

**As Introduced**

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

**H. B. No. 635**

**Representative Swearingen**

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**A BILL**

To amend sections 929.03, 6103.052, and 6117.062 1  
and to enact sections 6121.30, 6121.31, 6121.32, 2  
and 6121.33 of the Revised Code to re-establish 3  
the Water and Sewer Commission and the Water and 4  
Sewer Fund. 5

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

**Section 1.** That sections 929.03, 6103.052, and 6117.062 be 6  
amended and sections 6121.30, 6121.31, 6121.32, and 6121.33 of 7  
the Revised Code be enacted to read as follows: 8

**Sec. 929.03.** (A) (1) No public entity with authority to 9  
levy special assessments on real property shall collect an 10  
assessment for purposes of sewer, water, or electrical service 11  
on real property that is within an agricultural district as 12  
described in division (A) (2) of this section without the 13  
permission of the owner, except that any assessment may be 14  
collected on a lot surrounding a dwelling or other structure not 15  
used in agricultural production that does not exceed one acre or 16  
the minimum area required by local zoning or subdivision rules, 17  
whichever is the greater area. 18

(2) For purposes of division (A) (1) of this section, an 19

agricultural district is such a district that is established:	20
(a) In the case of counties, prior to the adoption of a resolution of necessity by a board of county commissioners, pursuant to section 6103.05 or 6117.06 of the Revised Code;	21 22 23
(b) In the case of municipal corporations, prior to whichever of the following occurs first:	24 25
(i) The adoption of the resolution of necessity by the municipal legislative authority, pursuant to section 727.12 or 729.02 of the Revised Code;	26 27 28
(ii) The service of notice on all or some of the owners to be assessed pursuant to section 729.06 of the Revised Code;	29 30
(iii) The adoption of the resolution or ordinance by the municipal legislative authority declaring the necessity for the improvement, the costs of which are to be assessed under procedures authorized by a municipal charter adopted pursuant to Section 7 of Article XVIII, Ohio Constitution, or, if no such ordinance or resolution is required under the charter, the service of the first notice on all or some of the owners of lands to be assessed, or the adoption of the first ordinance or resolution by the municipal legislative authority pertaining to the assessment proceedings under the charter.	31 32 33 34 35 36 37 38 39 40
(c) In the case of a regional water and sewer district established pursuant to Chapter 6119. of the Revised Code, prior to the adoption of a resolution of necessity by the board of trustees of the district under section 6119.25 of the Revised Code.	41 42 43 44 45
(B) For each special assessment levied by a public entity on real property within an agricultural district for purposes of sewer, water, or electrical service, the county auditor shall	46 47 48

make and maintain a list showing:	49
(1) The name of the owner of each lot, tract, or parcel of land that is exempt from the collection of the special assessment under this section;	50 51 52
(2) A description of the exempt land;	53
(3) The purpose of the special assessment;	54
(4) The amount of the uncollected assessment on the exempt land.	55 56
In the case of a county project constructed under Chapter 6103. or 6117. of the Revised Code, the county auditor may use a list provided for in those chapters in lieu of the list required by division (B) of this section. The auditor shall also record in the water works record required by section 6103.16 of the Revised Code or the sewer improvement record required by section 6117.33 of the Revised Code those assessments not collected under this section. The recording of the assessments does not permit the collection of the assessments until such time as exempt lands are withdrawn from agricultural districts or converted to nonagricultural use.	57 58 59 60 61 62 63 64 65 66 67
(C) If at any time any of the owner's exempt land, other than a lot sold or transferred to a son, daughter, brother, sister, mother, or father for the purpose of constructing a dwelling in which the relative will reside for at least three years, is withdrawn from an agricultural district or if the owner of the exempt land uses on that land the service for which the special assessment was assessed, the public entity may collect the entire uncollected assessment, except as otherwise provided in this division, in addition to an amount equal to the rate of interest that any bonds or notes issued for the project	68 69 70 71 72 73 74 75 76 77

for which the assessment was made did bear for the number of 78  
years the land was exempted, not to exceed twenty-five or the 79  
number of years for which the bonds or notes were issued, 80  
whichever is the lesser number. The owner shall notify the 81  
county auditor of any withdrawal from a district or use of the 82  
service within ninety days following the withdrawal or use of 83  
the service. The charge shall constitute a lien of the public 84  
entity upon the land and shall continue until discharged. All 85  
liens shall be recorded in the appropriate county recorder's 86  
office. Moneys collected as a result of the charge shall be 87  
deposited in the appropriate fund of the public entity that 88  
levied the special assessment. 89

If the owner of exempt land sells or transfers a lot to 90  
the owner's son, daughter, brother, sister, mother, or father 91  
for the purpose of constructing a dwelling in which the relative 92  
will reside for at least three years, and if the owner or the 93  
buyer of the lot uses the service for which the special 94  
assessment was assessed only to provide service to that lot, the 95  
owner of the lot shall pay only that portion of the uncollected 96  
assessment and interest that applies to the lot. 97

If at any time any part of an owner's exempt land is 98  
appropriated, the owner shall pay only that portion of the 99  
uncollected assessment and interest that applies to the 100  
appropriated parcel of land. 101

In lieu of immediate payment of the uncollected assessment 102  
and interest, the board of county commissioners, legislative 103  
authority of a municipal corporation, the board of trustees of a 104  
regional water and sewer district, or other governing board of 105  
any other public entity may, upon the request of the owner, 106  
establish an extended repayment schedule for the owner. If the 107

board, legislative authority, board of trustees, or other 108  
governing board establishes such a schedule, it shall notify the 109  
county auditor of the schedule. 110

(D) A board of county commissioners, legislative authority 111  
of a municipal corporation, the board of trustees of a regional 112  
water and sewer district, or other governing board of any other 113  
public entity may apply to the water and sewer commission 114  
created by section 6121.31 of the Revised Code for an advance of 115  
money from the water and sewer fund, created by section 6121.30 116  
of the Revised Code, in an amount equal to that portion of the 117  
costs of a water or sewer improvement authorized by law that is 118  
to be financed by assessments whose collection is prohibited 119  
under division (A) of this section. The application for such an 120  
advance of money shall be made in the manner prescribed by rules 121  
of the commission. Upon collection of any assessment whose 122  
collection was prohibited under division (A) of this section, 123  
the board of county commissioners, legislative authority, board 124  
of trustees, or other governing board shall repay the commission 125  
the amount of any money advanced by it in regard to the 126  
assessments. 127

**Sec. 6103.052.** (A) A board of county commissioners may 128  
apply to the water and sewer commission, created by section 129  
6121.30 of the Revised Code, for an advance of money from the 130  
water and sewer fund, created by section 6121.31 of the Revised 131  
Code, in an amount equal to that portion of the costs of an 132  
improvement authorized under sections 6103.02 to 6103.30 of the 133  
Revised Code which is to be financed by assessments whose 134  
collection is deferred pursuant to division (B) of this section. 135  
The application for such an advance of money shall be made in 136  
the manner prescribed by rules of the commission. 137

(B) At any time prior to the expiration of the five-day 138  
period provided by section 6103.05 of the Revised Code for the 139  
filing of written objections, any owner of property which is 140  
classified on the general tax list of the county auditor as 141  
agricultural land and has been assessed for the extension of a 142  
main water line over or along such property under sections 143  
6103.02 to 6103.30 of the Revised Code may file with the board 144  
of county commissioners a request in writing for deferment of 145  
the collection of the owner's assessment if the main water line 146  
~~provides water facilities to aid in the establishment of new-~~ 147  
~~industrial plants, the expansion of existing industrial plants,~~ 148  
~~or such other industrial development, or provides water-~~ 149  
~~facilities to aid in the establishment of commercial and-~~ 150  
~~residential developments,~~ serves a purpose set forth in section 151  
6121.33 of the Revised Code for which the water and sewer fund 152  
may be used. Such request shall identify the property in 153  
connection with which the request for deferment is made, shall 154  
describe its present use and present classification on the 155  
general tax list of the county auditor, shall state its 156  
estimated market value, showing separately the value of the land 157  
and the value of the buildings thereon, shall state the reasons, 158  
if any, why a portion of the benefit of the improvement will not 159  
be realized until the use of the land is changed, and shall 160  
state the amount to be deferred. The board shall promptly 161  
consider such request and may order the deferment of the 162  
collection of that portion of the assessment representing a 163  
benefit from the improvement that will not be realized until the 164  
use of the land is changed. The board may, upon request of an 165  
owner whose property has been assessed for the extension of a 166  
main water line over or along such property under sections 167  
6103.02 to 6103.31 of the Revised Code, defer all or any part of 168  
the assessment on property which is classified on the general 169

tax list of the county auditor as agricultural land, by 170  
attributing the amount of such assessment or part thereof as 171  
tap-in charges, if the main water line ~~provides water facilities~~ 172  
~~to aid in the establishment of new industrial plants, the~~ 173  
~~expansion of existing industrial plants, or such other~~ 174  
~~industrial development, or provides water facilities to aid in~~ 175  
~~the establishment of commercial and residential~~ 176  
~~development~~sserves a purpose set forth in section 6121.33 of the 177  
Revised Code for which the water and sewer fund may be used. A 178  
deferment under this section may be conditioned upon the 179  
approval of the advance of money applied for pursuant to 180  
division (A) of this section, and a maximum length of the 181  
deferment may be fixed to coincide with the maximum time within 182  
which the advance must be repaid. The decision on the request 183  
for deferment of collection of assessments shall be made 184  
pursuant to standards established by rules of the commission. 185  
Upon determination and approval of final assessments, the board 186  
of county commissioners shall certify all deferred assessments 187  
and a fee equal to ~~two per cent of the amount of the any fee~~ 188  
paid by the board to the commission pursuant to division (C) of 189  
section 6121.32 of the Revised Code attributable to the deferred 190  
assessments to the county auditor. For purposes of this section, 191  
"assessment," "deferred assessment," or "assessment deferred 192  
under this section" mean the fee and the deferred assessment 193  
certified to the county auditor. The county auditor shall record 194  
an assessment deferred under this section in the water works 195  
record. Such record shall be kept until such time as the 196  
assessments are paid in full or certified for collection in 197  
installments as provided in this section. During the time when 198  
the assessment is deferred there shall be a lien on the property 199  
assessed, which lien shall arise at the time of recordation by 200  
the county auditor and shall be in force until the assessments 201

are paid in full or certified for collection in installments. 202

~~(B)~~ (C) The board of county commissioners shall defer the 203  
collection of an assessment, except the amount of such 204  
assessment or part thereof attributable as tap-in charges, which 205  
has been deferred pursuant to division (A) of this section on or 206  
before January 1, 1987, beyond the expiration of the maximum 207  
time for the original deferment if the property owner requests 208  
in writing, no later than six months prior to the expiration of 209  
the original deferment, that the assessment be further deferred 210  
and as long as the property owner's land could qualify for 211  
placement in an agricultural district pursuant to section 929.02 212  
of the Revised Code. 213

The board shall regularly review the use and ownership of 214  
the property for which the collection of assessments has been 215  
deferred pursuant to this division, and upon finding that the 216  
land could no longer qualify for placement in an agricultural 217  
district pursuant to section 929.02 of the Revised Code, the 218  
board shall immediately collect, without interest, the full 219  
amount of the assessment deferred and repay the commission the 220  
amount of any money advanced by it in regard to such assessment. 221  
The board shall pay all such amounts to the commission in one 222  
annual payment or longer period as approved by the commission. 223

~~(C)~~ (D) The board of county commissioners shall send a 224  
notice by regular or certified mail to all owners of property on 225  
which assessments have been deferred pursuant to division ~~(A)~~ 226  
(B) of this section, which lists the expiration of the 227  
deferment, not later than two hundred ten days prior to the 228  
expiration of the deferment of those assessments. 229

~~(D)~~ (E) The board shall collect the assessments, without 230  
interest, which have been deferred pursuant to division ~~(A)~~ (B) 231



of this section upon expiration of the maximum time for which 232  
deferments were made and repay the commission the amount of any 233  
money advanced by it in regard to such assessments; provided, 234  
that for a property owner who requests in writing, no later than 235  
six months prior to the expiration of the deferment period, that 236  
payment of the owner's deferred assessments be in installments, 237  
the board of county commissioners upon expiration of the 238  
deferment period may by resolution further certify for 239  
collection pursuant to section 6103.16 of the Revised Code, such 240  
deferred assessments in installments over not more than twenty 241  
years, as determined by the board, together with interest 242  
thereon each year on the unpaid balance at the same rate borne 243  
by bonds of the county which shall be issued in anticipation 244  
thereof as provided in Chapter 133. of the Revised Code, and the 245  
proceeds of the bond issue used to repay such deferred 246  
assessments to the commission. 247

Assessments which have been deferred by attribution as 248  
tap-in charges under division ~~(A)~~ (B) of this section shall be 249  
collected as deferred assessments at that time. As the board 250  
collects tap-in charges that are deferred assessments under 251  
division (B) of this section, it shall repay the commission the 252  
amount of those charges that was advanced by it in regard to 253  
such assessments. An owner of property for which assessments 254  
have been deferred under division (A) of this section, in 255  
requesting a tap-in may, subject to the approval of the board, 256  
designate a part of an entire assessed tract as the part which 257  
the tap-in is to serve, and the board shall collect the deferred 258  
assessment on that tract in the proportion that the part bears 259  
to the entire tract, on a front foot or other basis approved by 260  
the commission, but if in the judgment of the board the tap-in 261  
is reasonably intended to serve the entire tract or 262

substantially all of the tract, it shall collect the deferred 263  
assessment for the entire tract. 264

Prior to the expiration of the maximum time of deferment, 265  
the board shall regularly review the use of the property for 266  
which the collection of assessments has been deferred and upon 267  
finding, pursuant to the rules of the commission, that the use 268  
of the land has changed from the use at the time of the 269  
deferment so that the benefit of the improvement can then be 270  
realized, the board shall immediately collect the full amount of 271  
the assessment for the portion of the property for which the use 272  
has so changed, without interest, and repay the commission the 273  
amount of any money advanced by it in regard to such assessment. 274  
The board shall pay all such amounts to the commission in one 275  
annual payment or longer period as approved by the commission. 276

**Sec. 6117.062.** (A) A board of county commissioners may 277  
apply to the water and sewer commission, created by section 278  
6121.30 of the Revised Code, for an advance of money from the 279  
water and sewer fund, created by section 6121.31 of the Revised 280  
Code, in an amount equal to that portion of the costs of an 281  
improvement authorized under sections 6117.01 to 6117.45 of the 282  
Revised Code which is to be financed by assessments whose 283  
collection is deferred pursuant to division (B) of this section. 284  
The application for such an advance of money shall be made in 285  
the manner prescribed by rules of the commission. 286

(B) At any time prior to the expiration of the five-day 287  
period provided by section 6117.06 of the Revised Code for the 288  
filing of written objections, any owner of property which is 289  
classified on the general tax list of the county auditor as 290  
agricultural land and has been assessed for the extension of a 291  
trunk sewer line over or along such property under sections 292

6117.01 to 6117.45 of the Revised Code may file with the board 293  
of county commissioners a request in writing for deferment of 294  
the collection of the assessment if the trunk sewer line 295  
~~provides sewer facilities to aid in the establishment of new-~~ 296  
~~industrial plants, the expansion of existing industrial plants,~~ 297  
~~or such other industrial development, or provides sewer-~~ 298  
~~facilities to aid in the establishment of commercial and-~~ 299  
~~residential developments,~~ serves a purpose, as set forth in 300  
section 6121.33 of the Revised Code, for which the fund may be 301  
used. Such request shall identify the property in connection 302  
with which the request for deferment is made, shall describe its 303  
present use and present classification on the general tax list 304  
of the county auditor, shall state its estimated market value, 305  
showing separately the value of the land and the value of the 306  
buildings thereon, shall state the reasons, if any, why a 307  
portion of the benefit of the improvement will not be realized 308  
until the use of the land is changed, and shall state the amount 309  
to be deferred. The board shall promptly consider such request 310  
and may order the deferment of the collection of that portion of 311  
the assessment representing a benefit from the improvement which 312  
will not be realized until the use of the land is changed. The 313  
board may, upon request of an owner whose property has been 314  
assessed for the extension of a trunk sewer line over or along 315  
such property under sections 6117.01 to 6117.45 of the Revised 316  
Code, defer all or any part of the assessment on property which 317  
is classified on the general tax list as agricultural land, by 318  
attributing the amount of such assessment or part thereof as 319  
tap-in charges, if the trunk sewer line ~~provides sewer-~~ 320  
~~facilities to aid in the establishment of new industrial plants,~~ 321  
~~the expansion of existing industrial plants, or such other-~~ 322  
~~industrial development, or provides sewer facilities to aid in-~~ 323  
~~the establishment of commercial and residential-~~ 324

~~developments~~ serves a purpose set forth in section 1525.13 of the 325  
Revised Code for which the fund may be used. A deferment under 326  
this section may be conditioned upon the approval of the advance 327  
of money applied for pursuant to division (A) of this section, 328  
and a maximum length of the deferment may be fixed to coincide 329  
with the maximum time within which the advance must be repaid. 330  
The decision on the request for deferment of collection of 331  
assessments shall be made pursuant to standards established by 332  
rules of the commission. Upon determination and approval of 333  
final assessments, the board of county commissioners shall 334  
certify all deferred assessments and a fee equal to ~~two per cent~~ 335  
~~of the amount of the deferred assessments~~ any fee paid by the 336  
board to the commission pursuant to division (C) of section 337  
6121.32 of the Revised Code attributable to the deferred 338  
payments to the county auditor. For purposes of this section, 339  
"assessment," "deferred assessment," or "assessment deferred 340  
under this section" mean the fee and the deferred assessment 341  
certified to the county auditor. The county auditor shall record 342  
an assessment deferred under this section in the sewer 343  
improvement record. Such record shall be kept until such time as 344  
the assessments are paid in full or certified for collection in 345  
installments as provided in this section. During the time when 346  
the assessment is deferred there shall be a lien on the property 347  
assessed, which lien shall arise at the time of recordation by 348  
the county auditor and which shall be in force until the 349  
assessments are paid in full or certified for collection in 350  
installments. 351

~~(B)~~ (C) The board of county commissioners shall defer the 352  
collection of an assessment, except the amount of such 353  
assessment or part thereof attributable as tap-in charges, which 354  
has been deferred pursuant to division ~~(A)~~ (B) of this section 355

on or before January 1, 1987, beyond the expiration of the 356  
maximum time for the original deferment if the property owner 357  
requests in writing, no later than six months prior to the 358  
expiration of the original deferment, that the assessment be 359  
further deferred and as long as the property owner's land could 360  
qualify for placement in an agricultural district pursuant to 361  
section 929.02 of the Revised Code. 362

The board shall regularly review the use and ownership of 363  
the property for which the collection of assessments has been 364  
deferred pursuant to this division, and upon finding that the 365  
land could no longer qualify for placement in an agricultural 366  
district pursuant to section 929.02 of the Revised Code, the 367  
board shall immediately collect, without interest, the full 368  
amount of the assessment deferred and repay the commission the 369  
amount of any money advanced by it in regard to such assessment. 370  
The board shall pay all such amounts to the commission in one 371  
annual payment or longer period as approved by the commission. 372

~~(C)~~ (D) The board of county commissioners shall send a 373  
notice by regular or certified mail to all owners of property on 374  
which assessments have been deferred pursuant to division ~~(A)~~ 375  
(B) of this section, which lists the expiration of the 376  
deferment, not later than two hundred ten days prior to the 377  
expiration of the deferment of those assessments. 378

~~(D)~~ (E) The board shall collect assessments, without 379  
interest, which have been deferred pursuant to division ~~(A)~~ (B) 380  
of this section upon expiration of the maximum time for which 381  
deferments were made and repay the commission the amount of any 382  
money advanced by it in regard to such assessments; provided 383  
that for a property owner who requests in writing, no later than 384  
six months prior to the expiration of the deferment period, that 385

payment of the deferred assessments be in installments, the 386  
board of county commissioners upon expiration of the deferment 387  
period may by resolution further certify for collection pursuant 388  
to section 6117.33 of the Revised Code, such deferred 389  
assessments in installments over not more than twenty years, as 390  
determined by the board, together with interest thereon each 391  
year on the unpaid balance at the same rate borne by bonds of 392  
the county which shall be issued in anticipation thereof as 393  
provided in Chapter 133. of the Revised Code, and the proceeds 394  
of the bond issue used to repay such deferred assessments to the 395  
commission. Prior to the expiration of the maximum time of 396  
deferment, the board shall regularly review the use of the 397  
property for which the collection of assessments has been 398  
deferred and upon finding, pursuant to the rules of the 399  
commission, that the use of the land has changed from the use at 400  
the time of the deferment so that the benefit of the improvement 401  
can then be realized, the board shall immediately collect the 402  
full amount of the assessment for the portion of the property 403  
for which the use has so changed, without interest, and repay 404  
the commission the amount of any money advanced by it in regard 405  
to such assessment. The board shall pay all such amounts to the 406  
commission in one annual payment or longer period as approved by 407  
the commission. 408

**Sec. 6121.30.** (A) (1) The water and sewer fund is created 409  
in the state treasury consisting of the following: 410

(a) Money appropriated to the fund by the general 411  
assembly; 412

(b) Money repaid to the fund for advances made from it; 413

(c) Interest paid for delay in repayment of advances from 414  
the fund. 415

(2) The water and sewer commission created under section 6121.31 of the Revised Code shall administer the fund. Money in the fund shall be used solely for advances to boards of county commissioners, legislative authorities of municipal corporations, and governing boards of any other public entities to meet that portion of the cost of the extension of water and sewer lines to be financed by assessments for which collections are deferred or exempt pursuant to division (A) of section 929.03, division (B) of section 6103.052, or division (B) of section 6117.062 of the Revised Code. 416  
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(B) The water and sewer administrative fund is created in the state treasury consisting of money collected as fees pursuant to division (C) of section 6121.32 of the Revised Code. Money in the fund shall be used solely to pay the administrative costs of the water and sewer commission. 426  
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**Sec. 6121.31.** (A) The water and sewer commission is created consisting of seven members and, for administrative purposes, is attached to the Ohio water development authority. The membership of the commission consists of the following: 431  
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(1) The executive director of the Ohio water development authority or the executive director's representative; 435  
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(2) The director of health or the director's representative; 437  
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(3) The director of agriculture or the director's representative; 439  
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(4) The director of natural resources or the director's representative; 441  
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(5) Three members appointed by the governor. One of the three members appointed by the governor shall be a 443  
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representative of industry, one shall be a farmer whose major 445  
source of income is derived from farming, and one shall be a 446  
representative of the public. 447

(B) The governor shall appoint one member to serve for a 448  
term of one year, one member to serve for a term of two years, 449  
and one member to serve for a term of three years. Thereafter, 450  
terms of office of members appointed by the governor shall be 451  
for three years, commencing on the twentieth day of December and 452  
ending on the nineteenth day of December. 453

Each appointed member holds office from the date of 454  
appointment until the end of the term for which the member was 455  
appointed. Any member appointed to fill a vacancy occurring 456  
prior to the expiration of the term for which the member's 457  
predecessor was appointed holds office for the remainder of such 458  
term. Any appointed member continues in office subsequent to the 459  
expiration date of the member's term until the member's 460  
successor takes office, or until a period of sixty days has 461  
elapsed, whichever occurs first. 462

The governor shall designate the chairperson of the 463  
commission, who shall serve for a term of one year. The members 464  
of the commission shall receive no compensation other than for 465  
expenses incurred in the performance of their duties. 466

(C) The commission shall submit orders, made pursuant to 467  
division (D) of section 6121.32 of the Revised Code, approving 468  
advances from the water and sewer fund, to the controlling 469  
board. The controlling board shall then determine whether such 470  
advance shall be made. If the board determines that the advance 471  
shall be made, it shall certify that action to the director of 472  
budget and management for payment. 473



Sec. 6121.32. The water and sewer commission shall, in the 474  
administration of the water and sewer fund, do all of the 475  
following: 476

(A) Consider applications for advances from the fund made 477  
pursuant to division (D) of section 929.03 or division (A) of 478  
both sections 6103.052 and 6117.062 of the Revised Code; 479

(B) Determine, pursuant to the standards set forth in 480  
section 6121.33 of the Revised Code, whether an advance of money 481  
should be made as requested by application, approve the amount 482  
of the advance, if any, to be made, and fix the maximum time 483  
within which the advance shall be repaid; 484

(C) Collect from the boards of county commissioners, 485  
legislative authorities of municipal corporations, boards of 486  
trustees of regional water and sewer districts, or governing 487  
boards of any other public entities requesting an advance from 488  
the water and sewer fund pursuant to division (D) of section 489  
929.03 or division (A) of both sections 6103.052 and 6117.062 of 490  
the Revised Code a fee equal to two per cent of any money 491  
advanced from the fund and pay the fees into the water and sewer 492  
administrative fund created pursuant to division (B) of section 493  
6121.30 of the Revised Code; 494

(D) Submit orders approving advances to the controlling 495  
board for action pursuant to division (C) of section 6121.30 of 496  
the Revised Code; 497

(E) Adopt rules pursuant to Chapter 119. of the Revised 498  
Code that do all of the following: 499

(1) Prescribe the form of application for advances from 500  
the water and sewer fund and the time and manner of submitting 501  
the application; 502

(2) Prescribe the criteria to determine the occurrence of 503  
a change in the use of property as referred to in division (C) 504  
of section 929.03 or division (C) of both sections 6103.052 and 505  
6117.062 of the Revised Code; 506

(3) Prescribe the criteria to consider for the disposition 507  
of requests for advances from the fund made pursuant to section 508  
6121.33 of the Revised Code; 509

(4) Prescribe standards for the use of boards of county 510  
commissioners in determining the disposition of requests for 511  
deferment of collection of assessment pursuant to division (B) 512  
of both sections 6103.052 and 6117.062 of the Revised Code. 513

Notwithstanding any provision of section 121.95 of the 514  
Revised Code to the contrary, a regulatory restriction contained 515  
in a rule adopted under division (E) of this section is not 516  
subject to sections 121.95 to 121.953 of the Revised Code. 517

(F) Investigate the uses of those lands on which the 518  
deferred or exempted collection of assessments has been the 519  
basis for advances of money from the water and sewer fund, 520  
require the boards of county commissioners to repay the 521  
commission pursuant to division (C) or (D) of section 6103.052 522  
or division (C) or (D) of section 6117.062 of the Revised Code 523  
the advances due as a result of changes in the use of property, 524  
and require boards of county commissioners, legislative 525  
authorities of municipal corporations, boards of trustees of 526  
regional water and sewer districts, and other governing boards 527  
of any other public entities to repay the commission under 528  
division (D) of section 929.03 of the Revised Code; 529

(G) Pay into the water and sewer fund all repayments of 530  
money advanced from the fund and interest paid for delay in 531

repayment of advances made from the fund; 532

(H) Defer the repayment by a board of county commissioners 533  
of money previously advanced from the water and sewer fund when 534  
a board defers the collection of assessments pursuant to 535  
division (C) of section 6103.052 or division (C) of section 536  
6117.062 of the Revised Code; 537

(I) Except for interest paid for delay in repayment of 538  
advances made from the water and sewer fund, not charge any 539  
interest for money advanced from the fund; 540

(J) Employ such personnel as are required to administer 541  
this section. 542

**Sec. 6121.33.** (A) The water and sewer commission may 543  
advance money from the water and sewer fund to provide water and 544  
sewer facilities to aid in the establishment of new industrial 545  
plants, the expansion of existing industrial plants, or such 546  
other industrial development as may be defined by the commission 547  
without undue financial burden upon open lands over or along 548  
which the lines for such facilities are extended. 549

(B) The commission may also use the advance money from the 550  
fund to provide water and sewer facilities to aid in the 551  
establishment of commercial and residential developments without 552  
undue financial burden upon open lands over or along which the 553  
lines for such facilities are extended; provided, that advances 554  
under division (A) of this section have priority over advances 555  
under this division. 556

(C) The commission may also advance money from the fund 557  
for assessments not collected under section 929.03 of the 558  
Revised Code. Requests made by a board of county commissioners, 559  
legislative authority of a municipal corporation, board of 560

trustees of a regional water and sewer district, or other 561  
governing board of any other public entity under that section 562  
have priority over requests submitted under division (A) or (B) 563  
of this section, and the advances shall be repaid when the 564  
assessment is collected by the board of county commissioners, 565  
legislative authority, board of trustees, or other governing 566  
board under division (C) of section 929.03 of the Revised Code. 567

**Section 2.** That existing sections 929.03, 6103.052, and 568  
6117.062 of the Revised Code are hereby repealed. 569