



## **Sub. H.B. 338**

124th General Assembly

(As Recommitted to S. Energy, Natural Resources, and Environment)

**Reps. Core, Calvert, Sullivan, Allen, Webster, Husted, Lendrum, Kearns, Hollister, Kilbane, Fedor, Perry, Hagan, Reinhard, Manning, Damschroder, Grendell, Niehaus, Clancy, Collier, Faber, Wolpert, Flowers, Carmichael, Latta Otterman, Schaffer, Evans, Peterson, Setzer, Jolivette, Schmidt, Roman, Redfern, Coates, Aslanides, Flannery, Fessler, Salerno**

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### **BILL SUMMARY**

- Repeals the authority for a referendum concerning the levying of a uniform assessment for an improvement by a soil and water conservation district, and instead applies the notice, public hearing, and appeal procedures governing the levying of varied assessments by a district also to the imposition of uniform assessments.
- Requires the notice to property owners of a proposed assessment to include a description of the method used to determine the necessity for and the amount of the proposed assessment.
- Requires a county recorder to record any restrictions on the use of property identified pursuant to the State Fire Marshal's rules regarding corrective actions for releases from petroleum underground storage tanks.

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### **CONTENT AND OPERATION**

#### **Notice of assessment and referendum procedures**

Current law establishes procedures that must be followed when the supervisors of a soil and water conservation district wish to impose assessments to pay for improvements within the district. Assessments may be imposed at either a varied or a uniform rate. If an assessment is to be made at a varied rate, current law requires the board of county commissioners, after being so notified by the supervisors of the soil and water conservation district, to give notice by first class mail to every public and private property owner whose property is subject to the

assessment and requires newspaper notification if the residence of any owner cannot be ascertained. The law authorizes those property owners to submit objections, requires the board to conduct a hearing on the objections, and authorizes any owner whose objection is not allowed to make an appeal to the court of common pleas of the county in which the property is located. (Sec. 1515.24.)

With respect to uniform assessments, current law requires that notice of the proposed levying of the assessment be given in a newspaper of general circulation within the project area at least once a week for three weeks. Any person who owns property that would be subject to the assessment may file a petition for referendum. Current law establishes detailed procedures for filing the petition and conducting the referendum. The assessment cannot be collected unless a majority of the electors voting in the referendum approve it. (Secs. 1515.25, 1515.26, and 1515.27.)

The bill repeals the authority and procedures for a referendum concerning a uniform assessment (secs. 1515.25, 1515.26, and 1515.27). Instead, it generally requires that the current procedures for the imposition of an assessment at a varied rate be followed for all assessments, either uniform or varied. This includes the requirement that property owners be notified by first class mail. The bill also establishes a new requirement that the notice given to property owners include a description of the method used to determine the necessity for and the amount of the proposed assessment. In addition, the bill relocates and clarifies certain procedures concerning the issuance of an order approving the levying of the assessment and the deposit and use of the proceeds of the assessment. (Sec. 1515.24.)

**Recording of property use restrictions due to releases from petroleum underground storage tanks**

Current law requires the State Fire Marshal to be responsible for implementation of the underground storage tank program and corrective action program for releases from underground petroleum storage tanks established by federal law (sec. 3737.88(A)(1), not in the bill). For purposes of those programs, the State Fire Marshal must adopt various rules, including rules that are necessary to establish standards for corrective actions for suspected and confirmed releases of petroleum from underground storage tanks (sec. 3737.882(B), not in the bill). The bill requires a county recorder to record any restrictions on the use of property identified pursuant to those rules (sec. 317.08(A)).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	08-02-01	p. 810
Reported, H. Energy & Environment	01-22-02	pp. 1280-1281
Passed House (98-1)	01-23-02	p. 1290
Reported, S. Energy, Natural Resources, & Environment	03-20-02	p. 1604
Recommitted to S. Energy, Natural Resources & Environment	04-16-02	p. 1676

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