



H.B. 338*

124th General Assembly
(As Reported by H. Energy & Environment)

Reps. Core, Calvert, Sullivan, Allen, Webster, Husted, Lendrum, Kearns, Hollister, Kilbane

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.

CONTENT AND OPERATION

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

* *This analysis was prepared before the report of the House Energy and Environment Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

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.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	08-02-01	p. 810
Reported, H. Energy & Environment	---	---

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