



Ohio Legislative Service Commission

Bill Analysis

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(As Introduced)

Reps. Conditt, Sprague, Dever, Blessing, Baker, Amstutz, Hambley, Perales

BILL SUMMARY

- Renames special improvement districts created for the development and implementation of plans for special improvement projects as "*energy* special improvement districts."
- Permits a port authority to create an energy special improvement district.
- Enacts laws governing energy special improvement districts, recreating or recodifying many of the laws, with minor modifications, from current law governing the districts renamed by the bill and from continuing law governing special improvement districts in general.
- Expands what qualifies as an energy special improvement project.
- Specifies that on and after the bill's effective date, special improvement districts that were created for special improvement projects are to be treated as though they were created under the bill's provisions governing *energy* special improvement districts.
- Modifies a limited number of minor provisions governing *non-energy* special improvement districts, including changing terminology and references.

* Corrects a reference in the discussion of the duration of special-assessment levies from 30 days to 30 years.

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CONTENT AND OPERATION

Overview

Modification of current law governing certain special improvement districts

Essentially, the bill is modifying some of the laws governing special improvement districts created for the development and implementation of plans for special energy improvement *projects*. But under the bill, these districts are renamed



"energy special improvement districts," and are to be subject to the provisions as modified and then recreated or recodified in new sections under the bill.¹ Many of the recreated and recodified provisions are nearly identical to continuing law governing special improvement districts in general, or to current law governing the special improvement districts renamed by the bill. This analysis discusses the modifications, as well as the provisions that are merely borrowed from continuing or current law.

Expansion to port authorities

The bill also permits a port authority to create an energy special improvement district.² Port authorities cannot, under current law, create special improvement districts for special energy improvement projects.

Basic provisions governing energy special improvement districts

The bill permits one or more property owners to petition political subdivisions for the creation of an energy special improvement district. The bill also permits a person or persons to petition the board of directors of the port authority that has jurisdiction over the proposed territory of an energy special improvement district for the district's creation. Either petition must be signed by 100% of the property owners in the proposed district. The district must be for developing and implementing plans for special energy improvement projects on nonresidential property. "Nonresidential" means not classified as residential *or agricultural* for property tax purposes.

To pay for the projects, the participating political subdivisions are to levy a special assessment on all real property in the district. At least one project must be designated for each parcel of real property within the district.

The district must be governed by a nonprofit corporation acting through its board of directors. Or, if the district is created by a port authority, the district may alternatively be governed by the board of directors of the port authority.

The 100% threshold, the levying of the special assessment, and the requirement that the district be governed by a nonprofit corporation are all provisions taken from current or continuing law.³

¹ R.C. 1710.29.

² R.C. 1710.30, 4582.06, and 4582.31.

³ R.C. 1710.01(P), 1710.02(A), (E), and (F), 1710.20(A) and (C), 1710.21(C), 1710.22(A)(1), 1710.24(B), 1710.30(A) and (C), 1710.31(B), 1710.32(A)(1), and 1710.34(B).

Expansion of what qualifies as a special energy improvement project

The bill permits a special energy improvement project to include a waste heat recovery project, a hydroelectric project, a water efficiency project, a combined heat and power project, a fuel source conversion project, a cogeneration project, or a biodigester project. Under continuing law, other qualifying projects are solar photovoltaic projects, solar thermal energy projects, geothermal projects, customer-generated energy projects, and energy efficiency improvements.⁴

A "fuel source conversion project" is defined as a project undertaken by a property owner, rural cooperative, or political subdivision of this state to convert an existing fossil fuel-based technology, product, or system to a more efficient technology, product, or system, including conversion to a natural gas or electricity-based technology, product, or system.⁵

District territory

Boundaries

The bill requires the territory of an energy special improvement district to be within the boundaries of any one municipal corporation, any one township, or any combination of contiguous *or noncontiguous* municipal corporations or townships.⁶ Current law contains similar provisions governing the territory of special improvement districts created for special energy improvement projects. But as those provisions are unclear under current law, the bill's effect on current law is unclear (see **COMMENT 1**).

The bill permits the territory of an energy special improvement district to include all or part of each participating political subdivision. This is the same as in continuing law governing special improvement districts in general.⁷ Finally, if the district is created by a port authority, the bill requires the territory comprising the district to be within the jurisdiction of the port authority.⁸

⁴ R.C. 1710.01(I).

⁵ R.C. 1710.01(O).

⁶ R.C. 1710.02(A), 1710.20(B), and 1710.30(B).

⁷ R.C. 1710.02(D)(2), 1710.23(B), and 1710.33(A)(2)(b) and (B)(2).

⁸ R.C. 1710.30(B).



Addition of territory

To add territory, the bill requires the board of directors of the nonprofit corporation or the port authority to get the approval of a petition by 100% of the property owners of the additional territory. The board must also get approval of a plan that designates at least one special energy improvement project for each parcel of real property and that complies with the plan requirements described below (see "**Plan for special energy improvement projects**").⁹ These provisions replace similar provisions of current law that govern the addition of territory to special improvement districts created for developing and implementing plans for special energy improvement projects. But the current provisions (repealed by the bill) are different in that they allow territory to be added only if the addition of territory was authorized by the initial plan or a plan later adopted.¹⁰

Petition contents

The person or persons proposing creation of an energy special improvement district must show (presumably as part of the petition for the district's creation) the area of the district and the ownership of each parcel of property of the proposed district by reference to records that were available from each county recorder's office not more than 60 days before the petition's submission.¹¹ Continuing law governing special improvement districts is similar, but refers to records from the county recorder's office *and the county engineer's office*. Continuing law also refers to the front footage and ownership of the property, in addition to the "area of the district."¹²

Plans for special energy improvement projects

The person or persons proposing to create a district must have a written plan for the special energy improvement projects.¹³ Plans appear to be permitted, but not required, under continuing law governing special improvement districts.¹⁴ The plan required by the bill must describe the proposed special energy improvement project or projects, including their costs, and a statement of which property or properties each project will benefit. The plan must also include the method of assessment to be used

⁹ R.C. 1710.27 and 1710.37.

¹⁰ R.C. 1710.02(A).

¹¹ R.C. 1710.21 and 1710.31.

¹² R.C. 1710.02(E).

¹³ R.C. 1710.21(A) and 1710.31(A).

¹⁴ R.C. 1710.02(F) and 1710.06.



and the time period during which the assessment will be levied. The plan *may* include other topics that are listed in the bill, such as operation of the nonprofit corporation, paying damages from providing public improvements or services, paying bond costs, contracts related to the projects, aggregating renewable energy credits, or adding territory to the district.¹⁵

Articles of incorporation contents

The articles of incorporation for a nonprofit corporation that will govern an energy special improvement district must include:

- The district's name;
- A description of the district's territory;
- A description of the procedure by which the articles of incorporation may be amended;
- The reasons for creating the district and an explanation of how the district will be conducive to the district's public health, safety, peace, convenience, and welfare.¹⁶

Continuing law governing special improvement districts on this topic is similar, but slightly more prescriptive. Specifically, continuing law requires the name of each participating political subdivision, along with the district name. It requires the territory description to be specific enough to enable property owners to determine if their property is included. And it requires more specificity with regard to the procedure for amending the articles of incorporation.¹⁷

District creation

If the district is *not* created by a port authority

To create the district, the person or persons proposing its creation must submit to each participating political subdivision the petition, the articles of incorporation, and the plan for the special energy improvement projects.¹⁸ The political subdivisions then have 60 days to approve or disapprove the items by resolution. If approved, a copy of

¹⁵ R.C. 1710.07(F), 1710.22, and 1710.32.

¹⁶ R.C. 1710.23 and 1710.33(B).

¹⁷ R.C. 1710.02(D).

¹⁸ R.C. 1710.21.

the resolution must be filed along with the articles of incorporation in the Secretary of State's office. If no action is taken during the 60 days, the items are deemed approved. The district is created when all of the subdivisions have filed approval. The bill states that these provisions do not prohibit or restrict the rights of municipal corporations under the Ohio Constitution, or the right of the municipal legislative authority, to impose reasonable conditions in a resolution of approval.¹⁹

The bill modifies continuing law so that the timing and approval requirements for all other special improvement districts are largely the same as described above. Specifically, the bill adds that if no action is taken in 60 days, the petition for the special improvement district is deemed approved. The other provisions, including the provision regarding reasonable conditions for approval, are the same as in continuing law governing special improvement districts.²⁰

If the district *is* created by a port authority

Approval by the port authority

The person or persons proposing the district's creation must submit the plan and the petition (no articles of incorporation) to the board of directors of the port authority.²¹ If the board approves the plan and petition, the board must create the district. The board must also determine whether the board or a nonprofit corporation will govern the district. If the port authority will govern it, the board must prepare bylaws that include:

- The district's name;
- A description of the district's territory;
- Procedures and requirements governing meetings on special energy improvement projects, including procedures governing meeting notices;
- A provision governing the addition of territory;
- Provisions for district operation, hiring employees and professional services, contracting for insurance, purchasing and leasing office space and equipment, and other actions necessary to form, operate, or organize the district (see **COMMENT 2**).

¹⁹ R.C. 1710.24(A).

²⁰ R.C. 1710.02(E).

²¹ R.C. 1710.31.



If the district will be governed by a nonprofit corporation, the board must prepare the articles of incorporation.²²

Notification of property owners and political subdivisions

The board of directors of the port authority must notify the property owners that submitted the petition and plan and any participating political subdivision of the approval of the petition and plan and the district's creation. Along with the notice, the board must provide the approved petition, the approved plan, and either the bylaws or the bylaws and the articles of incorporation, as applicable. The board must include with the notice to the participating political subdivisions a statement of the responsibilities that each subdivision will assume if the political subdivision approves the petition and the plan.²³

Approval by political subdivisions

Each subdivision that receives the notice then has 60 days to approve or disapprove, by resolution, the petition, the plan, and either the bylaws or the bylaws and the articles of incorporation. A copy of the resolution is to be filed in the Secretary of State's office. If no action is taken during the 60 days, the items are deemed approved. The bill states that these provisions do not prohibit or restrict the rights of municipal corporations under the Ohio Constitution, or the right of the municipal legislative authority, to impose reasonable conditions in a resolution of approval.²⁴

Special assessment

As mentioned above, a participating political subdivision must levy a special assessment on all real property in the district that is located within its boundaries to pay for the costs of the "plan" (presumably this refers to the plan for the special energy improvement projects) (see **COMMENT 3**). The bill uses the provisions in current law governing time limitations on the special assessments. Under these provisions, the assessment is limited to 30 years for each political subdivision – specifically 30 years from the first day of the year in which it is imposed. If the district is expanded, the subdivision must levy the special assessment with respect to the additional territory no earlier than the date that the territory is added, and for not more than 30 years (also measured from the first day of the year in which it is imposed).²⁵

²² R.C. 1710.33(A) and (B).

²³ R.C. 1710.33(C).

²⁴ R.C. 1710.34(A).

²⁵ R.C. 1710.02(F), 1710.24(B), and 1710.34(B).



The assessment for each plan may be levied by any one or any combination of methods listed in continuing law, provided that the assessment is uniformly applied.²⁶ These methods are (1) by a percentage of the tax value of the property assessed, (2) in proportion to the benefits that may result from the improvement, or (3) by the front foot of the property bounding and abutting upon the improvement.²⁷ The subdivision may combine one or more plans or parts of plans and levy a single assessment against specially benefited property. These provisions are the same as in continuing law governing special improvement districts.²⁸

Other than the permissions granted in the previous paragraph, the bill requires the subdivision to levy the special assessment in accordance with continuing law governing the levying of special assessments by municipal corporations. And, if the assessment is levied by a township, the bill states that references in continuing law to a municipal corporation are deemed to refer to a township, and references to the legislative authority of a municipal corporation are deemed to refer to the board of township trustees.²⁹ This is also the same as in continuing law governing special improvement districts.³⁰

The bill states that the use of special assessments levied to benefit district property owners does not constitute expenditures made with public funds.³¹ This provision is unique to the bill.

Operation of the nonprofit corporation or port authority

General powers of the nonprofit corporation or port authority

Regarding powers of the district's governing body, the bill essentially applies continuing law applicable to special improvement districts to a nonprofit corporation or port authority governing an energy special improvement district. Specifically, the bill gives the nonprofit corporation or port authority the power to do the following:

- Develop, adopt, revise, implement, and repeal plans for all or any part of the district;

²⁶ R.C. 1710.24(C)(1) and 1710.34(C)(1).

²⁷ R.C. 727.01, not in the bill.

²⁸ R.C. 1710.06(C), 1710.24(C)(2), and 1710.34(C)(2).

²⁹ R.C. 1710.24(C) and 1710.34(C).

³⁰ R.C. 1710.06(C).

³¹ R.C. 1710.24(C) and 1710.34(C).

- Contract with any person, political subdivision, or state agency to develop and implement plans for special energy improvement projects within the district;
- Contract and pay for insurance for the district and for directors, officers, agents, contractors, employees, or members of the district for any consequences of implementing a plan adopted by the district or any actions of the district;
- Act as an agent for and on behalf of a participating political subdivision, to sell, transfer, lease, or convey any special energy improvement project owned by the political subdivision;
- Exercise all powers of nonprofit corporations or port authorities granted under continuing law governing nonprofit corporations and port authorities as long as those laws do not conflict with the bill.³²

Sale, transfer, lease, or conveyance of special energy improvement projects

In order for the nonprofit corporation or port authority to sell, transfer, lease, or convey a project on behalf of a political subdivision, the legislative authority of the subdivision must determine that the project is not required to be exclusively owned by the subdivision for its purposes. The bill states that any determinations made by the subdivision are conclusive. The sale must also be for certain purposes enumerated by the bill, including public health, safety, and welfare, the protection of natural resources, conserving natural areas, and cleaning up pollution. The legislative authority of the subdivision must specify the consideration for the sale, transfer, lease, or conveyance and any other terms. These provisions appear to be largely redundant to provisions that are *not* repealed by the bill and that currently govern the sale, transfer, lease, or conveyance of a special energy improvement project (see **COMMENT 4**).

The bill allows that the nonprofit corporation, the political subdivision, or the port authority may make any purchase, sale, transfer, lease, or conveyance of a special energy improvement project without advertising, receiving bids, or adhering to any other competitive bidding procedures applicable to the subdivision or the district under continuing law. This provision *replaces* a nearly identical provision of current law governing the sale, transfer, lease, or conveyance of a special energy improvement project.³³

³² R.C. 1710.02(G), 1710.25(A), and 1710.35(A) and (B).

³³ R.C. 1710.02(G), 1710.25(A)(5) and (B), and 1710.35(A)(4) and (C).

District members

Who are the district members

The bill states that each owner of real property within an energy special improvement district is a district member. Current law governing special improvement districts is the same, except that current law provides exclusions for the state or federal government, churches, counties, townships, and municipal corporations. These exclusions may be waived in some cases.³⁴

Notice of district meetings

The bill applies to energy special improvement districts, with very slight modifications, the current provisions that appear to govern meeting notices for special improvement districts. The bill requires the nonprofit corporation or port authority governing the energy special improvement district to determine the identity and address of each owner for any particular action of the nonprofit corporation, including notice of meetings of the district, not more than 60 days before the date of the action, from the most current records available at the county auditor's office. Any persons shown as having common or joint ownership interests in a parcel of real property are to collectively constitute the owner of the real property. The bill further states that the articles of incorporation or the code of regulations governing the nonprofit corporation or the district bylaws must provide for the method by which notice for meetings of the district membership is given.

Current law governing special improvement districts on this topic is generally the same, except it may limit the notice requirement to actions that *govern the district*.³⁵

Method for voting

The bill applies to energy special improvement districts the continuing requirement for specifying the method for voting by members of a special improvement district. Specifically, the bill requires that the district bylaws or the articles of incorporation or the code of regulations governing the nonprofit corporation must provide for the method of voting by district members.³⁶

³⁴ R.C. 1710.03(A), 1710.26(A), and 1710.36(A).

³⁵ R.C. 1710.03(A), 1710.05, 1710.26(A), and 1710.36(A).

³⁶ R.C. 1710.05, 1710.26(A), and 1710.36(A).



Member proxies and designees

The bill applies the continuing provisions governing proxies and designees for members of special improvement districts to energy special improvement districts. These provisions permit a member to file a written statement at least three days before any meeting of the entire membership to appoint a proxy for the meeting. The provisions also permit a member to file a written designation form appointing a designee. No time limit for filing is specified. The designation form must include certain identifying information about the designee and any expiration date of the designation. The form may authorize the designee to vote at any district meeting. Filings must be made with the district's secretary.

The provisions also specify that a proxy or designee need not be a district member or an elector or resident of a participating political subdivision. The provisions further specify that members may change a proxy or designee by filing a new form with the district's secretary, but the most current filed form is the valid appointment. Service of any notice upon a proxy or designee at the address shown on the form satisfies any requirements for notification of the member.³⁷

Implications for district members, directors, and officers

The bill applies some of the continuing provisions about members, directors, and officers of special improvement districts to energy special improvement districts. These provisions state that membership on the board of directors of a district is not considered holding a public office. Regarding immunity, the provisions grant directors and their designees the immunities provided under continuing law governing nonprofit corporations, as well as the limited immunity granted to an employee of a political subdivision under continuing law. Regarding legal defense of employees, the provisions condition a subdivision's duty to represent a director or designee in a civil action on the director or designee (1) being an employee or official of a participating political subdivision of the district and (2) acting within the scope of the director's or designee's employment or official responsibilities.

The provisions also exempt district officers, members, and directors and their designees or proxies from the requirement to file a financial disclosure statement with the Ohio Ethics Commission.³⁸

³⁷ R.C. 1710.03(B), (C), and (D), 1710.26(B), (C), and (D), and 1710.36(B), (C), and (D).

³⁸ R.C. 1710.02(C), 1710.25(C), and 1710.35(D); R.C. 2744.03 and 2744.07, not in the bill.



Public records

The bill applies the continuing provisions about public records of a special improvement district to energy special improvement districts. The provisions state that all records of the district are public records under continuing law, except that records of organizations contracting with a district are not public records solely by reason of any contract with a district.³⁹

Dissolution of the nonprofit corporation (not applicable to port authorities)

The bill permits the nonprofit corporation governing an energy special improvement district that was *not* created by a port authority to be dissolved not earlier than one year following the creation of the district if both of the following apply:

- The petition or the plan submitted for the district's creation authorized dissolution.
- Sufficient provisions have been made to levy and collect special assessments to pay the costs of existing special energy improvement projects under a written agreement with a participating political subdivision.

Once the nonprofit corporation is dissolved, the bill states that the property owners succeed to all rights and responsibilities of the nonprofit corporation.⁴⁰

The bill is silent on the issue of dissolution of a nonprofit corporation that governs a district created by a port authority.

Continuing law governing special improvement districts on the topic of dissolution is different. It requires a petition for the dissolution, signed by district members who own at least 20% of the appraised value of the real property in the district. It also requires a district meeting to consider the petition, and an affirmative vote to approve the petition of members owning more than 50% of the appraised value of district property. Continuing law also contains provisions for the deposit of assets or rights of the district in a special account, the payment of bonds, notes, and other obligations of the district, and the termination of levies.⁴¹

³⁹ R.C. 1710.02(C), 1710.25(C), and 1710.35(D).

⁴⁰ R.C. 1710.28.

⁴¹ R.C. 1710.13.



Miscellaneous provisions applied to energy special improvement districts

The bill applies the following provisions to energy special improvement districts. Under current law, these provisions, recodified by the bill, apply to special improvement districts created for special energy improvement projects.

- A petition for district creation is in furtherance of the purposes set forth in Section 2o of Article VIII, Ohio Constitution (conservation and revitalization purposes).⁴²
- The acquisition, installation, equipping, and improvement of a special energy improvement project does not supersede any local zoning, environmental, or similar law or regulation.⁴³

The bill applies the following provisions to energy special improvement districts. Under current law, these provisions apply to special improvement districts in general.

- For purposes of levying a special assessment, the special energy improvement projects are deemed a special benefit to property owners within the district.⁴⁴
- All rights and privileges of a property owner that is assessed under continuing law governing assessments by municipal corporations are granted to a property owner assessed under the bill. Property owners assessed for public services under the bill have the same rights and privileges as property owners assessed for public improvements under the bill.⁴⁵

Grandfathering of certain special improvement districts

The bill states that on and after its effective date, any energy special improvement district that was previously created for the purpose of developing and implementing plans for special energy improvement projects shall continue and shall be treated as though it was created under the bill's provisions governing energy special

⁴² R.C. 1710.02(E), 1710.21(C), and 1710.31(B).

⁴³ R.C. 1710.02(E), 1710.24(A), and 1710.34(A).

⁴⁴ R.C. 1710.02(F), 1710.24(C), and 1710.34(C).

⁴⁵ R.C. 1710.06(D), 1710.24(D), and 1710.34(D).



improvement districts that are *not* created by a port authority. These grandfathered districts are to be governed by those provisions of the bill.⁴⁶

Quarterly reports to electric distribution utilities

The bill restricts to *energy* special improvement districts (rather than special improvement districts in general) the current requirement that the board of directors of the district submit a quarterly report to electric distribution utilities. This requirement applies with electric distribution utilities that count, toward their compliance with Ohio's energy efficiency and peak demand reduction requirements (see S.B. 310 of the 130th General Assembly), savings or reductions produced by special energy improvement projects.⁴⁷

Modification of laws governing *non-energy* special improvement districts

Director elections

The bill repeals a requirement that elections of directorship for special improvement districts be held in November. Instead, the bill requires the meetings to be held annually.⁴⁸

References to boards of trustees

The bill changes references to a nonprofit corporation's board of trustees to the board of directors.⁴⁹

Approval of amended plans for public improvements or services

The bill adds that if the legislative authority of a participating political subdivision fails to approve by resolution a petition for an amended plan for public improvements or services within the currently required 60 days, then the petition is deemed approved.⁵⁰

⁴⁶ R.C. 1710.29.

⁴⁷ R.C. 1710.40 (recodified by the bill from R.C. 1710.061).

⁴⁸ R.C. 1710.04(A).

⁴⁹ R.C. 1710.02(A) and 1710.04(A).

⁵⁰ R.C. 1710.06(B).



Removal of a reference to "assessments"

The bill removes a reference to "assessments" in a provision of current law that refers to the application of proceeds of "any assessments, bonds, or notes issued to fund any public improvements." With this change, the bill clarifies that the provision only applies to the application of proceeds from bonds and notes issued in anticipation of any special assessment imposed to benefit a special improvement district. The provision does not apply to the application of the assessments themselves.⁵¹

COMMENT

1. Under the bill, the designation of at least one project for each parcel of real property is required of all energy special improvement districts.⁵² The bill also permits the territory of an energy special improvement district to be within the boundaries of any combination of contiguous *or noncontiguous* municipal corporations or townships.⁵³

One provision of current law, repealed by the bill, appears to require the territory in a special improvement district to be contiguous *unless* at least one special energy improvement project is designated for each parcel of real property in the district.⁵⁴ The implication is that there may be a special improvement district allowed under current law for which there is *not* at least one project designated for each parcel, as long as the territory is contiguous. However, another provision of current law, also repealed by the bill, appears to require that in *all* cases of a special improvement district for energy special improvement projects that there must be at least one project designated for each parcel of real property.⁵⁵ Therefore, it is difficult to determine the bill's effect. The bill is at least maintaining the status quo in permitting districts that have one project designated to each parcel to be either contiguous or noncontiguous. Whether the bill is prohibiting the creation of districts that are contiguous but do not have one project designated to each parcel is less clear.

2. The bill contains two nearly identical provisions; the inclusion of both may have been inadvertent. One of the provisions is *required* to be included in a port authority's bylaws for an energy special improvement district⁵⁶ and the other is

⁵¹ R.C. 1710.12.

⁵² R.C. 1710.20(C) and 1710.30(C).

⁵³ R.C. 1710.02(A), 1710.20(B), and 1710.30(B).

⁵⁴ R.C. 1710.02(A).

⁵⁵ R.C. 1710.02(E).

⁵⁶ R.C. 1710.33(A)(2)(e).



permitted to be included in the port authority's plan for special energy improvement projects.⁵⁷ The provisions describe district operations, hiring employees, purchasing office space, and similar items. Subtle differences between the two provisions could create inconsistency.

3. The bill requires a political subdivision that approves a district's petition, plan, and articles of incorporation to levy a special assessment on real property in the district.⁵⁸ But the bill does not clearly condition this requirement on the approval of the district *as a whole* by all the participating political subdivisions. Therefore, a literal reading of this provision could require a subdivision to levy a special assessment even if the district fails to be approved by all of the participating political subdivisions.

4. It appears as though a section of current law governing the sale, transfer, lease, or conveyance of special energy improvement projects may have been inadvertently left to stand in existing law (lines 383-407 of the bill). The bill enacts language governing the same actions, and the bill's language is largely the same as existing law (with subtle differences). Normally, the duplication could cause confusion. But the provision in existing law may be interpreted to have no effect. This is because the bill requires that on and after its effective date, any district created for special energy improvement projects must be treated as though it were created under the bill. Therefore, the bill's provision governing special energy improvement projects is likely to supersede the provision in existing law. But repealing the provision would yield clarity.⁵⁹

HISTORY

ACTION	DATE
Introduced	02-18-15

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⁵⁷ R.C. 1710.32(B)(1).

⁵⁸ R.C. 1710.24(B).

⁵⁹ R.C. 1710.02(G), 1710.25(A)(5), and 1710.35(A)(4).

