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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 340
133rd General Assembly

Final Analysis

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Version: As Passed by the General Assembly

Primary Sponsor: Rep. Cupp

Effective date: March 24, 2021

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SOIL AND WATER CONSERVATION DISTRICT WATER IMPROVEMENTS

Under continuing law, as part of its duties and responsibilities, a soil and water conservation district has the power to oversee the construction, maintenance, and operation of improvements for natural resource conservation and development and flood prevention, and the conservation, development, and disposal of water within the district. There is a specific process for proposing and approving an improvement. That process includes:

1. The filing of a petition for the improvement by a property owner with the board of supervisors of the district;
2. A scheduled view of the proposed improvement;
3. The preparation of a preliminary report by a board of supervisors regarding the proposed improvement;
4. A hearing by the board of supervisors on the proposed improvement;
5. Estimates of the costs of the improvement and benefits to property owners;
6. After approval by the board of supervisors, a project survey and design for the improvement;
7. A schedule of damages, costs, and assessments;
8. A hearing by the board of county commissioners;
9. Approval or disapproval by the board of county commissioners; and
10. Imposition of assessments and execution of the improvement.¹

¹ R.C. Chapter 940.

The act retains the basic legal structure for approving and implementing an improvement. However, it makes numerous changes to the specific procedures that underlie that structure. Below is a discussion of the act's changes to the procedures and structure.

Filing of petition

Prior law	H.B. 340
Filing of petition with board of soil and water conservation district	
<p>Authorized an owner of land (hereafter owner) that is located in a soil and water conservation district to file a petition with the board of supervisors of the district requesting the construction of a conservation work of improvement (<i>R.C. 940.19</i>).</p>	<p>Same, but also requires the owner, prior to filing a petition for the improvement (hereafter petition), to consult with the district to discuss the proposed drainage improvement; and to determine the proper forms and procedures for filing the petition (<i>R.C. 940.19(A)</i>).</p>
Petition – information included	
<p>No provision.</p>	<p>Requires a petition to include all of the following:</p> <ol style="list-style-type: none"> 1. A statement of the nature of the work for which the petition is filed, including removing obstructions from a ditch; 2. A description, including location, of the course and termini of the proposed improvement; 3. A statement that the construction of the improvement is necessary and will benefit the petitioner; and 4. A statement that all costs of engineering, construction, and future maintenance will be assessed to the benefiting parcels of land (<i>R.C. 940.19(B)</i>).
Notification of petition rejection	
<p>If a board of supervisors rejected a petition, required the board to notify the petitioner of the reasons for the rejection (<i>R.C. 940.19</i>).</p>	<p>Same, but requires the board to notify the petitioner in writing (<i>R.C. 940.19(D)(2)</i>).</p>

View of proposed improvement

Prior law	H.B. 340
View of proposed improvement	
<p>Required the date for a view of the proposed improvement to be between 25 and 90 days after the date on which the petition was filed (<i>R.C. 940.19</i>).</p>	<p>Instead, requires the date for a view of the proposed improvement to be between 30 and 90 days after the date on which the petition was accepted (<i>R.C. 940.19(E)(1)</i>).</p>
Notice of the view	
<p>Required the board of supervisors to send notice of the view to specified persons at least 20 days prior to the date established for the view (<i>R.C. 940.20(A)</i>).</p>	<p>Instead, requires the board to send the notice 21 days prior to the view (<i>R.C. 940.20(A)</i>).</p>
Contents of notice	
<p>No provision.</p>	<p>Requires the board to ensure that the notice of the view contains all of the following:</p> <ol style="list-style-type: none"> 1. The date, time, and location for the view and the subsequent hearing; 2. A description of the proposed improvement and its location as stated in the petition, a map indicating the location of the proposed improvement or information on where to access the map, and an explanation of how to obtain additional information or ask questions about the proposed improvement; 3. A statement that all costs of engineering, construction, and future maintenance will be assessed to the benefiting parcels of land; 4. A statement that an owner may file, at least 21 days after the date of the view, an amendment to the original petition that expands the length of the proposed improvement, provided that the amendment does not expand the area to be benefited by the proposed improvement; 5. A statement that any owner receiving the notice may comment on the proposed improvement in writing before or in person at the hearing on the petition (see “Hearing on proposed improvement by board of supervisors,” below); and 6. The address at which to file an amendment to

Prior law	H.B. 340
	the petition or submit written comments on the proposed improvement (<i>R.C. 940.20(A)</i>).
The view	
<p>On the date of the view, required the board to do all of the following:</p> <ol style="list-style-type: none"> 1. Meet at a designated location near the proposed improvement; 2. Hear proof of the need for the proposed improvement offered by any owner that was affected by it; and 3. View the area in which the proposed improvement was to be constructed (<i>R.C. 940.21</i>). 	<p>Instead, on the date of the view, requires the board <i>or its designee</i> to do all of the following:</p> <ol style="list-style-type: none"> 1. Present an overview of the proposed improvement; 2. In the presentation, use methods and means that the board determines will adequately inform those attending about the proposed improvement's location and the drainage issues intended to be addressed by the proposed improvement; and 3. Upon the request made at the view of a board member or of an owner in the area to be benefited by the proposed improvement, recess the view and reconvene at a site along the proposed improvement for the purpose of gaining additional information about the drainage issue intended to be addressed by the proposed improvement (<i>R.C. 940.21</i>.)

Hearing on proposed improvement by board of supervisors

Prior law	H.B. 340
Establishment of hearing of proposed improvement	
Required the board of supervisors to hold a hearing on the proposed improvement by 90 days after the date of the view (<i>R.C. 940.19</i>).	Instead, requires the board to hold the hearing <i>between 30 and 90 days</i> after the date of the view (<i>R.C. 940.19(E)(2)</i>).
Hearing – objections	
Prior to the hearing on a proposed improvement, authorized owners affected by the proposed improvement to file objections to the improvement with the board (<i>R.C. 940.23</i>).	No provision.

Prior law	H.B. 340
Adjournment of hearing – subsequent review	
<p>If modifications or alternatives to a proposed improvement were proposed or discussed at the hearing on the improvement, did both of the following:</p> <ol style="list-style-type: none"> 1. Authorized the board to adjourn the hearing for a period of time that was necessary to conduct a subsequent view of the proposed improvement in light of the proposed changes; 2. If it appeared that a subsequent view was necessary, required the board to establish a date, time, and location for it and to notify, in the same manner, the same persons that were required to be notified of the first view. <i>(R.C. 940.24.)</i> 	<p>Instead, authorizes the board to recess and continue the hearing on subsequent days as may be reasonable to consider additional information about the proposed improvement, but does not require another view <i>(R.C. 940.23(B))</i>.</p>
Hearing – vote of the board	
<p>Authorized the board, at the conclusion of the hearing on a proposed improvement, to approve the petition for the improvement <i>(R.C. 940.25, repealed)</i>.</p>	<p>Same, but specifically requires the board to vote and requires the board, in making its decision, to take into consideration all of the following:</p> <ol style="list-style-type: none"> 1. The petition; 2. The preliminary report; 3. Comments on the proposed improvement; and 4. The protection of environmentally significant areas when those areas could be adversely affected by the construction of the proposed improvement and, if necessary, alternative plans providing for that protection and for construction of the proposed improvement <i>(R.C. 940.23(C))</i>.
Reasons for board to proceed with proposed improvement	
<p>Allowed the board to approve the petition if the board finds certain information to be accurate, including that the improvement will:</p> <ol style="list-style-type: none"> 1. Improve water management and development in the county in which the district is located to the advantage of lands located in it; and 2. Aid lands in the area by promoting the economical, industrial, environmental, or social development of the area <i>(R.C. 940.25, repealed)</i>. 	<p>Retains the board’s authority to approve the petition if the board finds certain information to be accurate, but no longer requires the board to consider (1) and (2) <i>(R.C. 940.23(D))</i>.</p>

Prior law	H.B. 340
Establishment of date for completion of plans and specifications	
<p>Upon approval of the petition, required the board to establish a date by which the board had to complete plans and specifications for the improvement together with estimates of damages from and costs for it (see “Plans for constructing proposed improvement” and “Schedule of estimate of damages, construction, and assessments,” below). <i>(R.C. 940.25, repealed.)</i></p>	<p>No provision.</p>

Plans for constructing proposed improvement

Prior law	H.B. 340
Maps of proposed improvement area	
<p>Required the board of supervisors or its designee to prepare maps showing the location of the land that was proposed to be assessed by a board of county commissioners (see “Levying of assessments,” below) <i>(R.C. 940.26)</i>.</p>	<p>No provision.</p>
Plans – erosion and sediment control	
<p>For a proposed improvement that is a ditch or other similar structure for the disposal of water, required the board’s plans for constructing the improvement to include erosion and sediment control by a sod or seeded strip, except where suitable vegetative cover existed.</p>	<p>Same, but also allows other erosion and sediment controls, and requires erosion control measures even if suitable vegetative cover is not present.</p>
<p>Required each sod or seeded strip to be between four and 15 feet wide.</p>	<p>Instead, requires the sod or seeded strip to be between ten and 15 feet wide.</p>
<p>Required sod or seeded strips in excess of four feet to be removed from the taxable valuation of property. <i>(R.C. 940.26.)</i></p>	<p>Instead, requires the county auditor to remove the total acreage of sod or seeded strips or other similar controls from the taxable valuation of property. <i>(R.C. 940.24(C)(2).)</i></p>

Prior law	H.B. 340
Removal or adjustment of structures in construction	
Required the board or its designee to make note of all structures that would be removed or adjusted in constructing the improvement (<i>R.C. 940.26</i>).	Instead, requires the board or its designee to include in the plans an <i>analysis</i> of all structures that will be removed or adjusted in constructing the improvement (<i>R.C. 940.24(D)</i>).

Schedule of estimate of damages, construction, and assessments

Prior law	H.B. 340
Schedule of damages	
Allowed the board of supervisors to appoint a designee, as part of the estimate of the total cost of constructing a proposed improvement, to prepare a schedule of damages of the value of land or other property that must be taken and the damages to be sustained by an owner as a result of the construction and subsequent maintenance of the improvement (<i>R.C. 940.27, repealed</i>).	Eliminates the board's authority to appoint a designee to prepare the schedule of damages (<i>R.C. 940.25(A)</i>).
Total estimate of construction costs	
Required the board of supervisors or its designee to make an estimate of the total cost of the proposed improvement, including estimated costs of damages to owners and any expenses incurred related to the proposed improvement (<i>R.C. 940.26 and 940.28, repealed</i>).	Same, but also includes any expenses incurred in consulting services (<i>R.C. 940.26(C)</i>).
Schedule of estimated assessments	
Required a board of county commissioners or its designee, after the board's approval of construction of a proposed improvement, to prepare a schedule of estimated assessments on property within the area that was benefited by the improvement (<i>R.C. 940.30, repealed</i>).	Instead, changes the responsible party for the preparation of the schedule of assessments to the board of supervisors of a soil and water conservation district or its designee (<i>R.C. 940.27(A)</i>).
For purposes of property descriptions that must be included with a schedule of estimated assessments, required the board of county commissioners to obtain the descriptions from the county's tax duplicates (<i>R.C. 940.30, repealed</i>).	Instead, requires the board of supervisors to obtain the descriptions from the county recorder's office and, for purposes of the description, prohibits the county recorder from requiring a metes and bounds survey (<i>R.C. 940.27(A)</i>).

Prior law	H.B. 340
<p>Required the board of county commissioners or its designee, in determining the estimated assessment on a parcel of land, to use information concerning the proposed improvement that was submitted to the board of supervisors (the information includes plans for the proposed improvement, schedules of damages, and cost estimates) (<i>R.C. 940.30, repealed</i>).</p>	<p>Similar, but also requires the board of supervisors or its designee, in determining the estimated assessment, to consider and incorporate the following factors in the calculations:</p> <ol style="list-style-type: none"> 1. Acreage of the parcel; 2. Volume of water produced by the parcel; 3. Distance of the parcel from the proposed improvement; 4. Percentage of the proposed improvement to be used by the parcel; 5. The construction of works that are determined to solely benefit the particular parcel; 6. Soil types of the parcel; 7. The county auditor's land value or current agricultural use value, if applicable, of the parcel; 8. Existing drainage infrastructure that can be incorporated into the proposed improvement and associated cost savings; 9. Any other factors pertinent to the proposed improvement and the watershed that will be affected by the proposed improvement; and 10. Any benefits as defined in the law governing single county ditches (<i>R.C. 940.27(B)(2)</i>).

Hearing of board of county commissioners

Prior law	H.B. 340
Approval by board of county commissioners	
<p>Required the board of county commissioners, after receiving from the board of supervisors an approved proposed improvement with supporting documentation, to approve or disapprove the improvement (approval or disapproval was required within 60 days of receipt (presumably at a hearing)) (<i>R.C. 940.29</i>).</p>	<p>Same, but specifically requires a hearing, requires the board of county commissioners to establish the date, time, and location of the hearing, and does not specify a deadline for approval or disapproval of the improvement (<i>R.C. 940.29 and 940.31(A)</i>).</p>
Notice of hearing	

Prior law	H.B. 340
No provision.	<p>Requires the clerk of the board of county commissioners, at least 21 days before the hearing, to do both of the following:</p> <ol style="list-style-type: none">1. Send a written notice of the hearing by certified mail to all owners that are adjacent to the proposed improvement; and2. Send the notice by certified or first class mail to all other owners within the area to be benefited by the proposed improvement, the board of supervisors of the appropriate soil and water conservation district, and the county engineer.
No provision.	<p>Requires the clerk to include all of the following in the notice:</p> <ol style="list-style-type: none">1. The date, time, and location of the hearing;2. A description of any easement on the owner's property that is necessary for purposes of the improvement;3. An owner's estimated assessment;4. A statement that an owner may file comments on the proposed improvement and exceptions to the estimated assessment in writing before the hearing or in person at the hearing; and5. The address at which to submit written comments on the proposed improvement and exceptions to the estimated assessment (<i>R.C. 940.29(B)</i>).

Prior law	H.B. 340
Required elements of hearing and hearing continuation	
No provision.	<p>Requires the board of county commissioners, on the date established for the hearing, to conduct the hearing by doing both of the following:</p> <ol style="list-style-type: none"> 1. Presenting the project design, construction plans, schedule of damages, cost estimates, and estimated assessments for the proposed improvement as submitted by the board of supervisors of the applicable soil and water conservation district; 2. Hearing any comments offered by any owner regarding the estimated assessments and proposed improvement (<i>R.C. 940.30(A)</i>).
No provision.	<p>Authorizes the board, if necessary, to adjourn and continue the hearing on subsequent days as may be reasonable to:</p> <ol style="list-style-type: none"> 1. Consider additional information about the proposed improvement; 2. Make changes that will better accomplish the purpose and object of the proposed improvement; or 3. Allow all interested owners to have an opportunity to comment on the proposed improvement (<i>R.C. 940.30(B)</i>).
Board of county commissioners – vote	
<p>Required the board, when considering whether to approve or disapprove construction of an improvement, to consider all of the following:</p> <ol style="list-style-type: none"> 1. The cost of location and construction; 2. The compensation for land or other property that had to be taken; 3. The benefits to the public welfare; 4. The benefits to land, public corporations, and the state needing the improvement; 5. In the case of an improvement involving the drainage of water, the effect on land below the improvement that may have been caused by constructing the improvement and the sufficiency 	<p>Instead, authorizes the board to approve the petition if the board is reasonably certain that:</p> <ol style="list-style-type: none"> 1. The benefits of the proposed improvement outweigh the costs; 2. The proposed improvement is necessary; 3. The proposed improvement will be conducive to the public welfare; 4. The proposed route and mode of construction of the improvement will improve water management and development in the county in which the district is located to the advantage of lands located in it; and 5. The proposed improvement will aid lands in the

Prior law	H.B. 340
<p>or insufficiency of the outlet that received flow from the improvement; and</p> <p>6. Any other proper matter that would assist the board in approving or disapproving construction of the improvement (<i>R.C. 940.29 (A) to (F)</i>).</p>	<p>area by promoting the economic, environmental, or social development of the area (<i>R.C. 940.31(B)</i>).</p>
Duties of the county engineer	
<p>Required the county engineer, if the board approved construction of an improvement, to file with the county recorder both of the following:</p> <ol style="list-style-type: none"> 1. A property plat showing the general location of the improvement; and 2. A statement describing the dimensions of any permanent easement that was necessary for maintenance of the improvement (<i>R.C. 940.29</i>). <p>No provision.</p>	<p>Instead, requires the county engineer, if the board approves a petition, to file with the county recorder all of the following:</p> <ol style="list-style-type: none"> 1. A property plat showing the owners of record and parcel numbers along the improvement; 2. The location of the improvement; 3. The width of any permanent easement that is necessary for maintenance of the improvement; and 4. An affidavit listing the owners of record, complete property descriptions, and parcel numbers subject to the permanent easement. (The engineer must note the property plat in the affidavit.) <p>Additionally, requires the county engineer to include the permanent easement in the county's geographic information systems or other mapping system, if available. (<i>R.C. 940.31(D)</i>).</p>
Board of supervisors – revision after disapproval	
<p>No provision.</p>	<p>If a board of county commissioners does not approve a petition for a proposed improvement, authorizes the board of supervisors to revise and submit the revision to the board of county commissioners for reconsideration of the petition (<i>R.C. 940.31(F)</i>).</p>

Levying of assessments

Prior law	H.B. 340
Levying of assessments – adoption of resolution	
<p>Authorized the board of county commissioners, after receiving an approved proposed improvement from the board of supervisors of a soil and water conservation district, to adopt a resolution levying on the property within the area to be benefited by an improvement an assessment (<i>R.C. 940.33(A)</i>).</p>	<p>Instead, <i>requires</i> the board, if the board approves a petition, to levy the assessment.</p>
<p>No provision.</p>	<p>Requires the board of county commissioners, in adopting a resolution, to take into consideration the estimated assessments prepared by the board of supervisors (see above). (<i>R.C. 940.32(A)</i>.)</p>
Assessments – consideration	
<p>Required the board of county commissioners to direct the person or authority preparing assessments to give:</p> <ol style="list-style-type: none"> 1. Primary consideration, in determining a parcel's estimated assessments relating to the disposal of water, to the potential increase in productivity that the parcel could experience as a result of the improvement; and 2. Consideration to the amount of water disposed of, the location of the property relative to the project, the value of the project to the watershed, and benefits (<i>R.C. 940.33(A)</i>). 	<p>No provision.</p>
Assessments – public entities	
<p>Required the part of the assessment that was found to benefit state or political subdivision roads to be assessed against the state or political subdivision, payable from motor vehicle revenues.</p>	<p>No provision.</p>
<p>Required the part of the assessment that was found to benefit property owned by any public corporation, any political subdivision of the state, or the state to be assessed against that entity and payable out of the entity's general funds or motor vehicle revenues, except as otherwise provided by law. (<i>R.C. 940.33(A)</i>.)</p>	<p>No provision.</p>

Prior law	H.B. 340
Assessments – exemptions	
<p>Stated that any land owned and managed by the Department of Natural Resources for certain purposes was exempt from assessments if the Director of Natural Resources determined that the land derived no benefit from the improvement.</p> <p>Established requirements and procedures for:</p> <ol style="list-style-type: none"> 1. Making a determination by the Director; 2. Notification of the board of county commissioners of that determination; and 3. Appeal by the board of that determination. (<i>R.C. 940.33(C).</i>) 	<p>No provision, thus it appears that the Department-owned land is not exempt from assessment.</p> <p>No provision.</p>
Filing of objections – notice	
<p>After an owner files an objection to an assessment, required the board to proceed, within 30 days of the filing of an objection, to hold a final hearing on the objections by fixing a date and giving notice by first class mail to the objectors at the address provided in filing the objection.</p> <p>If any mailed notice was returned undelivered, required the board to give due notice to the objectors in a newspaper of general circulation in the project area or as provided in the general laws governing notice of publication for political subdivisions, stating the time, place, and purpose of the hearing. (<i>R.C. 940.33(D)(2).</i>)</p>	<p>Same, but also requires the clerk of the board, at least 14 days prior to the hearing date, to notify each owner who filed an exception of the date and time of the owner’s exception hearing (hearings may be combined if multiple owners file objections) (<i>R.C. 940.32(D).</i>)</p> <p>No provision, thus it appears the board is no longer required to give notice via a newspaper of general circulation.</p>
Final schedule of assessments – notice	
<p>No provision.</p> <p>No provision.</p>	<p>If the board amends the final schedule of estimated assessments after hearing exceptions, requires the clerk of the board to send by certified or first class mail a written notice of the revised final schedule of estimated assessments to all owners within the area to be benefited by the improvement.</p> <p>Requires the notice to contain both of the following:</p> <ol style="list-style-type: none"> 1. The amount of the final estimated assessment

Prior law	H.B. 340
	<p>for the owner’s property;</p> <p>2. A statement that an owner may appeal the final estimated assessment to the applicable court of common pleas within 21 days of the notice of final estimated assessment. <i>(R.C. 940.32(D)(1) and (2).)</i></p>
Assessments – appeal	
<p>Authorized any owner whose objection was not allowed to appeal to the court of common pleas of the county in which the property is located (required the filing of the appeal to be within 30 days of the objection) <i>(R.C. 940.33(D)(3)).</i></p>	<p>Same, but requires the appeal to be within 21 days of the notice of final estimated assessment <i>(R.C. 940.32(D)(2)).</i></p>

Lead county for joint county improvements

Prior law	H.B. 340
Lead county	
<p>No provision.</p>	<p>Defines “lead county” as the county in which the majority of the initial length of a proposed improvement would be located, as set forth in a petition, when the proposed improvement would be located in two or more counties <i>(R.C. 940.01(O)).</i></p>

Joint board of supervisors

Prior law	H.B. 340
Formation	
<p>Authorized the board of supervisors of two or more adjoining soil and water conservation districts, with approval of the Ohio Soil and Water Conservation Commission, to form a joint board of supervisors for the purpose of construction, maintenance, and operation of a work of improvement located or to be located in the districts <i>(R.C. 940.18, repealed).</i></p>	<p>Instead, on receiving a petition for a proposed improvement that would be located in two or more adjoining districts, <i>requires</i> the board of supervisors of the adjoining districts, with the approval of the Commission, to create a joint board <i>(R.C. 940.34(A)).</i></p>

Prior law	H.B. 340
<p>If the number of members on a joint board would be even, required an additional supervisor to be designated from the district in which it appears that the highest amount of taxes or assessment for benefits for the improvement was to be made (<i>R.C. 940.18, repealed</i>).</p>	<p>Instead, in that situation, requires an additional member to be designated from the lead county (<i>R.C. 940.34(A)</i>).</p>
Duties and responsibilities	
<p>Authorized a joint board of supervisors to exercise the same powers given to a single board of a soil and water conservation district (<i>R.C. 940.18, repealed</i>).</p>	<p>Same, but adds the following conditions to that authority:</p> <ol style="list-style-type: none"> 1. For purposes of making a preliminary determination to accept or reject a petition, requires the joint board to make the determination within 60 days of the approval of the creation of the joint board; and 2. For purposes of a petition, requires the joint board to do both of the following: <ul style="list-style-type: none"> --Send the petition and accompanying information to the board of county commissioners of the lead county; and --Send notification of the need for the creation of a joint board of county commissioners (see below) to the board of county commissioners of each county in the area to be benefited by the proposed improvement (<i>R.C. 940.34(B)</i>).
Administrative officers	
<p>Required the joint board of supervisors to designate the clerk of courts of one of the counties as clerk of the joint board; and required the county auditor and county treasurer of one of the counties represented by a joint board of county commissioners, as designated by the joint board, to become ex officio fiscal agents of all the participating counties (<i>R.C. 940.31 and 940.32</i>).</p> <p>No provision.</p>	<p>On the creation of a joint board of supervisors, requires the elected officials in the lead county, including the engineer, recorder, auditor, prosecutor, treasurer, judges, and clerk of the board of county commissioners, to serve as the administrative officers for the joint board of supervisors (<i>R.C. 940.34(C)</i>).</p> <p>States that the prosecuting attorney of a lead county that is represented on a joint board of supervisors is the legal advisor of the joint board in all civil actions brought by or against the joint board.</p>

Prior law	H.B. 340
No provision.	Requires the prosecuting attorney to conduct all those actions in the prosecuting attorney's official capacity and authorizes the joint board to employ other attorneys as may be necessary or desirable in the operations of the joint board. <i>(R.C. 940.13(B)).</i>

Joint board of county commissioners

Prior law	H.B. 340
Formation	
Stated that the boards of county commissioners of all the counties containing any of the territory included in the project area, if all of those boards have approved construction of an improvement, were a joint board of county commissioners <i>(R.C. 940.31).</i>	Similar, and specifies that if a proposed improvement would affect more than one county, requires the board of county commissioners from each of the counties that would be affected by the proposed improvement to meet on a date fixed by the clerk of the board of county commissioners of the lead county.
No provision.	Requires the boards to meet in the lead county to organize a joint board of county commissioners. <i>(R.C. 940.35(A).)</i>
Apportionment of costs	
Authorized the joint board of county commissioners to agree to apportion any cost of the improvement, or expenses incurred in connection with the improvement, not paid by assessments or taxes levied for the improvement, or funds other than county funds, among the participating counties <i>(R.C. 940.31).</i>	No provision.

Prior law	H.B. 340
Responsibilities of the clerk	
No provision.	<p>Requires the clerk of the board of county commissioners of the lead county to do all of the following:</p> <ol style="list-style-type: none"> 1. Act as clerk and administrator of the joint board; 2. Enter the findings of the joint board in the journal of the board of county commissioners of the lead county; 3. Make the final record of the improvement in the lead county; and 4. Provide copies of all proceedings to the clerks of the boards of all affected counties (<i>R.C. 940.35(C)</i>).
Director of Natural Resources membership	
No provision.	<p>Requires the Director of Natural Resources to be an ex officio member of the joint board and authorizes the Director to participate, in person or through a designated representative, in deliberations and proceedings of the joint board.</p> <p>Specifies all of the following regarding the Director's participation on the joint board:</p> <ol style="list-style-type: none"> 1. The Director has no vote on any proceedings of the joint board except in the case of a tie for or against an improvement; 2. If the Director or the Director's designee is not present at the proceeding, the Director must review the proceedings and cast the deciding vote within 30 days of the proceeding. (A failure to cast a vote for or against the improvement within 30 days constitutes an affirmative vote for the improvement); and 3. The clerk must record the final resolution of the tie. (<i>R.C. 940.35(E)</i>.)

Appeals

Prior law	H.B. 340
Appeals	
<p>As stated above, allowed an owner to appeal the amount of an assessment to the court of common pleas of the county in which the property is located (see “Levying of assessments,” above).</p>	<p>Allows any affected owner to appeal to the appropriate court of common pleas any action or determination of a board of supervisors, joint board of supervisors, board of county commissioners, or joint board of county commissioners.</p>
<p>No provision.</p>	<p>Requires the affected owner to make the appeal within 30 days of the date of the action or determination and authorizes the appeal to be based on any of the following questions:</p> <ol style="list-style-type: none"> 1. Is the improvement necessary? 2. Will the improvement be conducive to the public welfare? 3. Is the cost of the improvement greater than the benefits conferred? 4. Is the route, termini, or mode of construction the best to accomplish the purpose of the improvement? 5. Are the assessments levied according to benefits? 6. Is the award for compensation or damages just? <i>(R.C. 940.38.)</i>

Video conferences and teleconferences

Prior law	H.B. 340
Video conferences and teleconferences	
<p>No provision.</p>	<p>Allows a board of supervisors or joint board of supervisors, when practicable, to conduct meetings by video conference or, if video conference is not available, by teleconference.</p>
<p>No provision.</p>	<p>Requires the board or joint board to make provisions for public attendance at any location involved in a meeting conducted by video conference or teleconference.</p>

Prior law	H.B. 340
No provision.	Specifies that the board's or joint board's main office or board room is the primary meeting location for the video conference or teleconference, and subjects the meetings to the Public Meetings Law.
No provision.	Before convening a meeting, requires designated staff to send a copy of meeting-related documents to each board or joint board member.
No provision.	Requires the minutes of each meeting to specify who was in attendance and in what manner the meeting was conducted – teleconference, videoconference, or in-person.
No provision.	Requires any vote taken in a meeting held by teleconference that is not unanimous to be recorded as a roll call vote.
No provision.	States that nothing in the Public Meetings Law prohibits a board or joint board from conducting a meeting in a manner as authorized above. <i>(R.C. 940.39.)</i>

SINGLE COUNTY DRAINAGE IMPROVEMENTS

Continuing law establishes a process by which a county may allow for the construction of a drainage improvement if a petition is made to the board of county commissioners and the board finds all of the following:

- The proposed improvement is necessary for disposal or removal of surplus water, controlled drainage of any land, irrigation, storage of water to regulate stream flow or preventing the overflow of any land in the county, or water conservation;
- The proposed improvement's construction will be conducive to the public welfare; and
- The cost of the proposed improvement will be less than the benefits conferred by its construction.²

The board must make those findings through a process, which includes:

1. Accepting petitions filed by landowners for a proposed drainage improvement;
2. Ensuring proper recordkeeping regarding the proposed improvement;

² R.C. 6131.02.

3. Providing proper notice, and viewing the proposed improvement;
4. Holding hearings regarding the proposed improvement;
5. Voting on whether to approve the petition;
6. Ordering assessments to pay for the improvement; and
7. The hearing of appeals regarding the process in the court of common pleas.³

The act retains the basic legal structure for approving and implementing a drainage improvement. However, it makes numerous changes to the specific procedures that underlie that structure. Below is a discussion of the act's changes to the procedures and structure.

Terminology

Prior law	H.B. 340
Terminology	
Used the term "ditch" to describe a drainage improvement (<i>R.C. Chapter 6131</i>).	Changes the term "ditch" to "drainage improvement" throughout the law governing those drainage improvements (<i>R.C. Chapter 6131</i>).

Filing and amending a petition

Prior law	H.B. 340
Filing of petition with board of county commissioners	
Authorized an owner to file a petition with the clerk of the board of county commissioners requesting the construction of an improvement (<i>R.C. 6131.04</i>).	Same, but also requires the owner, prior to filing a petition, to consult with the appropriate county engineer to discuss the proposed drainage improvement and to determine the proper forms and procedures for filing the petition (<i>R.C. 6131.04(A)</i>).
Petition – information included	
Required a petition to include, in part, a list of the names and addresses, where known, of all the owners of the land that the petitioner or the county engineer claims will be benefited or damaged by the construction of the proposed improvement (<i>R.C. 6131.04</i>).	Clarifies that the future benefits or damages resulting from the proposed improvements are determined by the county engineer (<i>R.C. 6131.04(B)(5)</i>).

³ R.C. Chapter 6131.

Prior law	H.B 340
Bonding requirements	
<p>Required a petitioner to file, with the petition, a bond of \$500 plus an additional \$2 for each parcel of land in excess of 200 benefited parcels (<i>R.C. 6131.06</i>).</p> <p>Specified that the bond was credited to the General Drainage Improvement Fund to pay the cost of notices, plus any other incidental expenses, excluding the costs incurred by the county engineer in making the engineer’s preliminary reports if the petition is not granted or if the petition is dismissed (<i>R.C. 6131.06</i>).</p> <p>Specified that if the board of county commissioners, by resolution, found that any land owned by the county or any highway under its supervision was in need of drainage and the drainage would also specially benefit other land, the board did not need to post bond for the improvement in the court of common pleas (<i>R.C. 6131.62</i>).</p>	<p>Increases the bond requirement to \$1,500 plus an additional \$5 for each parcel of land in excess of 200 benefited parcels (<i>R.C. 6131.06(A)</i>).</p> <p>Similar, but provides that the bond may also be credited to a special fund created for the proposed improvement, and requires the money to be used to pay for all costs associated in preparing for the view and first hearing if the petition is not granted or if the petition is dismissed (<i>R.C. 6131.06(B)</i>).</p> <p>No provision (<i>repealed</i>).</p>
Amending a petition	
<p>Allowed a benefiting owner to file a written application for an amendment to a petition, provided the board of county commissioners allows the amendment application (<i>R.C. 6131.05</i>).</p> <p>No provision.</p> <p>No provision.</p> <p>Permitted a benefiting owner to also amend a petition while the proceedings were pending on appeal in the court of common pleas (<i>R.C. 6131.05</i>).</p>	<p>States that a benefiting owner may file an amendment to a petition only with regard to expanding the length of the proposed improvement, provided that the amendment does not expand the area to be benefited by the proposed improvement (<i>R.C. 6131.05(A)</i>).</p> <p>States that if a benefiting owner seeks to expand the area to be benefited or the number of parcels to be benefited, the owner must file a new petition (<i>R.C. 6131.05(A)</i>).</p> <p>Requires a benefiting owner to file an amendment within 21 days after the date of the view (<i>R.C. 6131.05(A)</i>).</p> <p>No provision.</p>

Prior law	H.B 340
Comments to petition	
<p>Allowed an owner who had not joined in the petition and who was in favor of the petition to file an application with the board of county commissioners requesting that the improvement be granted, and to include with the application the owner's reasons (<i>R.C. 6131.08</i>).</p> <p>Allowed an owner who had not joined in a petition and who was not in favor of the petition to file remonstrances against the granting of the improvement, and to include with the application reasons for not wanting the petition to be granted (<i>R.C. 6131.08</i>).</p> <p>No provision.</p>	<p>Instead, allows such an owner to comment on the petition with the board (<i>R.C. 6131.08</i>).</p> <p>Same as above.</p> <p>Specifies that comments may be made in person at the public hearings on the petition or filed in writing with the clerk of the board of county commissioners (<i>R.C. 6131.08</i>).</p>
Proposed improvement recordkeeping	
<p>Required the board of county commissioners to maintain a permanent file containing a record of the petition that included all of the following:</p> <ol style="list-style-type: none"> 1. Applications and remonstrances filed; 2. Orders made by the board; 3. Preliminary estimates and preliminary report of the county engineer; 4. Reports of review by the Director of Natural Resources, the Director of Transportation, and the directors of any conservancy district; 5. Reports of the engineer as to the construction of the improvement; and 6. Any other matter that is proper for the record (<i>R.C. 6131.57</i>). <p>Also, required the county engineer to maintain a permanent file for the proposed improvement containing all records described above (<i>R.C. 6131.57</i>).</p>	<p>Instead, requires the clerk of the board to maintain a file for the proposed improvement containing a record of the petition that includes all of the following:</p> <ol style="list-style-type: none"> 1. Amendments; 2. Comments; 3. Notices; 4. Proceedings; 5. Resolutions; 6. Orders; and 7. Any other record regarding the proposed improvement that is filed with the board (<i>R.C. 6131.061(A)</i>). <p>Requires the county engineer to maintain a file for the improvement that contains all of the following:</p> <ol style="list-style-type: none"> 1. A record of the petition; 2. Amendments to the petition;

Prior law	H.B 340
<p>Required the county engineer to prepare a preliminary estimate of the cost of the proposed improvement and file that estimate at the first hearing on the improvement, as a guide to the board of county commissioners and the petitioners (<i>R.C. 6131.09</i>).</p> <p>Required the clerk of the board of county commissioners, after the final hearing on the petition, or after the final judgment, order, or decree has been rendered after any appeal, to file with the county engineer all maps, profiles, and plans of the improvement, which was to be filed together with an annual record of maintenance and repair (<i>R.C. 6131.57</i>).</p>	<p>3. All reports, estimates, surveys, maps, plans, drawings, schedules, and other documents prepared for the proposed improvement by the engineer or the engineer's designee; and</p> <p>4. Any reports of the Director of Natural Resources, the Director of Transportation, and directors of any conservancy districts (<i>R.C. 6131.061(B)</i>).</p> <p>Similar, but requires the county engineer to prepare the preliminary report on the proposed improvement on receipt of notice of the filing of the improvement from the board (<i>R.C. 6131.09(A)</i>).</p> <p>Requires the clerk of the board of county commissioners to instead file or transfer the records required to be kept (see above) to the county engineer, which the county engineer must maintain as a permanent project file, together with an annual record of maintenance and repairs for the improvement (<i>R.C. 6131.061(C)</i>).</p>

Notice and view of the proposed improvement

Prior law	H.B. 340
Establishing view date	
<p>Required the date for a view of the proposed improvement to take place between 25 and 90 days after the date on which the petition was filed (<i>R.C. 6131.07</i>).</p>	<p>Instead, requires the view to occur between 30 and 120 days after the petition's filing (<i>R.C. 6131.07(B)(2)</i>).</p>
Notice of improvement	
<p>Required the clerk of the board of county commissioners to send a written notice to the owners named in the petition at least 20 days prior to the view (<i>R.C. 6131.07</i>).</p>	<p>Similar, but requires the clerk to send the notice 21 days prior to the view (<i>R.C. 6131.07(C)</i>).</p>
<p>Required the clerk to include all of the following in the notice:</p>	<p>Similar, but eliminates the requirement to include the pendency, substance, and prayer of the</p>

Prior law	H.B. 340
<p>1. The pendency, substance, and prayer of the petition;</p> <p>2. A statement that all costs of engineering, construction, and future maintenance will be assessed to the benefiting parcels of land; and</p> <p>3. The date, time, and location for the view and first hearing (<i>R.C. 6131.07</i>).</p> <p>Required the clerk to send notice by first class mail or certified mail, return receipt requested to all owners (<i>R.C. 6137.07</i>).</p>	<p>petition and also requires the clerk to include the following in the notice:</p> <p>1. A description of the proposed improvement and its location as stated in the petition, a map indicating the location of the proposed improvement or information on where to access the map, and an explanation of how to access additional information or ask questions about the proposed improvement;</p> <p>2. A statement that the owner may file, up to 21 days after the view date, an amendment to the petition that expands the length of the proposed improvement, provided that the amendment does not expand the area to be benefited by the proposed improvement;</p> <p>3. A statement that an owner receiving the notice may comment on the proposed improvement in writing before or in person at the public hearings on the petition; and</p> <p>4. The address at which to file an amendment to the petition or submit written comments on the proposed amendment or the petition (<i>R.C. 6131.07(C)(2) to (6)</i>).</p> <p>Instead, requires the clerk to send notice by certified mail to all owners that are adjacent to the proposed improvement, and to all other owners by first class or certified mail (<i>R.C. 6137.07(D)</i>).</p>
The view	
<p>On the date of the view, required the board and the county engineer to do both of the following:</p> <p>1. Meet at the designated place near the proposed improvement; and</p> <p>2. Go over and along the line of the proposed improvement and each branch, lateral, or spur mentioned in the petition (<i>R.C. 6131.10</i>).</p>	<p>Instead, on the date of the view, requires the county engineer or a designated representative to do both of the following:</p> <p>1. Present an overview of the proposed improvement; and</p> <p>2. In that presentation, use methods and means that the board determines will adequately inform those attending the view about the proposed improvement's location and the drainage issues intended to be addressed by the proposed improvement (<i>R.C. 6131.10(A)</i>).</p>

Prior law	H.B. 340
<p>Authorized the county engineer to adjourn the view from day to day, or a longer period, until the view was complete (<i>R.C. 6131.10</i>).</p>	<p>Instead, specifies that the board of county commissioners may adjourn from day to day, or a longer period, until the view is completed, and specifies that when a request is made by a commissioner or an owner in the area to be benefited by the proposed improvement, the board of county commissioners must recess the view and reconvene at a site along the proposed improvement for the purpose of gaining additional information about the drainage issue intended to be addressed by the proposed improvement (<i>R.C. 6131.10(B)</i>).</p>
<p>Allowed additional views regarding proposed changes to routes, branches, or spurs (<i>R.C. 6131.10</i>).</p>	<p>No provision.</p>

First hearing on proposed improvement

Prior law	H.B. 340
Establishment of hearing of proposed improvement	
<p>Required the board of county commissioners to hold the first hearing on the proposed improvement between 10 and 90 days after the date of the view (<i>R.C. 6131.07</i>).</p>	<p>Instead, requires the first hearing to occur between 30 and 90 days after the view (<i>R.C. 6131.07(B)(2)</i>).</p>
First hearing	
<p>At the first hearing, required the board of county commissioners to:</p> <ol style="list-style-type: none"> 1. Hear the preliminary report; 2. Hear evidence for or against the granting of the improvement, or for or against any laterals, branches, spurs, or change of route, course, termini, or manner of construction; and 3. Adjourn the hearing from day to day, or for a longer time so all interested owners could be heard (<i>R.C. 6131.10</i>). 	<p>Same, but also allows the board to adjourn to consider additional information (<i>R.C. 6131.101(A) and (B)</i>).</p>

Prior law	H.B. 340
First hearing – vote	
<p>Authorized the board of county commissioners to approve the petition if the board found all of the following:</p> <ol style="list-style-type: none"> 1. That a proposed improvement was necessary; 2. That the proposed improvement was conducive to the public welfare; and 3. That it was reasonably certain the cost will be less than the benefits (<i>R.C. 6131.12</i>). <p>In granting the petition, required the board to ensure that the route of the improvement be located so as to avoid running the improvement diagonally across property and, where practicable, followed property lines, section lines, and lines of public highways (<i>R.C. 6131.12</i>).</p>	<p>Generally the same, but requires the board to take into consideration the petition, the preliminary report, and comments on the proposed improvement (<i>R.C. 6131.101(C) and 6131.12(A)</i>).</p> <p>Instead, requires the county engineer, as part of the survey and design of the improvement, to prepare specifications for the improvement's route that avoids running the improvement diagonally across property and to follow property lines, section lines, and lines of public highways (<i>R.C. 6131.14(E)(1)</i>).</p>

County engineer's duties prior to the final hearing

Prior law	H.B. 340
County engineer's duties – general	
<p>Required the county engineer, when preparing for the improvement, to perform certain duties, including making profiles showing the cuttings and gradient (<i>R.C. 6131.14</i>).</p> <p>Required the engineer to recommend the maintenance district in which the improvement was to be placed (<i>R.C. 6131.14</i>).</p> <p>No provision.</p>	<p>Similar, but requires the county engineer to prepare construction drawings of the improvement and removes the requirement to make profiles showing the cuttings and gradient (<i>R.C. 6131.14(B)(4)</i>).</p> <p>Instead, authorizes the engineer to recommend the maintenance district (<i>R.C. 6131.14(B)(5)</i>).</p> <p>Requires the engineer to prepare a schedule of damages that includes both of the following:</p> <ol style="list-style-type: none"> 1. An estimate of the value of land or other property necessary to be acquired through purchase or voluntary transfer or appropriated, and a description of that land or other property; and 2. An estimate of the total damages to be

Prior law	H.B. 340
<p>Required the engineer to specify a width of temporary easement for construction purposes that included spreading and leveling of spoil banks (<i>R.C. 6131.14</i>).</p>	<p>sustained by owners as a result of the construction and subsequent maintenance of a proposed improvement, along with the name and address of each owner that is alleged to be damaged, the amount of each owner's estimated damages, and an explanation of each owner's injury (<i>R.C. 6131.14(B)(6)</i>).</p> <p>Same, but adds that the temporary easement cannot be more than 75 feet from the top of the bank (<i>R.C. 6131.14(E)(2)</i>).</p>
<p>Required the engineer to do all of the following:</p> <ol style="list-style-type: none"> 1. Set proper construction stakes and note the intersection of the line of the improvement with the apparent land boundaries of separate owners, township and county lines, natural landmarks, road crossings, or other lines or marks; 2. Take and note any necessary levels off the line of the improvement to determine the area of the land subject to drainage; and 3. Establish, at intervals of not less than one in each mile, in the most practicable permanent form, and in locations where destruction or disturbance was improbable, bench marks from which the original levels of the improvement could be established (<i>R.C. 6131.14</i>). 	<p>Removes these specific provisions, but retains language that requires the engineer to make a plan of the work proposed to be done that shows the grade, the depth, the excavating to be done, the location of the permanent bench marks and their actual elevation based on the most recent U.S. Geological Survey data above or below the base elevation used, and any other data that the engineer believes will aid in retracing lines, levels, or other features of the improvement (<i>R.C. 6131.14(C)</i>).</p>
<p>Required the sod or seeded strip that provided erosion and sediment control for the improvement to be between four and 15 feet wide (<i>R.C. 6131.14</i>).</p>	<p>Same, but requires the sod or seeded strip width to be between ten and 15 feet wide (<i>R.C. 6131.14(E)(3)</i>).</p>
<p>Required the engineer to make estimates of the cost of excavating and of the cost of material and authorized the engineer to divide the construction of the improvement into construction areas as considered expedient (<i>R.C. 6131.14</i>).</p>	<p>Removes this requirement (<i>R.C. 6131.14(F)</i>).</p>
<p>Required the county engineer, if the board agreed with the project survey and design on a proposed improvement, to file with the county recorder the location of the improvement and a statement describing the width of the permanent easement</p>	<p>Same, and adds that the county engineer must file with the county recorder an affidavit listing the owners of record, complete property descriptions, and parcel numbers subject to the permanent easement. (The engineer must note the property</p>

Prior law	H.B. 340
<p>that is necessary for maintenance of the improvement.</p> <p>Required the county engineer also to file a property plat showing the general location of the improvement. <i>(R.C. 6131.14.)</i></p> <p>No provision.</p>	<p>plat in the affidavit.)</p> <p>Instead, requires the county engineer to file a property plat showing the owners of record and parcel numbers along the improvement.</p> <p>Additionally, requires the county engineer to include the permanent easement in the county's geographic information systems or other mapping system, if available. <i>(R.C. 6131.14(J).)</i></p>
County engineer's duties – assessments	
<p>Required the county engineer, when preparing a schedule of assessments and determining the estimated drainage assessments for a parcel, to give primary consideration to the potential increase in productivity that the parcel could experience as a result of the improvement and give consideration to the quantity of drainage contributed, the relative location of the property to the project, the portion of the project through which the drainage from the parcel flowed, the value of the project to the watershed, and benefits of the improvement <i>(R.C. 6131.15)</i>.</p> <p>Required the county engineer to do both of the following:</p> <ol style="list-style-type: none"> 1. Include with the schedule of assessments, the name and address of each owner and a description 	<p>Instead, requires the county engineer, when calculating each estimated assessment, to use the information compiled in the engineer's estimate of the cost of the improvement and the schedule of damages and to consider the following factors:</p> <ol style="list-style-type: none"> 1. Acreage of a parcel; 2. Volume of water produced by a parcel; 3. Remoteness of the parcel to the improvement; 4. Percentage of the improvement used by the parcel; 5. Work determined to benefit that particular parcel only and not the remainder of the parcels in the watershed; 6. Soils; 7. County auditor's land value or current agricultural use value; 8. Existing drainage infrastructure that can be incorporated into the improvement and associated cost savings; 9. Any other factors pertinent to that particular petition and watershed; and 10. Any benefits of the improvement <i>(R.C. 6131.15(B))</i>. <p>Similar, but does all of the following:</p> <ol style="list-style-type: none"> 1. Requires the county engineer to obtain the owner's <i>address</i> from the county's tax duplicates; 2. Requires the engineer to obtain the description

Prior law	H.B. 340
<p>of the land believed to benefit from the proposed improvement; and</p> <p>2. Obtain the name and description from county's tax duplicates (<i>R.C. 6131.15</i>).</p>	<p>from the county recorder's office; and</p> <p>3. For purposes of the description, prohibits the county recorder from requiring a metes and bounds survey (<i>R.C. 6131.15(A)</i>).</p>

Final hearing

Prior law	H.B. 340
Notice of final hearing	
<p>Required the clerk of the board of county commissioners to immediately give notice, by certified mail, return receipt requested, or by first class mail to all owners whose names appeared in the county engineer's schedules of assessments and damages (<i>R.C. 6131.16</i>).</p>	<p>Instead, requires the clerk to provide notice, <i>at least 21 days prior to the final hearing</i>, by:</p> <ol style="list-style-type: none"> 1. Certified mail to all owners who are adjacent to the proposed improvement; and 2. Certified or first class mail, to all others in the area to be benefited (<i>R.C. 6131.16(B)</i>).
Filing damages prior to hearing	
<p>Required an owner, who filed an exception to the county engineer's schedule of assessments or a claim for damages or compensation, to do so on or before the date of the final hearing in the proceedings to construct the improvement (<i>R.C. 6131.17</i>).</p>	<p>Instead, requires the owner to file the exception not less than five days before the final hearing (<i>R.C. 6131.17</i>).</p>
Compensation and damages	
<p>Specified that when the board of county commissioners determined damages at the final hearing, the board had to determine the <i>fair</i> value of any land or any other property to be taken for the proposed improvement (<i>R.C. 6131.19</i>).</p>	<p>Similar, but requires the board to determine the value (not fair value) of land or other property taken for the proposed improvement (<i>R.C. 6131.19(B)</i>).</p>
<p>Required the board of county commissioners, when determining the amount of damages that an owner was entitled, to enter its findings in its journal and authorized the county auditor to issue warrants upon the county treasurer to claimants for the appropriate amounts before any work on the proposed improvement was done (<i>R.C. 6131.19</i>).</p>	<p>Instead, specifies that if the board awards additional compensation to any owner at the final hearing, the board must order the county engineer to prepare new assessments for the proposed improvement and the clerk of the board must notify all owners of the new assessments (<i>R.C. 6131.19(C)</i>).</p>

Prior law	H.B. 340
<p>Specified the following in regards to claims for compensation or damages:</p> <ol style="list-style-type: none"> 1. In all matters where the rights of the county were affected, the prosecuting attorney represented the county; and 2. In all matters where the rights of the state of Ohio were affected, the Attorney General represented the state (<i>R.C. 6131.18, repealed</i>). 	<p>Repeals these provisions (however, Ohio law dictates that the prosecuting attorney represent the county and the Attorney General represent the state in these types of claims) (<i>R.C. 109.361 and 309.09</i>).</p>
Ordering assessments	
<p>Regarding the board of county commissioners' order to the county engineer to request bids for the construction of a proposed improvement (after the board approves the assessment), required the county engineer to request the bids within 25 days after receiving the order (<i>R.C. 6131.22</i>).</p>	<p>Increases the time from 25 days to 30 days by which the county engineer must receive bids (<i>R.C. 6131.22(C)(1)</i>).</p>

Appeals process

Prior law	H.B. 340
Appealing board's order to court	
<p>Regarding the time that an affected owner may appeal to the court of common pleas any order that was issued by the board of county commissioners for an improvement, required the owner to appeal within 21 days of the date of an order (<i>R.C. 6131.25</i>).</p>	<p>Increases the time that an affected owner has to appeal the board's order to 30 days from the date that the order was issued (<i>R.C. 6131.25(A)</i>).</p>
Appeal proceedings style	
<p>Required the proceedings on appeal in the court of common pleas to be styled as follows:</p> <p>"In the matter of the appeal in county ditch or improvement No . . . , petitioned for by"</p> <p>(<i>R.C. 6131.27</i>).</p>	<p>No provision. (<i>R.C. 6131.27</i>).</p>

Prior law	H.B. 340
Bonding	
<p>Required a landowner to do all of the following when appealing a drainage improvement hearing decision:</p> <ol style="list-style-type: none"> 1. File an appeal bond of at least \$500, plus the sum of \$2 for each parcel of land in excess of 200 benefited parcels; 2. Pay all costs on appeal if the hearing decision was sustained; 3. File a statement of the decision or order appealed from and of the claims of the owner in ordinary and concise language; and 4. Pay all necessary filing fees and other related documents as the court could require (<i>R.C. 6131.26</i>). 	<p>No provision (repealed).</p>
Separate filings by multiple owners	
<p>Authorized several owners who appeal the orders in the same improvement to file separate bonds and separate statements stating the matters appealed (<i>R.C. 6131.28</i>).</p>	<p>Same, but removes the requirement that the owners file separate bonds and separate statements stating the matters appealed (<i>R.C. 6131.28</i>).</p>
Appeals hearing	
<p>Specified that the appeals hearing was conducted in the same manner as were other civil hearings (<i>R.C. 6131.30</i>).</p>	<p>Removes this specification (however, the appeals process will still be conducted in accordance with Ohio law and Ohio Rules of Civil Procedure).</p>
Board of arbitrators	
<p>Authorized the court of common pleas to appoint a board of arbitrators to assume the duties of the judge in the appeals hearing (<i>R.C. 6131.30</i>).</p>	<p>No provision.</p>
Jury trial	
<p>Included specific procedures regarding a trial by jury (<i>R.C. 6131.32, 6131.33, and 6131.34</i>).</p>	<p>Removes the specific procedures; retains the right to a jury trial and Ohio Rules of Civil Procedure, as well as relevant provisions of Ohio law, apply (<i>R.C. 6131.32 and 6131.33</i>).</p>

Civil action

Prior law	H.B. 340
Contractor failing to complete contract	
If a contractor was not performing or completing improvement work according to the contract, required the board of county commissioners to give the contractor notice in writing of a hearing on the matter at least ten days before that hearing and, if after the hearing the contractor was found to have breached the contract, allowed the county engineer to replace that contractor (<i>R.C. 6131.44</i>).	Repeals these procedures; however, Ohio law still provides for remedies for breach of contract (<i>R.C. Chapters 1301 and 1302</i>).
Civil action to recover damages	
Allowed an owner who had suffered any loss or damage by reason of the failure of a contractor to perform in accordance with the contract, or by the contractor's negligence in performing the contract to bring suit against the contractor and the contractor's bondsmen to recover damages that were sustained (<i>R.C. 6131.42</i>).	Removes this specific provision; however, Ohio law provides a process for bringing a civil action for an owner who suffers damages caused by a contractor.
Joinder	
Allowed two or more owners who were assessed for the construction of the improvement to bring one civil suit against the contractor and the contractor's bondsmen to recover damages and for the jury to award damages in one verdict (<i>R.C. 6131.42</i>).	Removes this specific provision; however, the Ohio Rules of Civil Procedure governs joinder of parties.

Funding and compensation

Prior law	H.B. 340
General Drainage Improvement Fund	
Required the board of county commissioners of each county to provide and establish the "General Drainage Improvement Fund" to be used as a sinking fund for all bonds issued for improvements (<i>R.C. 6131.50</i>).	Authorizes, instead of requires, each county to have a General Drainage Improvement Fund. As a result, allows each county to establish other special funds to deposit money to be used for improvements and other costs (<i>R.C. 6131.50</i>) and makes conforming changes (<i>R.C. 6131.06, 6131.12, 6131.19, 6131.30, 6131.51, 6131.52, and 6131.60</i>).

Prior law	H.B. 340
Warrants	
Prohibited warrants from being drawn to be paid from the fund unless the fund contained a sufficient amount not otherwise specifically appropriated to pay them (<i>R.C. 6131.51</i>).	Removes this prohibition.
Extra compensation for contractors	
<p>Authorized the board of county commissioners to order extra compensation for nonbid work to be done by a contractor, under the supervision of the county engineer, if one of the following occurred:</p> <ol style="list-style-type: none"> 1. In the progress of the work on any improvement, there occurred bed rock, flowing sand, or other items not noted in the engineer's report that had to be removed or controlled; or 2. In the progress of the work, nonbid material or labor, or both, was needed. 	No provision (repealed).
Allowed for pro rata reductions if the costs were less than anticipated. (<i>R.C. 6131.48, repealed.</i>)	No provision (repealed).
Installment payments to contractor	
Provided for installment payments to be paid to the contractor as work on the improvement progressed (<i>R.C. 6131.49, repealed</i>).	Repeals this provision (however Ohio law – R.C. 151.13, 153.12, and 153.14 – still allows for installment payments to contractors).

Conflicts of interest

Prior law	H.B. 340
Procedures in case of conflict	
Specified that if one or more members of a board of county commissioners were petitioners for an improvement, the clerk of the board had to notify the court of common pleas judge who then appointed disinterested owners of property in the county to take the place of the board members who were petitioners (<i>R.C. 6131.60</i>).	Same (<i>R.C. 6131.60</i>).

Prior law	H.B. 340
However, prohibited the appointees from being related by blood or affinity to the interested members (<i>R.C. 6131.60</i>).	No provision.
Required the appointees to take an oath (<i>R.C. 6131.60</i>).	No provision.
Required the appointees to receive the same per diem rate that the disqualified member received (<i>R.C. 6131.60</i>).	Authorizes, instead of requires, the appointee to receive the same per diem rate that the disqualified member receives (<i>R.C. 6131.60</i>).

Owner-funded improvement

Prior law	H.B. 340
Exception to owner-funded improvement	
Allowed one or more owners who were willing to construct and pay the costs of a drainage improvement to enter into a written agreement for the construction of the improvement.	Same.
Excluded from the above allowance an owner whose land was used for agricultural purposes who desired to install tile by extending or adding to the owner's own laterals or desires to expel water into an open ditch on the owner's land in the same watershed (<i>R.C. 6131.63</i> .)	Removes the agricultural land owner exception (<i>R.C. 6131.63(A)</i> .)
Professional engineer approval	
Required the plan for an owner-funded drainage improvement to be approved by a professional engineer (<i>R.C. 6131.63</i>).	No provision.

Prior law	H.B. 340
County engineer's review	
Required the county engineer to file with the clerk of the board of county commissioners, within 60 days, a report of the engineer's review with recommendations for change, amendment, or alteration of the agreement, plan, and schedules that the engineer determined were necessary in the public interest (<i>R.C. 6131.63</i>).	Similar, but eliminates the requirement that the engineer determine that recommendations are in the public interest (<i>R.C. 6131.63(E)</i>).

JOINT COUNTY DRAINAGE IMPROVEMENTS

Continuing law establishes a process by which multiple counties may construct a drainage improvement after a petition is made to a joint board of county commissioners. The joint county process is similar to the process used for constructing a single county drainage improvement and includes the following:

1. Requiring the joint board to meet regarding the proposed drainage improvement;
2. Accepting petitions filed by landowners for a proposed improvement;
3. Ensuring proper recordkeeping regarding the proposed improvement;
4. Providing proper notice, and viewing the proposed improvement;
5. Holding hearings regarding the proposed improvement;
6. Voting on whether to approve the petition;
7. Ordering assessments to pay for the improvement;
8. Designating which county engineer will conduct the field work, make the survey, plans, and estimates and file required reports; and
9. The hearing of appeals regarding the process in the court of common pleas.⁴

Continuing law also establishes permanent maintenance assessment requirements and repair standards regarding joint county drainage improvements.⁵

The act retains the basic process structure for approving and implementing a joint county drainage improvement, as well as the maintenance assessment requirements and repair standards. However, it makes numerous changes to the specifics of that process and those requirements and standards. Below is a discussion of the act's changes to the process, requirements, and standards.

⁴ R.C. Chapter 6133.

⁵ R.C. Chapter 6137.

Procedures and requirements

Prior law	H.B. 340
Lead county	
<p>Did not specifically define a “lead county,” but instead generally referred throughout the Joint County Ditch Law to the “county in which the petition is filed” (<i>R.C. Chapter 6133</i>).</p>	<p>Defines a “lead county” to mean the county in which the majority of a joint county drainage improvement would be located, as specified in an original petition (<i>R.C. 6133.01(B)</i>).</p>
Meeting requirement	
<p>Required the board of county commissioners from each of the counties affected by a joint county improvement to meet in the county in which the petition for the project was filed (<i>R.C. 6133.04</i>).</p>	<p>Eliminates the requirement that the boards meet in the county in which the petition for the project was filed (<i>R.C. 6133.04(A)</i>).</p>
Certified copies of petition	
<p>Required the clerk of the board of county commissioners in the county in which the petition was filed to act as clerk, and to file certified copies of all proceedings with the clerks of the boards of all the affected counties (<i>R.C. 6133.04</i>).</p>	<p>Instead, requires the clerk of the lead county to act as clerk and administrator and requires the clerk to provide copies, not certified, of all the proceedings to the clerks of all affected counties (<i>R.C. 6133.04(B)</i>).</p>
Hearing locations	
<p>Required all hearings to be held in the county in which the petition for the improvement was filed (<i>R.C. 6133.04</i>).</p>	<p>Instead, requires all the hearings to be held in the lead county unless a majority of the joint board agrees to an alternative location (<i>R.C. 6133.04(E)</i>).</p>
Administration of the joint board	
<p>No provision.</p>	<p>Requires that when the joint board is formed, that it be administered by the lead county’s elected officials, the lead county’s county engineer, county recorder, county auditor, county prosecutor, common pleas judges, county treasurer, and clerk of the board of the county commissioners (<i>R.C. 6133.04(F)</i>).</p>
Fiscal agents	
<p>Required the county auditor and the county treasurer of the county in which the petition was filed to be the fiscal agents of all the counties interested in the improvement (<i>R.C. 6133.07</i>).</p>	<p>Instead, requires the county auditor and county treasurer of the lead county to be the fiscal agents (<i>R.C. 6133.07(A)(1)</i>).</p>

Prior law	H.B. 340
Claims for compensation	
<p>Required all applications, remonstrances, claims for compensation or damages, reports, schedules, certificates, statements, contracts, bonds, and other papers to be filed with the clerk with whom the petition was filed (<i>R.C. 6133.06</i>).</p>	<p>Instead, requires both of the following:</p> <ol style="list-style-type: none"> 1. The clerk of the joint board to present bills for payment to the fiscal agents in the same manner as a request for payment would be made with respect to a single county drainage improvement; 2. The fiscal agents to process and pay each bill for the joint board of county commissioners presented (<i>R.C. 6133.07(A)(2) and (3)</i>).
Certification of costs and collection of assessments	
<p>Specified the following certification and collection requirements regarding assessments:</p> <ol style="list-style-type: none"> 1. The county auditor had to certify a schedule of assessments to the other county auditors; 2. The county auditor and treasurer had to receive and account for the funds in the same manner as single county improvements; and 3. All warrants for the payment of costs and location for construction of a joint county ditch had to be drawn by the county auditor of the county in which the petition was filed, on the treasurer of that county, payable from the general ditch improvement fund of that county. (<i>R.C 6133.07.</i>) 	<p>Instead, specifies the lead county auditor and lead county treasurer must perform the certification of costs and collection requirements (<i>R.C. 6133.07(B) to (E)</i>).</p>
Certification of costs and collection of assessments – dismissal of petition	
<p>If a petition for a joint county improvement was dismissed, required the costs and expenses of the county engineer where a petition for an improvement was filed to be paid by the counties involved in the joint county improvement (<i>R.C. 6133.07</i>).</p>	<p>Similar, but requires the costs and expenses of the lead county engineer to be paid by the counties involved in the joint county improvement (<i>R.C. 6133.07(F)</i>).</p>
Selection of county engineer for joint drainage improvements	
<p>Authorized the joint board of county commissioners to designate the county engineer where a petition for an improvement was filed to do the field work, make the survey, plans, and estimates, and file reports.</p>	<p>Instead, designates the lead county engineer as being responsible for these actions (<i>R.C. 6133.08(A)</i>).</p>

Prior law	H.B. 340
<p>If one or more county engineers of counties interested in making a joint ditch improvement did not agree with the reports or estimates, authorized the engineer or engineers to file separate reports and schedules (<i>R.C. 6133.08</i>).</p>	<p>No provision.</p>
Appeals	
<p>Required all appeals except appeals for compensation or damages to be heard by one judge of the court of common pleas from each of the interested counties, sitting en banc (<i>R.C. 6133.10</i>).</p>	<p>Similar, but does all of the following regarding appeals:</p> <ol style="list-style-type: none"> 1. Requires all appeals (except those for compensation or damages) to be heard by a panel of judges from each of the affected counties; 2. Authorizes the panel to request an additional judge from a court of common pleas in the area of the state where the joint drainage improvement is located if the panel cannot reach a decision; 3. Requires the panel to follow court opinions and precedent established by the appellate district in which the petition for the joint drainage improvement was filed (<i>R.C. 6133.10(A)</i>).

MAINTENANCE AND REPAIRS

Continuing law establishes procedures by which maintenance is conducted and assessments for maintenance are levied under the county ditch law. The act expands the scope of those procedures to apply to the law governing multi-county ditches and soil and water conservation districts. Below is a discussion of the act's changes.

Maintenance fund and assessments

Prior law	H.B. 340
Maintenance fund	
<p>Required the board of county commissioners of each county to establish a separate fund for the repair of:</p> <ol style="list-style-type: none"> 1. Each improvement constructed under the law governing single county ditches; and 2. Each improvement constructed after August 23, 1957, under the laws governing joint county ditches and interstate county ditches (<i>R.C. 6137.02</i>). 	<p>Instead, requires the board of county commissioners of each county to establish a fund for the repair of each improvement constructed after August 23, 1957, under the law governing soil and water conservation districts, single county ditches, joint county ditches, or interstate county ditches (<i>R.C. 6137.02(A) and 6135.05(A)</i>).</p>

Prior law	H.B. 340
Maintenance fund assessments	
Required maintenance assessments levied on benefited owners to be based on the estimated benefits for construction of the drainage improvement (<i>R.C. 6137.03</i>).	Instead, requires the assessments to be based on the estimated benefits for <i>all costs</i> of the improvement (<i>R.C. 6137.03(A)(1)</i>).
Maintenance fund – unencumbered balance	
Prohibited a maintenance fund from having an unencumbered balance of greater than 20% of all construction costs of a drainage improvement (<i>R.C. 6137.03</i>).	Instead, prohibits a maintenance fund from having an unencumbered balance of greater than 20% of the permanent assessment base established for maintenance under the bill (see “ Permanent assessment base for maintenance, ” below) (<i>R.C. 6137.03(A)(2)</i>).
Permanent assessment base for maintenance	
Required the county auditor to maintain the original schedule of benefits on owners (of public or private property for the construction of an improvement) as the “permanent base for maintenance assessments,” and established general procedures for increasing or reducing the assessment and notice and hearing requirements (<i>R.C. 6137.11</i>).	Similar, but makes the following changes: <ol style="list-style-type: none"> 1. Refers to the term as the “permanent assessment base”; 2. Requires notice of hearings to be sent by first-class mail rather than either by first-class or certified mail; 3. Authorizes, rather than requires, the board of county commissioners to review the permanent assessment base every six years from the date of first review of the permanent assessment base (<i>R.C. 6137.11(C)(4) and (D)</i>).
Owner application for reduction in maintenance assessment	
Authorized an owner to apply for a reduction in maintenance assessment due to repair and maintenance work the owner proposes to do.	Same.
Required the county engineer, when making inspections of drainage improvements, to note the extent to which <i>any</i> owner had carried out the work (<i>R.C. 6137.08</i>).	Similar, but only requires the county engineer, when making inspections of drainage improvements, to so note with regard to an owner who has actually applied for a reduction in maintenance assessment. (<i>R.C. 6137.08(B)</i> .)
Reduction in maintenance assessment	
Required the clerk of the board of county	Instead, does both of the following:

Prior law	H.B. 340
<p>commissioners to file with the county auditor a list of owners who were certified by the soil and water conservation district for a 50% reduction in maintenance assessment for the current year on or before July 1 of each year (<i>R.C. 6137.09</i>).</p>	<p>1. Requires the clerk to file with the county auditor a list of owners who have been granted any reduction in maintenance assessment for the current year; and</p> <p>2. Requires the clerk to file the list on or before August 1 of each year (<i>R.C. 6137.09(D)</i>).</p>
Maintenance assessment deposit	
<p>No provision.</p>	<p>Establishes the following requirements concerning maintenance assessments:</p> <p>1. With respect to a single county drainage improvement, requires the county auditor to place maintenance assessments into the maintenance fund for the improvement;</p> <p>2. With respect to a joint county drainage improvement, does all of the following:</p> <p>--Requires each county auditor that is not the lead county auditor to place the maintenance assessments into the maintenance fund for the improvement;</p> <p>--Twice a year, requires each such auditor to transfer that money to the county auditor of the lead county, who must deposit the money into the joint drainage improvement's maintenance fund; and</p> <p>--Requires the county auditor of the lead county to place maintenance assessments received in the lead county into the joint drainage improvement's maintenance fund. (<i>R.C. 6137.03(E)(1) and (2)</i>.)</p>
Responsibility for maintenance of joint county drainage improvements	
<p>Required each county engineer to inspect and maintain joint county drainage improvements (<i>R.C. 6137.06</i>).</p>	<p>Instead, requires the lead county engineer to repair and maintain all joint county drainage improvements (<i>R.C. 6137.06(A)</i>).</p>
County engineer reports	
<p>Required the county engineer to issue an inspection report to the board of county commissioners on or before June 1 of each year (<i>R.C. 6137.06</i>).</p>	<p>Instead, requires the report to be issued on or before July 1 of each year (<i>R.C. 6137.03(C)</i>).</p>

Prior law	H.B. 340
Use of county engineer reports	
No provision.	Requires the board of county commissioners to do both of the following: <ol style="list-style-type: none"> 1. Use the county engineer's estimate on repair and maintenance of drainage improvements when determining the annual maintenance assessments, which must be based on a percentage of the permanent assessment base; 2. On or before the second Monday of September each year, direct the county auditor or auditors to place the maintenance assessments on the tax duplicate (<i>R.C. 6137.03(D)</i>).
Notification of violations of Water Pollution Control Law	
Required a county engineer to notify the appropriate county board of health of potential violations of the Water Pollution Control Law regarding any drainage channel (<i>R.C. 6137.14</i>).	Instead, requires the county engineer to notify the Director of Environmental Protection of those potential violations (<i>R.C. 6137.14</i>).
County drainage maintenance fund – payment of estimates for repair	
Required the county engineer to approve all estimates paid from the county drainage maintenance fund for the repair and maintenance of drainage improvements (<i>R.C. 6137.06</i>).	No provision.
Drainage maintenance district – same watershed	
Regarding the combining of drainage improvements into a drainage maintenance district, specified that the improvements had to be in the same watershed (<i>R.C. 6137.04</i>).	Eliminates the requirement that the improvements be located in the same watershed (<i>R.C. 6137.04(A)(2)</i>).
Drainage maintenance district – factors to consider	
Regarding the combining of drainage improvements into a drainage maintenance district, required the board of county commissioners and county engineer to consider uniformity of topography and soil types (<i>R.C. 6137.04</i>).	Similar, but requires the board and engineer to also consider similarity of costs (<i>R.C. 6137.04(A)(2)</i>).

Prior law	H.B. 340
Procedures for drainage improvement repair or maintenance – identification	
<p>Specified that any of the following could identify a need for repair or maintenance of a drainage improvement:</p> <ol style="list-style-type: none"> 1. The board of county commissioners or joint board of county commissioners; 2. County engineer; or 3. A land owner subject to the maintenance assessment (<i>R.C. 6137.05</i>). 	<p>Similar, but adds the lead county’s county engineer (<i>R.C. 6137.05(B)</i>).</p>
Procedures for drainage improvement repair or maintenance – inspection	
<p>Required the board of county commissioners or joint board of county commissioners or the county engineer to inspect the condition of the drainage improvement (<i>R.C. 6137.05</i>).</p>	<p>Instead, only requires the county engineer to inspect (<i>R.C. 6137.05(B)</i>).</p>
Procedures for drainage improvement repair or maintenance – estimate of costs	
<p>Required the board of county commissioners or joint board of county commissioners to make an estimate of the necessary work and material for the repair or maintenance activity (<i>R.C. 6137.05</i>).</p>	<p>Instead, only requires the county engineer to make an estimate of the cost of the necessary work (<i>R.C. 6137.05(C)(1)</i>).</p>
Procedures for drainage improvement repair or maintenance – performance of work	
<p>Required the board of county commissioners or joint board of county commissioners to determine whether the work should be done by force account, contract through competitive bidding, or both, to certify costs to the county auditor, and proceed with competitive bidding under procedures specific to the ditch law (<i>R.C. 6137.05</i>).</p> <p>No provision.</p>	<p>Similar, but only requires the county engineer to determine whether the work should be done by force account, contract through competitive bidding, or both and streamlines the competitive bidding procedures by referring to the general county competitive bidding law (<i>R.C. 6137.05(C)(2)</i>).</p> <p>Defines “force account” as the county engineer will act as contractor, using labor employed by the engineer using material and equipment either owned by the county or leased or purchased in compliance with competitive bidding laws and excludes subcontracting any part of the work unless done pursuant to those laws (<i>R.C. 6137.01(B)</i>).</p>

Prior law	H.B. 340
Procedures for drainage improvement repair or maintenance – contract with soil and water conservation district	
No provision.	Authorizes the board of county commissioners or joint board of county commissioners and the county engineer to contract with a soil and water conservation district for the repair and permanent maintenance of any drainage improvement for which the county engineer is responsible, whether as the county engineer or as the lead county engineer (<i>R.C. 6137.05(D)</i>).
Repairs, repair assessments, and inadequate drainage repair funds	
<p>Regarding repairs to a drainage improvement, did all of the following:</p> <ol style="list-style-type: none"> 1. Authorized a board of county commissioners to allow a county engineer to make repairs at a cost not to exceed \$4,000; 2. Limited the number of semiannual installments that could be made to owners to pay for repairs to four; 3. Authorized a board to make payment for a drainage improvement repair from the county general fund when the drainage repair fund was inadequate and required the board to repay the county general fund as soon as adequate funds became available in the drainage maintenance fund. (<i>R.C. 6137.051.</i>) 	<p>Generally, retains the law regarding repairs to a drainage improvement, but:</p> <ol style="list-style-type: none"> 1. Increases the amount a board of county commissioners may authorize a county engineer to spend to make repairs to a cost not to exceed \$24,000; 2. Increases the limit on the number of semiannual installments to ten; 3. Eliminates the authorization to pay for repairs from the county general fund when the drainage repair fund for the improvement is inadequate. (<i>R.C. 6137.051(C) and (E).</i>)

Drainage equipment and miscellaneous

Prior law	H.B. 340
Rotary fund	
Required the county auditor to establish and maintain a rotary fund for the purchase of equipment, materials, and labor related to the general maintenance of watercourses (<i>R.C. 6137.06</i>).	Instead, authorizes, rather than requires, the county auditor to establish and maintain a rotary fund for the purchase of equipment, materials, and labor related to the general maintenance of drainage improvements (<i>R.C. 6137.06(E)</i>).

Prior law	H.B 340
Drainage equipment - inventory	
Regarding the annual inventory of drainage equipment, required the county engineer to perform the inventory on June 1 (<i>R.C. 6137.07</i>).	Instead, requires the county engineer to make the inventory on the second Monday of January (<i>R.C. 6137.07(C)</i>).
Open ditch log-jam removal projects	
No provision.	Regarding an open ditch log-jam removal project within a wooded riparian corridor, authorizes a maintenance easement to be created from the top of a bank to 25 feet outside the edge of the wooded riparian corridor (<i>R.C. 6137.12(B)(2)</i>).
Crop owner payment for damages	
Required the reimbursement of a crop owner for damage to crops located beyond the permanently established sod or seeded strip due to maintenance work on a drainage improvement, and required the reimbursement to be equal to market value (<i>R.C. 6137.12</i>).	Same, but clarifies that a crop owner must submit a written request for payment for damages to the county engineer (<i>R.C. 6137.12(E)</i>).

HISTORY

Action	Date
Introduced	09-17-19
Reported, H. State & Local Gov't.	05-28-20
Passed House (91-0)	06-09-20
Reported, S. Agriculture & Natural Resources	12-03-20
Passed Senate (33-0)	12-03-20