the commission the 267
amount of any money advanced by it in regard to such assessment. 268
The board shall pay all such amounts to the commission in one 269
annual payment or longer period as approved by the commission." 270

After line 102410, insert: 271

"**Sec. 6117.062.** (A) A board of county commissioners may 272
apply to the water and sewer commission, created by section 273
6121.30 of the Revised Code, for an advance of money from the 274
water and sewer fund, created by section 6121.31 of the Revised 275
Code, in an amount equal to that portion of the costs of an 276
improvement authorized under sections 6117.01 to 6117.45 of the 277
Revised Code which is to be financed by assessments whose 278
collection is deferred pursuant to division (B) of this section. 279
The application for such an advance of money shall be made in 280
the manner prescribed by rules of the commission. 281

(B) At any time prior to the expiration of the five-day 282
period provided by section 6117.06 of the Revised Code for the 283
filing of written objections, any owner of property which is 284
classified on the general tax list of the county auditor as 285
agricultural land and has been assessed for the extension of a 286
trunk sewer line over or along such property under sections 287
6117.01 to 6117.45 of the Revised Code may file with the board 288
of county commissioners a request in writing for deferment of 289

the collection of the assessment if the trunk sewer line 290
~~provides sewer facilities to aid in the establishment of new~~ 291
~~industrial plants, the expansion of existing industrial plants,~~ 292
~~or such other industrial development, or provides sewer~~ 293
~~facilities to aid in the establishment of commercial and~~ 294
~~residential developments~~serves a purpose, as set forth in 295
section 6121.33 of the Revised Code, for which the fund may be 296
used. Such request shall identify the property in connection 297
with which the request for deferment is made, shall describe its 298
present use and present classification on the general tax list 299
of the county auditor, shall state its estimated market value, 300
showing separately the value of the land and the value of the 301
buildings thereon, shall state the reasons, if any, why a 302
portion of the benefit of the improvement will not be realized 303
until the use of the land is changed, and shall state the amount 304
to be deferred. The board shall promptly consider such request 305
and may order the deferment of the collection of that portion of 306
the assessment representing a benefit from the improvement which 307
will not be realized until the use of the land is changed. The 308
board may, upon request of an owner whose property has been 309
assessed for the extension of a trunk sewer line over or along 310
such property under sections 6117.01 to 6117.45 of the Revised 311
Code, defer all or any part of the assessment on property which 312
is classified on the general tax list as agricultural land, by 313
attributing the amount of such assessment or part thereof as 314
tap-in charges, if the trunk sewer line ~~provides sewer~~ 315
~~facilities to aid in the establishment of new industrial plants,~~ 316
~~the expansion of existing industrial plants, or such other~~ 317
~~industrial development, or provides sewer facilities to aid in~~ 318
~~the establishment of commercial and residential~~ 319
~~developments~~serves a purpose set forth in section 1525.13 of the 320

Revised Code for which the fund may be used. A deferment under 321
this section may be conditioned upon the approval of the advance 322
of money applied for pursuant to division (A) of this section, 323
and a maximum length of the deferment may be fixed to coincide 324
with the maximum time within which the advance must be repaid. 325
The decision on the request for deferment of collection of 326
assessments shall be made pursuant to standards established by 327
rules of the commission. Upon determination and approval of 328
final assessments, the board of county commissioners shall 329
certify all deferred assessments and a fee equal to ~~two per cent~~ 330
~~of the amount of the deferred assessments~~ any fee paid by the 331
board to the commission pursuant to division (C) of section 332
6121.32 of the Revised Code attributable to the deferred 333
payments to the county auditor. For purposes of this section, 334
"assessment," "deferred assessment," or "assessment deferred 335
under this section" mean the fee and the deferred assessment 336
certified to the county auditor. The county auditor shall record 337
an assessment deferred under this section in the sewer 338
improvement record. Such record shall be kept until such time as 339
the assessments are paid in full or certified for collection in 340
installments as provided in this section. During the time when 341
the assessment is deferred there shall be a lien on the property 342
assessed, which lien shall arise at the time of recordation by 343
the county auditor and which shall be in force until the 344
assessments are paid in full or certified for collection in 345
installments. 346

~~(B)~~ (C) The board of county commissioners shall defer the 347
collection of an assessment, except the amount of such 348
assessment or part thereof attributable as tap-in charges, which 349
has been deferred pursuant to division ~~(A)~~ (B) of this section 350
on or before January 1, 1987, beyond the expiration of the 351

maximum time for the original deferment if the property owner 352
requests in writing, no later than six months prior to the 353
expiration of the original deferment, that the assessment be 354
further deferred and as long as the property owner's land could 355
qualify for placement in an agricultural district pursuant to 356
section 929.02 of the Revised Code. 357

The board shall regularly review the use and ownership of 358
the property for which the collection of assessments has been 359
deferred pursuant to this division, and upon finding that the 360
land could no longer qualify for placement in an agricultural 361
district pursuant to section 929.02 of the Revised Code, the 362
board shall immediately collect, without interest, the full 363
amount of the assessment deferred and repay the commission the 364
amount of any money advanced by it in regard to such assessment. 365
The board shall pay all such amounts to the commission in one 366
annual payment or longer period as approved by the commission. 367

~~(C)~~ (D) The board of county commissioners shall send a 368
notice by regular or certified mail to all owners of property on 369
which assessments have been deferred pursuant to division ~~(A)~~ 370
(B) of this section, which lists the expiration of the 371
deferment, not later than two hundred ten days prior to the 372
expiration of the deferment of those assessments. 373

~~(D)~~ (E) The board shall collect assessments, without 374
interest, which have been deferred pursuant to division ~~(A)~~ (B) 375
of this section upon expiration of the maximum time for which 376
deferments were made and repay the commission the amount of any 377
money advanced by it in regard to such assessments; provided 378
that for a property owner who requests in writing, no later than 379
six months prior to the expiration of the deferment period, that 380
payment of the deferred assessments be in installments, the 381

board of county commissioners upon expiration of the deferment 382
period may by resolution further certify for collection pursuant 383
to section 6117.33 of the Revised Code, such deferred 384
assessments in installments over not more than twenty years, as 385
determined by the board, together with interest thereon each 386
year on the unpaid balance at the same rate borne by bonds of 387
the county which shall be issued in anticipation thereof as 388
provided in Chapter 133. of the Revised Code, and the proceeds 389
of the bond issue used to repay such deferred assessments to the 390
commission. Prior to the expiration of the maximum time of 391
deferment, the board shall regularly review the use of the 392
property for which the collection of assessments has been 393
deferred and upon finding, pursuant to the rules of the 394
commission, that the use of the land has changed from the use at 395
the time of the deferment so that the benefit of the improvement 396
can then be realized, the board shall immediately collect the 397
full amount of the assessment for the portion of the property 398
for which the use has so changed, without interest, and repay 399
the commission the amount of any money advanced by it in regard 400
to such assessment. The board shall pay all such amounts to the 401
commission in one annual payment or longer period as approved by 402
the commission. 403

Sec. 6121.30. (A) (1) The water and sewer fund is created 404
in the state treasury consisting of the following: 405

(a) Money appropriated to the fund by the general 406
assembly; 407

(b) Money repaid to the fund for advances made from it; 408

(c) Interest paid for delay in repayment of advances from 409
the fund. 410

(2) The water and sewer commission created under section 411
6121.31 of the Revised Code shall administer the fund. Money in 412
the fund shall be used solely for advances to boards of county 413
commissioners, legislative authorities of municipal 414
corporations, and governing boards of any other public entities 415
to meet that portion of the cost of the extension of water and 416
sewer lines to be financed by assessments for which collections 417
are deferred or exempt pursuant to division (A) of section 418
929.03, division (B) of section 6103.052, or division (B) of 419
section 6117.062 of the Revised Code. 420

(B) The water and sewer administrative fund is created in 421
the state treasury consisting of money collected as fees 422
pursuant to division (C) of section 6121.32 of the Revised Code. 423
Money in the fund shall be used solely to pay the administrative 424
costs of the water and sewer commission. 425

Sec. 6121.31. (A) The water and sewer commission is 426
created consisting of seven members and, for administrative 427
purposes, is attached to the Ohio water development authority. 428
The membership of the commission consists of the following: 429

(1) The executive director of the Ohio water development 430
authority or the executive director's representative; 431

(2) The director of health or the director's 432
representative; 433

(3) The director of agriculture or the director's 434
representative; 435

(4) The director of natural resources or the director's 436
representative; 437

(5) Three members appointed by the governor. One of the 438

three members appointed by the governor shall be a 439
representative of industry, one shall be a farmer whose major 440
source of income is derived from farming, and one shall be a 441
representative of the public. 442

(B) The governor shall appoint one member to serve for a 443
term of one year, one member to serve for a term of two years, 444
and one member to serve for a term of three years. Thereafter, 445
terms of office of members appointed by the governor shall be 446
for three years, commencing on the twentieth day of December and 447
ending on the nineteenth day of December. 448

Each appointed member holds office from the date of 449
appointment until the end of the term for which the member was 450
appointed. Any member appointed to fill a vacancy occurring 451
prior to the expiration of the term for which the member's 452
predecessor was appointed holds office for the remainder of such 453
term. Any appointed member continues in office subsequent to the 454
expiration date of the member's term until the member's 455
successor takes office, or until a period of sixty days has 456
elapsed, whichever occurs first. 457

The governor shall designate the chairperson of the 458
commission, who shall serve for a term of one year. The members 459
of the commission shall receive no compensation other than for 460
expenses incurred in the performance of their duties. 461

(C) The commission shall submit orders, made pursuant to 462
division (D) of section 6121.32 of the Revised Code, approving 463
advances from the water and sewer fund, to the controlling 464
board. The controlling board shall then determine whether such 465
advance shall be made. If the board determines that the advance 466
shall be made, it shall certify that action to the director of 467
budget and management for payment. 468

Sec. 6121.32. The water and sewer commission shall, in the 469
administration of the water and sewer fund, do all of the 470
following: 471

(A) Consider applications for advances from the fund made 472
pursuant to division (D) of section 929.03 or division (A) of 473
both sections 6103.052 and 6117.062 of the Revised Code; 474

(B) Determine, pursuant to the standards set forth in 475
section 6121.33 of the Revised Code, whether an advance of money 476
should be made as requested by application, approve the amount 477
of the advance, if any, to be made, and fix the maximum time 478
within which the advance shall be repaid; 479

(C) Collect from the boards of county commissioners, 480
legislative authorities of municipal corporations, boards of 481
trustees of regional water and sewer districts, or governing 482
boards of any other public entities requesting an advance from 483
the water and sewer fund pursuant to division (D) of section 484
929.03 or division (A) of both sections 6103.052 and 6117.062 of 485
the Revised Code a fee equal to two per cent of any money 486
advanced from the fund and pay the fees into the water and sewer 487
administrative fund created pursuant to division (B) of section 488
6121.30 of the Revised Code; 489

(D) Submit orders approving advances to the controlling 490
board for action pursuant to division (C) of section 6121.30 of 491
the Revised Code; 492

(E) Adopt rules pursuant to Chapter 119. of the Revised 493
Code that do all of the following: 494

(1) Prescribe the form of application for advances from 495
the water and sewer fund and the time and manner of submitting 496
the application; 497

(2) Prescribe the criteria to determine the occurrence of 498
a change in the use of property as referred to in division (C) 499
of section 929.03 or division (C) of both sections 6103.052 and 500
6117.062 of the Revised Code; 501

(3) Prescribe the criteria to consider for the disposition 502
of requests for advances from the fund made pursuant to section 503
6121.33 of the Revised Code; 504

(4) Prescribe standards for the use of boards of county 505
commissioners in determining the disposition of requests for 506
deferment of collection of assessment pursuant to division (B) 507
of both sections 6103.052 and 6117.062 of the Revised Code. 508

Notwithstanding any provision of section 121.95 of the 509
Revised Code to the contrary, a regulatory restriction contained 510
in a rule adopted under division (E) of this section is not 511
subject to sections 121.95 to 121.953 of the Revised Code. 512

(F) Investigate the uses of those lands on which the 513
deferred or exempted collection of assessments has been the 514
basis for advances of money from the water and sewer fund, 515
require the boards of county commissioners to repay the 516
commission pursuant to division (C) or (D) of section 6103.052 517
or division (C) or (D) of section 6117.062 of the Revised Code 518
the advances due as a result of changes in the use of property, 519
and require boards of county commissioners, legislative 520
authorities of municipal corporations, boards of trustees of 521
regional water and sewer districts, and other governing boards 522
of any other public entities to repay the commission under 523
division (D) of section 929.03 of the Revised Code; 524

(G) Pay into the water and sewer fund all repayments of 525
money advanced from the fund and interest paid for delay in 526

repayment of advances made from the fund; 527

(H) Defer the repayment by a board of county commissioners 528
of money previously advanced from the water and sewer fund when 529
a board defers the collection of assessments pursuant to 530
division (C) of section 6103.052 or division (C) of section 531
6117.062 of the Revised Code; 532

(I) Except for interest paid for delay in repayment of 533
advances made from the water and sewer fund, not charge any 534
interest for money advanced from the fund; 535

(J) Employ such personnel as are required to administer 536
this section. 537

Sec. 6121.33. (A) The water and sewer commission may 538
advance money from the water and sewer fund to provide water and 539
sewer facilities to aid in the establishment of new industrial 540
plants, the expansion of existing industrial plants, or such 541
other industrial development as may be defined by the commission 542
without undue financial burden upon open lands over or along 543
which the lines for such facilities are extended. 544

(B) The commission may also use the advance money from the 545
fund to provide water and sewer facilities to aid in the 546
establishment of commercial and residential developments without 547
undue financial burden upon open lands over or along which the 548
lines for such facilities are extended; provided, that advances 549
under division (A) of this section have priority over advances 550
under this division. 551

(C) The commission may also advance money from the fund 552
for assessments not collected under section 929.03 of the 553
Revised Code. Requests made by a board of county commissioners, 554
legislative authority of a municipal corporation, board of 555

trustees of a regional water and sewer district, or other 556
governing board of any other public entity under that section 557
have priority over requests submitted under division (A) or (B) 558
of this section, and the advances shall be repaid when the 559
assessment is collected by the board of county commissioners, 560
legislative authority, board of trustees, or other governing 561
board under division (C) of section 929.03 of the Revised Code." 562

In the table on line 103909, after row AT, insert: 563

" 564

1	2	3	4	5
A	XXXX	195XXX Water and Sewer	\$5,000,000	\$5,000,000
		Commission		

" 566

In the table on line 103909, in rows AU and CO, add \$5,000,000 to 567
each fiscal year 568

After line 104193, insert: 569

"WATER AND SEWER COMMISSION 570

The foregoing appropriation item 195XXX, Water and Sewer Commission, 571
shall be used to support the duties of the Water and Sewer Commission as 572
outlined in section 6121.32 of the Revised Code." 573

After line 112095, insert: 574

"WATER AND SEWER FUND 575

On July 1 of each fiscal year, or as soon as possible thereafter, 576
the Director of Budget and Management shall transfer \$5,000,000 cash from 577
the General Revenue Fund to the Water and Sewer Fund (Fund XXXX)." 578

Update the title, amend, enact, or repeal clauses accordingly 579

The motion was _____ agreed to.

SYNOPSIS 580

Water and Sewer Commission; Water and Sewer Fund 581

R.C. 929.03, 6103.052, 6117.062, 6121.30, 6121.31, 582
6121.32, and 6121.33 583

Re-establishes the Water and Sewer Commission (with a 584
modified membership) and the Water and Sewer Fund, which were 585
eliminated by S.B. 314 in 2012. 586

Requires the Commission to use money in the fund for 587
advances to local governments to pay for assessments for water 588
and sewer lines extensions that are deferred or prohibited 589
because the assessed land is agricultural land or is in an 590
agricultural district. 591

Requires the Commission, in the administration of the 592
fund, to perform specified duties and responsibilities, 593
including: 594

1. Determine, pursuant to specified standards, whether an 595
advance of money should be made as requested by application, 596
approve the amount of the advance to be made, and fix the 597
maximum time within which the advance must be repaid; 598

2. Investigate the uses of those lands on which the 599
deferred or exempted collection of assessments has been the 600
basis for advances of money from the fund; and 601

3. Pay into the fund all repayments of money advanced from 602
the fund and interest paid for delay in repayment of advances 603
made from the fund. 604

Department of Development 605

Sections 259.10, 259.30, and 512.10 606

Appropriates \$5,000,000 in each fiscal year under Fund 607
XXXX ALI 195XXX, Water and Sewer Commission. Requires the ALI to 608
be used to support the duties of the Commission. 609

Transfers \$5,000,000 cash from the GRF to the Water and 610
Sewer Fund (Fund XXXX) in each fiscal year. 611