

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 616**

**Representative Claggett**

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**A BILL**

To enact sections 6120.01, 6120.02, 6120.03, 1  
6120.031, 6120.032, 6120.04, 6120.05, 6120.06, 2  
6120.07, 6120.08, 6120.09, 6120.10, 6120.11, 3  
6120.12, 6120.13, 6120.14, 6120.15, 6120.16, 4  
6120.17, 6120.18, and 6120.19 of the Revised 5  
Code to allow for the creation of water 6  
improvement districts and to declare an 7  
emergency. 8

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

**Section 1.** That sections 6120.01, 6120.02, 6120.03, 9  
6120.031, 6120.032, 6120.04, 6120.05, 6120.06, 6120.07, 6120.08, 10  
6120.09, 6120.10, 6120.11, 6120.12, 6120.13, 6120.14, 6120.15, 11  
6120.16, 6120.17, 6120.18, and 6120.19 of the Revised Code be 12  
enacted to read as follows: 13

**Sec. 6120.01.** As used in this chapter: 14

(A) "Action" means any decision made or agreement entered 15  
into regarding a waste water facility or water management 16  
facility located in a county in which a water improvement 17  
district appeals board has been created under section 6120.16 of 18  
the Revised Code. 19

(B) "Administrative agent," "agent," "commercial paper," 20  
"floating rate interest structure," "indexing agent," "interest 21  
rate hedge," "interest rate period," "put arrangement," and 22  
"remarketing agent" have the same meanings as in section 9.98 of 23  
the Revised Code. 24

(C) "Appellant" means a person or governmental agency who 25  
opposes an action and files an appeal with the water district 26  
improvement appeals board in accordance with this chapter. 27

(D) "Appellee" means the person or governmental agency 28  
that took the action that is the subject of an appeal. 29

(E) "Bond proceedings" means the resolutions, trust 30  
agreements, certifications, notices, sale proceedings, leases, 31  
lease-purchase agreements, assignments, credit enhancement 32  
facility agreements, and other agreements, instruments, and 33  
documents, as amended and supplemented, or any one or more of 34  
combination thereof, authorizing, or authorizing or providing 35  
for the terms and conditions applicable to, or providing for the 36  
security or sale or award or liquidity of, bonds, and includes 37  
the provisions set forth or incorporated in those bonds and bond 38  
proceedings. 39

(F) "Bond service charges" means principal, including any 40  
mandatory sinking fund or mandatory redemption requirements for 41  
retirement of bonds, and interest and any redemption premium 42  
payable on bonds, as those payments come due and are payable to 43  
the bondholder or to a person making payment under a credit 44  
enhancement facility of those bond service charges to a 45  
bondholder. 46

(G) "Bond service fund" means the applicable fund created 47  
by the bond proceedings for and pledged to the payment of bond 48

service charges on bonds provided for by those proceedings, 49  
including all money and investments, and earnings from 50  
investments, credited and to be credited to that fund as 51  
provided in the bond proceedings. 52

(H) "Bonds" means bonds, notes, including notes 53  
anticipating bonds or other notes, commercial paper, 54  
certificates of participation, or other evidences of obligation, 55  
including any interest coupons pertaining thereto, issued 56  
pursuant to this chapter. 57

(I) "Cost," as applied to a water project, means the cost 58  
of acquisition and construction of a project, including all of 59  
the following: 60

(1) The cost of the acquisition of all land, rights-of- 61  
way, property rights, easements, franchise rights, and interests 62  
required; 63

(2) The cost of demolishing or removing any buildings or 64  
structures on land so acquired, including the cost of acquiring 65  
any lands to which such buildings or structures may be moved; 66

(3) The cost of acquiring or constructing and equipping a 67  
principal office and sub-offices of the district; 68

(4) The cost of diverting highways, interchange of 69  
highways, and access roads to private property, including the 70  
cost of land or easements therefor; 71

(5) The cost of all machinery, furnishings, and equipment, 72  
including any financing charges or interest incurred prior to 73  
and during construction and incurred not more than eighteen 74  
months after completion of project acquisition or construction; 75

(6) Costs of engineering, expenses of research and 76

development with respect to waste water or water management 77  
facilities, legal expenses, plans, specifications, surveys, 78  
estimates of cost and revenues, working capital, other expenses 79  
necessary or incident to determining the feasibility or 80  
practicability of acquiring or constructing a project, 81  
administrative expense, and such other expenses as may be 82  
necessary or incident to the acquisition or construction of a 83  
project; 84

(7) The financing of the acquisition or construction of a 85  
project, including the amount authorized in the resolution of 86  
the board of trustees of the district providing for the issuance 87  
of water resource revenue bonds to be paid into any special 88  
funds from the proceeds of those bonds and the financing of the 89  
placing of any such project in operation. 90

"Cost" includes any obligation or expense incurred by any 91  
governmental agency or person for surveys, borings, preparation 92  
of plans and specifications, and other engineering services, or 93  
any other cost described above, in connection with the 94  
construction or acquisition of a project. 95

(J) "Credit enhancement facilities" means letters of 96  
credit, lines of credit, standby, contingent, or firm securities 97  
purchase agreements, insurance, or surety arrangements, 98  
guarantees, and other arrangements that provide for direct or 99  
contingent payment of bond service charges, for security or 100  
additional security in the event of nonpayment or default in 101  
respect of bonds, or for making payment of bond service charges 102  
and at the option and on demand of bondholders or at the option 103  
of the district or upon certain conditions occurring under put 104  
or similar arrangements, or for otherwise supporting the credit 105  
or liquidity of the bonds, and includes credit, reimbursement, 106

marketing, remarketing, indexing, carrying, interest rate hedge, 107  
and subrogation agreements, and other agreements and 108  
arrangements for payment and reimbursement of the person 109  
providing the credit enhancement facility and the security for 110  
that payment and reimbursement. 111

(K) "Financing expenses" means all costs and expenses 112  
relating to the authorization, issuance, sale, delivery, 113  
authentication, deposit, custody, clearing, registration, 114  
transfer, exchange, fractionalization, replacement, payment, and 115  
servicing of bonds, including costs and expenses for or relating 116  
to publication and printing, postage, delivery, preliminary and 117  
final official statements, offering circulars, and informational 118  
statements, travel and transportation, underwriters, placement 119  
agents, investment bankers, paying agents, registrars, 120  
authenticating agents, remarketing agents, custodians, clearing 121  
agencies or corporations, securities depositories, financial 122  
advisory services, certifications, audits, federal or state 123  
regulatory agencies, accounting and computation services, legal 124  
services and obtaining approving legal opinions and other legal 125  
opinions, credit ratings, redemption premiums, and credit 126  
enhancement facilities. 127

(L) "Governmental agency" means a department, division, or 128  
other unit of state government; a county, township, or municipal 129  
corporation; a watershed district, soil and water conservation 130  
district, park district, special water district, including a 131  
county and regional water and sewer district, conservancy 132  
district, sanitary district, sewer district or any other public 133  
corporation or agency having the authority to acquire, 134  
construct, or operate waste water or water management 135  
facilities, or other political subdivision; a port authority 136  
created pursuant to Chapter 4582. of the Revised Code; and the 137

United States or any agency thereof. 138

(M) "Net revenues" means revenues lawfully available to 139  
pay both current operating expenses of a district and bond 140  
service charges in any fiscal year or other specified period, 141  
less current operating expenses of the district and any amount 142  
necessary to maintain a working capital reserve for that period. 143

(N) "Outstanding" as applied to bonds means outstanding in 144  
accordance with the terms of the bonds and the applicable bond 145  
proceedings. 146

(O) "Owner" includes any person having any title or 147  
interest in any property authorized to be acquired by a district 148  
under this chapter. 149

(P) "Pledged revenues" means net revenues, money and 150  
investments, and earnings on those investments, in the 151  
applicable bond service fund and any other special funds, and 152  
the proceeds of any bonds issued for the purpose of refunding 153  
prior bonds, all as lawfully available and by resolution of the 154  
board of trustees of the district committed for application as 155  
pledged revenues to the payment of bond service charges on 156  
particular issues of bonds. 157

(Q) "Project" or "water project" means any waste water 158  
facility or water management facility constructed, 159  
reconstructed, or repaired under this chapter, including all 160  
buildings and facilities that the board of trustees of the 161  
district considers necessary for the operation of the project, 162  
together with all property and rights that must be acquired by 163  
the board to construct, reconstruct, or repair the project. 164

(R) "Property" includes interests in property. 165

(S) "Refund" means to fund and retire outstanding bonds, 166

including advance refunding with or without payment or 167  
redemption prior to stated maturity. 168

(T) "Revenues" means all money received by a district for 169  
the use or services of any project, all special assessments 170  
levied by the board of trustees of the district pursuant to this 171  
chapter, any gift or grant received with respect to a project, 172  
proceeds of bonds to the extent the use thereof for payment of 173  
principal or of premium, if any, or interest on the bonds is 174  
authorized by the board of trustees of the district, proceeds 175  
from any insurance, condemnation, or guaranty pertaining to a 176  
project or property mortgaged to secure bonds or pertaining to 177  
the financing of a project, and income and profit from the 178  
investment of the proceeds of bonds or of any revenues. 179

(U) "Special funds" means the applicable bond service fund 180  
and any accounts and subaccounts in that fund, any other funds 181  
or accounts permitted by and established under, and identified 182  
as a special fund or special account in, the bond proceedings, 183  
including any special fund or account established for purposes 184  
of rebate or other requirements under federal income tax laws. 185

(V) "Waste water facilities," "water management 186  
facilities," "waters of the state," "sewage," "waste water," and 187  
"construction" have the same meanings as in section 6119.011 of 188  
the Revised Code. 189

(W) "Water improvement district" or "district" means a 190  
water improvement district designated pursuant to section 191  
6120.02 of the Revised Code. 192

**Sec. 6120.02.** (A) A water improvement district may be 193  
created by the board of county commissioners of a county by 194  
resolution for the purpose of facilitating, coordinating, 195

funding, financing, constructing, reconstructing, or repairing 196  
water projects or engaging in any combination of those 197  
activities. In furtherance of such purposes, the board of 198  
trustees of the district shall enter into an intergovernmental 199  
agreement with one or more governmental agencies that specifies 200  
that such governmental agency or agencies shall operate and 201  
maintain the project under such terms as specified in the 202  
agreement. All parties shall agree to such terms before the 203  
water improvement district's board of trustees approve a 204  
project. 205

(B) A water improvement district is a body both corporate 206  
and politic, and the exercise by it of the powers conferred by 207  
this chapter in facilitating, coordinating, funding, financing, 208  
constructing, reconstructing, or repairing a water project are 209  
essential governmental functions. 210

(C) (1) Subject to division (C) (2) of this section, a water 211  
improvement district shall be governed by a board of trustees 212  
consisting of five voting members and one nonvoting member as 213  
follows: 214

(a) The county sanitary engineer or the county sanitary 215  
engineer's designee if a county sanitary engineer has been 216  
appointed for the county or, if a county sanitary engineer has 217  
not been appointed for the county, the county engineer or the 218  
county engineer's designee; 219

(b) Four members, appointed by the board of county 220  
commissioners, who have experience in waste water facilities, 221  
waste water, sewage, or water management facilities; 222

(c) One member appointed by the regional planning 223  
commission for the county, who shall be a nonvoting member of 224



the board. 225

(2) The board of county commissioners may appoint not more 226  
than six additional nonvoting members to the board of trustees. 227  
The additional members shall be representative of the 228  
governmental entities that are located within the territory of 229  
the water improvement district. 230

(3) Each member of the board shall serve without 231  
compensation but shall be reimbursed for all actual and 232  
necessary expenses incurred in the performance of official 233  
duties. 234

(D) Each appointed member of the board shall hold office 235  
for a term of two years, subject to removal by the appointing 236  
authority only for malfeasance. Members may be reappointed. 237  
Except as otherwise provided in this division, any vacancy on 238  
the board shall be filled in the same manner as the original 239  
appointment. 240

(E) The voting members of the board shall elect from the 241  
entire board membership a chairperson, vice-chairperson, and 242  
secretary-treasurer. A majority of the voting members of the 243  
board constitutes a quorum, the affirmative vote of which is 244  
necessary for any action of the district. No vacancy in the 245  
membership of the board impairs the right of a quorum to 246  
exercise all the rights and perform all duties of the district. 247

(F) (1) The board of county commissioners of any county, 248  
the legislative authority of any municipal corporation, and the 249  
board of township trustees of any township may make 250  
appropriations from money available to them and not otherwise 251  
appropriated to pay costs incurred by the district in the 252  
exercise of its functions under this chapter, provided that 253

money is available to use for that purpose. 254

(2) The water improvement district board of trustees may 255  
establish fees related to its services in order to pay costs 256  
incurred by the district in the exercise of its functions under 257  
this chapter. 258

(G) An organizational meeting of the board of trustees of 259  
a water improvement district created under this section shall be 260  
held at the time and place designated by the board member who 261  
was appointed by the regional planning commission for the 262  
county. 263

**Sec. 6120.03.** (A) A water improvement district may do any 264  
of the following: 265

(1) Adopt bylaws for the regulation of its affairs and the 266  
conduct of its business; 267

(2) Adopt an official seal; 268

(3) Sue and be sued in its own name, plead and be 269  
impleaded, provided any actions against the district shall be 270  
brought in the court of common pleas of the county in which the 271  
principal office of the district is located, or in the court of 272  
common pleas of the county in which the cause of action arose, 273  
and all summonses, exceptions, and notices of every kind shall 274  
be served on the district by leaving a copy thereof at its 275  
principal office with the secretary-treasurer; 276

(4) Facilitate, coordinate, fund, finance, construct, 277  
reconstruct, or repair projects or engage in a combination of 278  
any of those activities; 279

(5) Issue either or both of the following for the purpose 280  
of providing funds to pay the costs of any project or part 281

<u>thereof:</u>	282
<u>(a) Water improvement district revenue bonds;</u>	283
<u>(b) Bonds pursuant to Section 13 of Article VIII, Ohio</u> <u>Constitution.</u>	284 285
<u>(6) Maintain such funds as it considers necessary;</u>	286
<u>(7) Direct its agents or employees, when properly</u> <u>identified in writing and after at least five days' written</u> <u>notice, to enter upon lands within its jurisdiction to make</u> <u>surveys and examinations preliminary to the construction,</u> <u>reconstruction, or repair of projects for the district, without</u> <u>liability of the district or its agents or employees except for</u> <u>actual damage done;</u>	287 288 289 290 291 292 293
<u>(8) Make and enter into all contracts and agreements,</u> <u>including an intergovernmental agreement as specified in</u> <u>division (A) of section 6120.02 of the Revised Code, necessary</u> <u>or incidental to the performance of its functions and the</u> <u>execution of its powers under this chapter;</u>	294 295 296 297 298
<u>(9) Employ or retain or contract for the services of</u> <u>consulting engineers, superintendents, managers, and such other</u> <u>engineers, construction and accounting experts, auditors,</u> <u>financial advisers, trustees, marketing, remarketing, and</u> <u>administrative agents, attorneys, and other employees,</u> <u>independent contractors, or agents as are necessary in its</u> <u>judgment and fix their compensation, provided all such expenses</u> <u>shall be payable solely from the proceeds of bonds or from</u> <u>revenues;</u>	299 300 301 302 303 304 305 306 307
<u>(10) Receive and accept from any governmental agency,</u> <u>loans and grants for or in aid of the construction,</u> <u>reconstruction, or repair of any project, and receive and accept</u>	308 309 310

aid or contributions from any source or person of money, 311  
property, labor, or other things of value, to be held, used, and 312  
applied only for the purposes for which such loans, grants, and 313  
contributions are made. Nothing in division (A)(10) of this 314  
section shall be construed as imposing any liability on this 315  
state for any loan received by a water improvement district from 316  
a third party unless this state has entered into an agreement to 317  
accept such liability. 318

(11) Acquire, hold, and dispose of property in the 319  
exercise of its powers and the performance of its duties under 320  
this chapter; 321

(12) Subject to section 6120.15 of the Revised Code, enter 322  
into an agreement with a contiguous board of county 323  
commissioners other than the board of county commissioners that 324  
created the water improvement district, for the district to 325  
exercise all or any portion of its powers with respect to a 326  
project that is located wholly or partially within the county 327  
that is party to the agreement; 328

(13) Cooperate with any governmental agencies in the 329  
planning, design, acquisition, construction, maintenance, 330  
funding, and financing of projects; 331

(14) Enter into an agreement with the board of county 332  
commissioners that created the water improvement district and 333  
with the boards of county commissioners of any contiguous group 334  
of counties to exercise all powers of the district with respect 335  
to a project that is both of the following: 336

(a) Located partially or wholly within any county that is 337  
a party to the agreement; 338

(b) Partially funded with federal money. 339

(15) Do all acts necessary and proper to carry out the 340  
powers expressly granted in this chapter. 341

(B) Chapters 123., 124., 125., and 153., sections 9.331 to 342  
9.335 and 307.86, and sections 4115.03 to 4115.21 and 4115.99 of 343  
the Revised Code do not apply to contracts or projects of a 344  
water improvement district. 345

**Sec. 6120.031.** (A) As used in this section, "public 346  
improvement" means the construction, reconstruction, or repair 347  
of any waste water or water management facility. 348

(B) The board of trustees of a water improvement district 349  
may provide for a public improvement and levy special 350  
assessments, if the board determines that the public improvement 351  
will benefit the area where it will be constructed, 352  
reconstructed, or repaired. However, if the improvement is 353  
proposed for territory in a political subdivision located 354  
outside the district's territory, the legislative authority of 355  
that political subdivision shall approve the undertaking of the 356  
improvement within the political subdivision. 357

(C) If any improvements are made under this section, 358  
contracts for the improvement may provide that the improvement 359  
may be owned by the district or by the person or corporation 360  
supplying it to the district under a lease. 361

(D) If the board of trustees of a district proposes an 362  
improvement described in division (B) of this section, the board 363  
shall conduct a hearing on the proposed improvement. The board 364  
shall indicate by metes and bounds the area in which the public 365  
improvement will be made and the area that will benefit from the 366  
improvement. 367

(E) The board of trustees shall fix a day for a hearing on 368

the proposed improvement. The secretary-treasurer of the board 369  
shall deliver, to each owner of a parcel of land or a lot that 370  
the board identifies as benefiting from the proposed 371  
improvement, a notice that sets forth the substance of the 372  
proposed improvement and the time and place of the hearing on 373  
it. At least fifteen days before the date set for the hearing, a 374  
copy of the notice shall be served upon the owner or left at the 375  
owner's usual place of residence, or, if the owner is a 376  
corporation, upon an officer or agent of the corporation. On or 377  
before the day of the hearing, the person serving notice of the 378  
hearing shall make return thereon, under oath, of the time and 379  
manner of service, and shall file the notice with the secretary- 380  
treasurer of the board. 381

At least fifteen days before the day set for the hearing 382  
on the proposed improvement, the secretary-treasurer shall give 383  
notice to each nonresident owner of a lot or parcel of land in 384  
the area to be benefited by the improvement, by publication once 385  
in a newspaper of general circulation in the one or more 386  
counties in which this area is located. The publication of the 387  
notice shall be verified by affidavit of the printer or other 388  
person having knowledge of the publication and shall be filed 389  
with the secretary-treasurer of the district on or before the 390  
date of the hearing. 391

(F) At the time and place specified in the notice for a 392  
hearing on the proposed improvement, the board of trustees of 393  
the district shall meet and hear any and all testimony provided 394  
by any of the parties affected by the proposed improvement and 395  
by any other persons competent to testify. The board or its 396  
representatives shall inspect, by an actual viewing, the area to 397  
be benefited by the proposed improvement. The board shall 398  
determine the necessity of the proposed improvement and may find 399

that the proposed improvement will result in general as well as 400  
special benefits. The board may adjourn from time to time and to 401  
such places as it considers necessary. 402

(G) (1) The board may award contracts or enter into a lease 403  
agreement for the construction, reconstruction, or repair of any 404  
improvement described in division (B) of this section and may 405  
issue notes, bonds, revenue anticipatory instruments, or other 406  
obligations, as authorized by this chapter, to finance the 407  
improvements. 408

(2) All or a part of the costs and expenses of providing 409  
for the construction, reconstruction, or repair of any 410  
improvement described in division (G) (1) of this section may be 411  
paid from a fund into which may be paid special assessments 412  
levied under this section against the lots and parcels of land 413  
in the area to be benefited by the improvement, if the board 414  
finds that the improvement will result in general or special 415  
benefits to the benefited area. These special assessments shall 416  
be levied not more than one time on the same lot or parcel of 417  
land. Such costs and expenses may also be paid from the treasury 418  
of the district or from other available sources in amounts the 419  
board finds appropriate. 420

(3) The board shall levy special assessments at an amount 421  
not to exceed ten per cent of the assessable value of the lot or 422  
parcel of land being assessed. The board shall determine the 423  
assessable value of a lot or parcel of land in the following 424  
manner: the board shall first determine the fair market value of 425  
the lot or parcel being assessed in the calendar year in which 426  
the area to be benefited by the public improvement is first 427  
designated and then multiply this amount by the average rate of 428  
appreciation in value of the lot or parcel since that calendar 429

year. The assessable value of the lot or parcel is the current 430  
fair market value of the lot or parcel minus the amount 431  
calculated in the manner described in the immediately preceding 432  
sentence. The board may adjust the assessable value of a lot or 433  
parcel of land to reflect a sale of the lot or parcel that 434  
indicates an appreciation in its value that exceeds its average 435  
rate of appreciation in value. 436

(4) Special assessments levied by the board may be paid in 437  
full in a lump sum or may be paid and collected in equal 438  
semiannual installments, equal in number to twice the number of 439  
years for which the lease of the improvement is made or twice 440  
the number of years that the note, bond, instrument, or 441  
obligation that the assessments are pledged to pay requires. The 442  
assessments shall be paid and collected in the same manner and 443  
at the same time as real property taxes are paid and collected, 444  
and assessments in the amount of fifty dollars or less shall be 445  
paid in full, and not in installments, at the time the first or 446  
next installment would otherwise become due and payable. 447  
Complaints regarding assessments may be made to the county board 448  
of revision in the same manner as complaints relating to the 449  
valuation and assessment of real property. 450

Credits against assessments shall be granted equal to the 451  
value of any construction, reconstruction, or repair that an 452  
owner of a parcel of land or lot makes to an improvement 453  
pursuant to an agreement between the owner and the district. 454

(5) After the levy of a special assessment, the board, at 455  
any time during any year in which an installment of the 456  
assessment becomes due, may pay out of other available funds of 457  
the district, including any state or federal funds available to 458  
the district, the full amount of the price of the contract that 459



the special assessments are pledged to pay for that year or any 460  
other portion of the remaining obligation. The board shall be 461  
the sole determiner of the definition, extent, and allocation of 462  
the benefit resulting from an improvement that the board 463  
authorizes under this section. 464

(H) (1) The board shall certify to the appropriate county 465  
auditor the boundaries of the area that is benefited by any 466  
public improvement the board authorizes under this section and, 467  
when the board so requests, the auditor shall apportion the 468  
valuation of any lot or parcel of land lying partly within and 469  
partly outside the area so benefited. 470

(2) The board by resolution shall assess against the lots 471  
and parcels of land located in the area that is benefited by a 472  
public improvement such portion of the costs of completing the 473  
public improvement as the board determines, for the period that 474  
may be necessary to pay the note, bond, instrument, or 475  
obligation issued to pay for the improvement and the proceedings 476  
in relation to it, and shall certify these costs to the 477  
appropriate county auditor. 478

(3) Except for assessments that have been paid in full in 479  
a lump sum, the county auditor shall annually place upon the tax 480  
duplicate, for collection in semiannual installments, the two 481  
installments of the assessment for that year, which shall be 482  
paid and collected at the same time and in the same manner as 483  
real property taxes. The collected assessments shall be paid to 484  
the treasury of the district and the board of the district shall 485  
use the assessments for any purpose authorized by this chapter. 486

**Sec. 6120.032.** Any water project shall be determined by 487  
the board of trustees of the water improvement district to be 488  
consistent with any applicable comprehensive plan of water 489

management approved by the director of natural resources or in 490  
the process of preparation by the director and to be not 491  
inconsistent with the standards set for the waters of the state 492  
affected thereby by the environmental protection agency. Any 493  
resolution of the board of trustees of the district providing 494  
for constructing, reconstructing, or repairing such projects 495  
shall include a finding by the board of trustees of the district 496  
that those determinations have been made. 497

Sec. 6120.04. (A) A water improvement district may acquire 498  
by purchase, lease, lease-purchase, lease with option to 499  
purchase, appropriation, or otherwise and in such manner and for 500  
such consideration as it considers proper, any public or private 501  
property necessary, convenient, or proper for the construction, 502  
reconstruction, or repair of a project. The district may pledge 503  
net revenues, to the extent permitted by this chapter with 504  
respect to bonds, to secure payments to be paid by the district 505  
under such a lease, lease-purchase agreement, or lease with 506  
option to purchase. Title to real and personal property shall be 507  
held in the name of the district. In any proceedings for 508  
appropriation under this section, the procedure to be followed 509  
shall be in accordance with that provided in sections 163.01 to 510  
163.22 of the Revised Code. Except as otherwise agreed to by the 511  
owner, full compensation shall be paid for public property so 512  
taken. 513

(B) This section does not authorize a district to take or 514  
disturb property or facilities belonging to any public utility 515  
or to a common carrier engaged in interstate commerce, which 516  
property or facilities are required for the proper and 517  
convenient operation of the public utility or common carrier, 518  
unless provision is made for the restoration, relocation, 519  
replication, or duplication of the property or facilities 520

elsewhere at the sole cost of the district. 521

(C) Except as otherwise provided in this chapter, 522  
disposition of real property shall be by sale, lease-purchase 523  
agreement, lease with option to purchase, or otherwise in such 524  
manner and for such consideration as determined by the district 525  
if to a governmental agency. Disposition of personal property 526  
shall be in such manner and for such consideration as determined 527  
by the district. 528

**Sec. 6120.05.** The board of trustees of a water improvement 529  
district may acquire real property in fee simple in the name of 530  
the district in connection with, but in excess of that needed 531  
for, a project by any method other than appropriation and hold 532  
the property for such period of time determined by the board. 533  
All right, title, and interest of the district in the property 534  
may be sold at public auction or otherwise, as the board 535  
considers in the best interests of the district; but in no event 536  
shall the property be sold for less than two-thirds of its 537  
appraised value. Sale at public auction shall be undertaken only 538  
after the board advertises the sale in a newspaper of general 539  
circulation in the district for two weeks or as provided in 540  
section 7.16 of the Revised Code, prior to the date set for the 541  
sale. 542

**Sec. 6120.06.** (A) The board of trustees of a water 543  
improvement district may provide by resolution for the issuance, 544  
at one time or from time to time, of bonds of the district for 545  
the purpose of paying all or any part of the cost of any one or 546  
more projects. The bond service charges shall be payable solely 547  
from pledged revenues pledged for such payment pursuant to the 548  
applicable bond proceedings. The bonds of each issue shall be 549  
dated, shall bear interest at a rate or rates or at variable 550

rates, and shall mature or be payable at such time or times, 551  
with a final maturity not to exceed thirty years from their date 552  
or dates, all as determined by the board in the bond 553  
proceedings. The board shall determine the form of the bonds, 554  
including any interest coupons to be attached thereto, and shall 555  
fix the denomination or denominations of the bonds and the place 556  
or places of payment of bond service charges. 557

(B) The bonds shall be signed by the chairperson or vice- 558  
chairperson of the board or by the facsimile signature of that 559  
officer, the official seal of the district or a facsimile 560  
thereof may be affixed thereto or printed thereon and attested 561  
by the secretary-treasurer of the district, which may be by 562  
facsimile signature, and any coupons attached thereto shall bear 563  
the facsimile signature of the chairperson or vice-chairperson 564  
of the board. In case any officer whose signature, or a 565  
facsimile of whose signature, appears on any bonds or coupons 566  
ceases to be such officer before delivery of the bonds, such 567  
signature or facsimile shall nevertheless be valid and 568  
sufficient for all purposes the same as if the officer had 569  
remained in office until such delivery. 570

(C) Subject to the bond proceedings and provisions for 571  
registration, the bonds shall have all the qualities and 572  
incidents of negotiable instruments under Title XIII of the 573  
Revised Code. The bonds may be issued in such form or forms as 574  
the board determines, including without limitation coupon, book 575  
entry, and fully registered form, and provision may be made for 576  
the registration of any coupon bonds as to principal alone and 577  
also as to both principal and interest, and for the exchange of 578  
bonds between forms. The board may sell such bonds by 579  
competitive bid on the best bid after advertisement or request 580  
for bids or by private sale in the manner, and for the price, it 581

determines to be for the best interest of the district. 582

(D) The proceeds of the bonds of each issue shall be used 583  
solely for the payment of the costs of the project or projects 584  
for which the bonds were issued, and shall be disbursed in such 585  
manner and under such restrictions as the board provides in the 586  
bond proceedings. 587

(E) Prior to the preparation of definitive bonds, the 588  
board may, under like restrictions, issue interim receipts or 589  
temporary bonds or bond anticipation notes, with or without 590  
coupons, exchangeable for definitive bonds when such bonds have 591  
been executed and are available for delivery. The board may 592  
provide for the replacement of any mutilated, stolen, destroyed, 593  
or lost bonds. 594

(F) Sections 9.98 to 9.983 of the Revised Code apply to 595  
the bonds. 596

(G) The bond proceedings shall provide, subject to the 597  
provisions of any other applicable bond proceedings, for the 598  
pledge to the payment of bond service charges and of any costs 599  
of or relating to credit enhancement facilities of all, or such 600  
part as the board may determine, of the pledged revenues and the 601  
applicable special fund or funds, which pledges may be made to 602  
secure the bonds on a parity with bonds theretofore or 603  
thereafter issued if and to the extent provided in the bond 604  
proceedings. Every pledge, and every covenant and agreement with 605  
respect thereto, made in the bond proceedings may in the bond 606  
proceedings be extended to the benefit of the owners and holders 607  
of bonds and to any trustee and any person providing a credit 608  
enhancement facility for those bonds, for the further security 609  
for the payment of the bond service charges and credit 610  
enhancement facility costs. 611

<u>(H) The bond proceedings may contain additional provisions</u>	612
<u>as to:</u>	613
<u>(1) The redemption of bonds prior to maturity at the</u>	614
<u>option of the board or of the bondholders or upon the occurrence</u>	615
<u>of certain stated conditions, and at such price or prices and</u>	616
<u>under such terms and conditions as are provided in the bond</u>	617
<u>proceedings;</u>	618
<u>(2) Other terms of the bonds;</u>	619
<u>(3) Limitations on the issuance of additional bonds;</u>	620
<u>(4) The terms of any trust agreement securing the bonds or</u>	621
<u>under which the same may be issued;</u>	622
<u>(5) Any or every provision of the bond proceedings being</u>	623
<u>binding upon the board and state agencies, or other person as</u>	624
<u>may from time to time have the authority under law to take such</u>	625
<u>actions as may be necessary to perform all or any part of the</u>	626
<u>duty required by such provision;</u>	627
<u>(6) Any provision that may be made in a trust agreement;</u>	628
<u>(7) Any other or additional agreements with the holders of</u>	629
<u>the bonds, or the trustee therefor, relating to the bonds or the</u>	630
<u>security for the bonds, including agreements for credit</u>	631
<u>enhancement facilities.</u>	632
<u>(I) Any holder of bonds or a trustee under the bond</u>	633
<u>proceedings, except to the extent that the holder's or trustee's</u>	634
<u>rights are restricted by the bond proceedings, may by any</u>	635
<u>suitable form of legal proceedings, protect and enforce any</u>	636
<u>rights under the laws of this state or granted by the bond</u>	637
<u>proceedings. Those rights include the right to compel the</u>	638
<u>performance of all duties of the board required by this chapter</u>	639

or the bond proceedings; to enjoin unlawful activities; and in 640  
the event of default with respect to the payment of any bond 641  
service charges on any bonds or in the performance of any 642  
covenant or agreement on the part of the board contained in the 643  
bond proceedings, to apply to a court having jurisdiction of the 644  
cause to appoint a receiver to receive and administer the 645  
revenues and the pledged revenues which are pledged to the 646  
payment of the bond service charges on such bonds or that are 647  
the subject of the covenant or agreement, with full power to 648  
pay, and to provide for payment of, bond service charges on such 649  
bonds, and with such powers, subject to the direction of the 650  
court, as are accorded receivers in general equity cases, 651  
excluding any power to pledge additional revenue or receipts or 652  
other income, funds, or money of the board to the payment of 653  
such bond service charges and excluding the power to take 654  
possession of, mortgage, or cause the sale or otherwise dispose 655  
of any project or other property of the board. 656

(J) Each duty of the board and the board's officers and 657  
employees, undertaken pursuant to the bond proceedings, is 658  
hereby established as a duty of the board, and of each such 659  
officer, member, or employee having authority to perform the 660  
duty, specifically enjoined by law resulting from an office, 661  
trust, or station within the meaning of section 2731.01 of the 662  
Revised Code. 663

(K) The board's officers or employees are not liable in 664  
their personal capacities on any bonds issued by the board or 665  
any agreements of or with the board relating to those bonds. 666

(L) The bonds are lawful investments for banks, savings 667  
and loan associations, credit union share guaranty corporations, 668  
trust companies, trustees, fiduciaries, insurance companies, 669

including domestic for life and domestic not for life, trustees 670  
or other officers having charge of sinking and bond retirement 671  
or other funds of the state or its political subdivisions and 672  
taxing districts, the commissioners of the sinking fund of the 673  
state, the administrator of workers' compensation, the state 674  
teachers retirement system, the public employees retirement 675  
system, the school employees retirement system, and the Ohio 676  
police and fire pension fund, notwithstanding any other 677  
provisions of the Revised Code or rules adopted pursuant thereto 678  
by any state agency with respect to investments by them, and 679  
also are acceptable as security for the repayment of the deposit 680  
of public money. 681

(M) Provision may be made in the applicable bond 682  
proceedings for the establishment of separate accounts in the 683  
bond service fund and for the application of such accounts only 684  
to the specified bond service charges pertinent to such accounts 685  
and bond service fund, and for other accounts therein within the 686  
general purposes of such fund. 687

(N) The board may pledge all, or such portion as it 688  
determines, of the pledged revenues to the payment of bond 689  
service charges, and for the establishment and maintenance of 690  
any reserves and special funds, as provided in the bond 691  
proceedings, and make other provisions therein with respect to 692  
pledged revenues, revenues, and net revenues as authorized by 693  
this chapter, which provisions shall be controlling 694  
notwithstanding any other provisions of law pertaining thereto. 695

**Sec. 6120.07.** The board of trustees of a water improvement 696  
district may provide by resolution for the issuance of bonds of 697  
the district, payable solely from pledged revenues, for the 698  
purpose of refunding any bonds then outstanding, including the 699



payment of related financing expenses and, if considered 700  
advisable by the board, for the additional purpose of paying 701  
costs of improvements, extensions, renovations, or enlargements 702  
of any project. The issuance of refunding bonds, the maturities 703  
and other details thereof, the rights of the holders thereof, 704  
and the rights, duties, and obligations of the board in respect 705  
to such bonds shall be governed by the provisions of this 706  
chapter insofar as they are applicable and by the applicable 707  
bond proceedings. 708

**Sec. 6120.08.** This chapter provides an additional and 709  
alternative method for financing, constructing, reconstructing, 710  
or repairing projects and taking the actions authorized by this 711  
chapter. This chapter shall be regarded as supplemental and 712  
additional to powers conferred by other laws. The issuance of 713  
bonds under this chapter need not comply with any other law 714  
applicable to the issuance of bonds. 715

**Sec. 6120.09.** (A) The bonds do not constitute a debt, or a 716  
pledge of the faith and credit, of the state or of any political 717  
subdivision of the state. Bond service charges on outstanding 718  
bonds are payable solely from the pledged revenues pledged for 719  
their payment as authorized by this chapter and as provided in 720  
the bond proceedings. All bonds shall contain on their face a 721  
statement to that effect. 722

(B) All expenses incurred in carrying out this chapter 723  
shall be payable solely from revenues provided under this 724  
chapter. This chapter does not authorize the board of trustees 725  
of a district to incur indebtedness or liability on behalf of or 726  
payable by the state or any political subdivision of the state. 727

**Sec. 6120.10.** (A) In the discretion of the board of 728  
trustees of a water improvement district any bonds may be 729

secured by a trust agreement between the board and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state but authorized to exercise trust powers within this state. 730  
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(B) Any trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any project or any part thereof. Any such trust agreement or other bond proceedings may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as are reasonable and proper and not in violation of law, including covenants setting forth the duties of the board in relation to the acquisition of property, and the construction, reconstruction, and repair of the project or projects in connection with which such bonds are authorized and the custody, safeguarding, and application of all money, and provisions for the employment or retention of the services of consulting engineers in connection with the construction, reconstruction, or repair of the project or projects. Any bank or trust company incorporated under the laws of this state which may act as depository of the proceeds of bonds or of revenues may furnish such indemnifying bonds or may pledge such securities as are required by the board. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, may restrict the individual right of action by bondholders as is customary in revenue bond trust agreements of public bodies, and may contain such other provisions as the board considers reasonable and proper for the security of the bondholders. All expenses incurred in entering into or carrying out the provisions of any such trust agreement may be treated as a part of the cost of the project or projects. Chapter 135. of the Revised Code does not apply to investments made pursuant to any 734  
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such trust agreement. 761

**Sec. 6120.11.** Revenues derived from each project of a 762  
water improvement district in connection with which any bonds 763  
are outstanding shall be first applied to pay the cost of the 764  
construction, reconstruction, and repair of the project and to 765  
provide such reserves therefor as are provided for in the bond 766  
proceedings authorizing the issuance of those outstanding bonds, 767  
and otherwise as provided by the board of trustees of the 768  
district, and the balance of the pledged revenues shall be set 769  
aside, at such regular intervals as are provided in the bond 770  
proceedings in a bond service fund which is hereby pledged to 771  
and charged with the payment of the bond service charges on any 772  
such outstanding bonds as provided in the applicable bond 773  
proceedings. Such pledge shall be valid and binding from the 774  
time the pledge is made; the revenues and the pledged revenues 775  
thereafter received by the board shall immediately be subject to 776  
the lien of such pledge without any physical delivery thereof or 777  
further act, and the lien of such pledge shall be valid and 778  
binding as against all parties having claims of any kind in 779  
tort, contract, or otherwise against the board, whether or not 780  
such parties have notice thereof. The bond proceedings by which 781  
a pledge is created need not be filed or recorded except in the 782  
records of the board. The use and disposition of money to the 783  
credit of a bond service fund shall be subject to the applicable 784  
bond proceedings. Except as is otherwise provided in such bond 785  
proceedings, such a bond service fund shall be a fund for all 786  
such bonds, without distinction or priority of one over another. 787

**Sec. 6120.12.** All money received by the board of trustees 788  
of a water improvement district under this chapter, whether as 789  
proceeds from the sale of bonds, as revenues, or otherwise, are 790  
to be held and applied solely as provided in this chapter and in 791

any applicable bond proceedings. Such money shall be kept in 792  
depositories as selected by the board in the manner provided in 793  
sections 135.01 to 135.21 of the Revised Code, insofar as such 794  
sections are applicable, and the deposits shall be secured as 795  
provided in sections 135.01 to 135.21 of the Revised Code. The 796  
bond proceedings shall provide that any officer to whom, or any 797  
bank or trust company to which, revenues or pledged revenues are 798  
paid shall act as trustee of such money and hold and apply it 799  
for the purposes thereof, subject to applicable provisions of 800  
this chapter and the bond proceedings. 801

**Sec. 6120.13.** Any holder of bonds issued and outstanding 802  
under this chapter, or any of the coupons appertaining thereto, 803  
and the trustee under any trust agreement, except to the extent 804  
the rights given by this chapter may be restricted or modified 805  
by the bond proceedings, may by suit, action, mandamus, or other 806  
proceedings, protect and enforce any rights under the laws of 807  
the state or granted under this chapter or the bond proceedings, 808  
and may enforce and compel the performance of all duties 809  
required by this chapter or the bond proceedings, to be 810  
performed by the board of trustees of a water improvement 811  
district or any officer of the board. 812

**Sec. 6120.14.** The exercise of the powers granted by this 813  
chapter is in all respects for the benefit of the people of the 814  
state, for the increase of their commerce and prosperity, and 815  
for the improvement of their health and living conditions, and 816  
as the construction, reconstruction, and repair of projects by a 817  
water improvement district constitute the performance of 818  
essential governmental functions, the district shall not be 819  
required to pay any state or local taxes or assessments upon any 820  
project, or upon revenues or any property acquired or used by 821  
the district under this chapter, or upon the income therefrom. 822

The bonds issued under this chapter, their transfer, and the 823  
income therefrom, including any profit made on the sale thereof, 824  
shall at all times be free from taxation within the state. 825

**Sec. 6120.15.** A board of county commissioners may enter 826  
into an agreement with a contiguous water improvement district 827  
that the board of county commissioners did not create for the 828  
district to undertake a project that is located wholly or 829  
partially within that county provided that the board of county 830  
commissioners of the county that created the water improvement 831  
district also must enter into the agreement. 832

No water improvement district shall undertake a project 833  
that is located wholly or partially within a county that did not 834  
create the water improvement district except pursuant to an 835  
agreement entered into in accordance with this section, a 836  
project being undertaken by two or more water improvement 837  
districts, or as otherwise provided by law. 838

**Sec. 6120.16.** (A) Not later than thirty days after the 839  
appointment of a water improvement district board under section 840  
6120.02 of the Revised Code, a water improvement district 841  
appeals board shall be created by the board of county 842  
commissioners. The appeals board has exclusive original 843  
jurisdiction over any action regarding a waste water facility or 844  
water management facility located in the county in which the 845  
appeals board is located, including an action regarding any 846  
water project facilitated, coordinated, funded, financed, 847  
constructed, reconstructed, or repaired under this chapter in 848  
that county. 849

(B) A water improvement district appeals board shall 850  
consist of eleven voting members and one nonvoting member as 851  
follows: 852

- (1) The five members of the board of trustees of the water improvement district; 853  
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- (2) Two members appointed by the legislative authority of the most populous municipal corporation in the district; 855  
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- (3) One member appointed by the legislative authority of the second most populous municipal corporation in the district; 857  
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- (4) One member appointed by the township trustee association within the district. Absent such an association, one member shall be appointed by the board of township trustees of the most populous township in the county's unincorporated area. 859  
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- (5) One member appointed by the county engineer who represents regional water and sewer districts. If there is no regional water and sewer district in the county, one member shall be appointed by the county engineer who has expertise on matters related to water and wastewater management. 863  
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- (6) One member appointed by the board of county commissioners who is an expert on matters related to water and wastewater management; 868  
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- (7) One member appointed by the regional planning commission for the county, who shall be a nonvoting member of the board. 871  
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- (C) Each appointed member of the appeals board shall hold office for a term of two years, subject to removal by the appointing authority only for malfeasance. Members may be reappointed. Except as otherwise provided in this division, any vacancy on the appeals board shall be filled in the same manner as the original appointment. 874  
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- (D) The voting members of the appeals board shall elect 880

from the entire board membership a chairperson, vice- 881  
chairperson, and secretary-treasurer. A majority of the voting 882  
members of the appeals board constitutes a quorum, the 883  
affirmative vote of which is necessary for any decision. No 884  
vacancy in the membership of the appeals board impairs the right 885  
of a quorum to exercise all the rights and perform all its 886  
duties. 887

(E) Each member of the board shall serve without 888  
compensation but shall be reimbursed for all actual and 889  
necessary expenses incurred in the performance of official 890  
duties. 891

**Sec. 6120.17.** (A) The water improvement district appeals 892  
board shall adopt or amend, as appropriate, regulations 893  
governing procedure to be followed for hearings before it, 894  
including regulations governing all of the following: 895

(1) Procedures for conducting hearings on appeals that are 896  
not in conflict with section 6120.18 of the Revised Code; 897

(2) Procedures for issuing final decisions that are not in 898  
conflict with section 6120.18 of the Revised Code; 899

(3) Stays. The regulations shall specify that if an appeal 900  
of an action made by a water improvement district board is 901  
filed, such action shall not go into effect until the water 902  
improvement district appeals board issues its final decision on 903  
the matter. 904

(B) No regulation adopted by the appeals board shall be 905  
effective until the tenth day after it has been adopted by the 906  
filing of a certified copy thereof with the secretary of state 907  
who shall record it under the heading "regulations of the 908  
[insert name of county] water improvement district appeals 909

board." The regulations shall be numbered consecutively under 910  
the heading and shall bear the date of filing. The regulations 911  
shall be public records open to public inspection. 912

(C) No regulation filed in the office of the secretary of 913  
state pursuant to this section shall be amended except by a 914  
regulation which contains the entire regulation as amended and 915  
which repeals the regulation amended. Each regulation which 916  
amends a regulation shall bear the same consecutive regulation 917  
number as the number of the regulation which it amends, and it 918  
shall bear the date of filing. 919

(D) No regulation filed in the office of the secretary of 920  
state pursuant to this section shall be repealed except by a 921  
regulation. Each regulation which repeals a regulation shall 922  
bear the same consecutive regulation number as the number of the 923  
regulation which it repeals, and it shall bear the date of 924  
filing. 925

(E) The authority and the duty of the appeals board to 926  
adopt regulations under this section is not governed by or 927  
subject to Chapter 119. of the Revised Code. 928

(F) The appeals board shall have available at all times 929  
copies of all regulations of the appeals board that it has filed 930  
in the office of the secretary of state pursuant to this section 931  
and shall furnish them free of charge to any person requesting 932  
them. 933

(G) The appeals board shall maintain and keep available 934  
for public inspection, at its principal office, a current 935  
register of all appeals filed, hearings pending, its final 936  
decision thereon, and the dates on which such filings, hearings, 937  
and final decision occur. 938



Sec. 6120.18. (A) (1) Any person who has an interest in an 939  
action may file an appeal with the applicable water improvement 940  
district appeals board for a decision that modifies or revokes 941  
the action. Such appeal shall be filed not later than fifteen 942  
days after the action or after the appeals board is created, 943  
whichever event occurs later. 944

(2) An appeal shall be in writing and shall set forth the 945  
action complained of and the grounds upon which the appeal is 946  
based. The chairperson of the appeals board shall notify all 947  
members of the appeals board of the filing of an appeal and any 948  
other person that is a party to the proceeding not later than 949  
twenty-four hours after such filing. 950

(3) A hearing concerning an appeal shall be conducted not 951  
later than fifteen days after the filing of the appeal. 952

(4) A hearing concerning an appeal brought under this 953  
section is subject to section 121.22 of the Revised Code. 954

(B) The appeal shall be accompanied by a filing fee of 955  
seventy dollars, which the appeals board, in its discretion, may 956  
reduce if by affidavit the appellant demonstrates that payment 957  
of the full amount of the fee would cause extreme hardship. 958

(C) Within three days days after an appeal is made, the 959  
water improvement district board, or any other applicable 960  
appellee, shall prepare and certify to the appeals board a 961  
record of the proceedings out of which the appeal arises, 962  
including all documents and correspondence, and a transcript of 963  
all testimony. 964

(D) Upon the filing of an appeal, the appeals board shall 965  
fix the time and place at which the hearing on the appeal will 966  
be held. The appeals board shall give the appellant and appellee 967

at least three days' notice of the hearing. The appeals board 968  
may postpone or continue any hearing upon its own motion or upon 969  
application of the appellant or of the appellee, but any 970  
postponement or continuance shall be reasonable and the appeals 971  
board shall take into account the interest of expediency. 972

(E) The appeals board shall issue a final decision at the 973  
hearing. Not later than three days after a final decision of the 974  
appeals board, the chairperson of the appeals board shall serve 975  
on each party to the appeal a written statement that the 976  
appealed action was either affirmed, revoked, or modified along 977  
with the reasons for the final decision. If modified, the 978  
statement shall describe how the appealed action was modified. 979

**Sec. 6120.19.** (A) Any party adversely affected by a final 980  
decision of the water improvement district appeals board may 981  
appeal the decision to the court of appeals in the county that 982  
the applicable water improvement district is located. 983

(B) An original written notice of appeal or a copy of the 984  
notice of appeal shall be filed with the appeals board and an 985  
original notice of appeal or a copy of the notice of appeal 986  
shall be filed with the reviewing court of common pleas within 987  
fifteen calendar days of the final decision of the appeals 988  
board. 989

(C) A copy of the notice of appeal shall be served upon 990  
the board of the trustees of the applicable water improvement 991  
district. 992

**Section 2.** This act is hereby declared to be an emergency 993  
measure necessary for the immediate preservation of the public 994  
peace, health, and safety. The reason for such necessity is that 995  
allowing for the creation of water improvement districts is 996

necessary to advance and promote water projects in areas that	997
are rapidly developing. Therefore, this act shall go into	998
immediate effect.	999