



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 315
135th General Assembly

Bill Analysis

[Click here for H.B. 315's Fiscal Note](#)

Version: As Reported by Senate Local Government

Primary Sponsors: Reps. Hall and Seitz

Daniel DeSantis, Research Analyst and other LSC staff

SUMMARY

Township law

- Specifies which body serves as the organizational board of commissioners of a new community authority if more than one body is eligible.
- Authorizes townships to impose a “protect and serve charge” of up to \$1 on admissions to certain event venues in the township to fund police, fire, and emergency medical services.
- Modifies various township newspaper publication requirements to allow publication via the print or digital edition of a newspaper of general circulation, the official public notice website, or via the township’s website and social media account.
- Eliminates the requirement that the county prosecutor approve specifications of fire equipment.
- Specifies that boards of township trustees’ emergency powers include emergencies due to a natural disaster, civil unrest, cyber attack, or the derailment of a train.
- Eliminates a requirement that each township provide its fiscal officer with a book for the record of marks and brands.
- Repeals provisions of law requiring townships to obtain the approval of voters before constructing or improving a town hall above a certain cost (currently \$75,000).
- Allows townships to establish township preservation commissions.
- Establishes a civil enforcement process for the resolution of zoning violations and the collection of zoning fines.
- Requires a permanent license plate issued to a township to display the term “township” in bold letters.

- Allows a township to use general funds to pay for machinery, tools, material, and labor used in constructing, reconstructing, maintaining, or repairing roads and culverts.

Digital publication of notices

- Requires a publisher to establish a government rate for posting legal advertisements, notices, and proclamations that are required by law to be published, in a newspaper of general circulation's digital edition on the newspaper's website.

Recreation boards

- Specifies that automated external defibrillators must be placed in each sports and recreation location at any time that the location is hosting an organized youth sport activity.

Auditor of State

- Expands Auditor of State fiscal distress services.

Indigent burial

- Appropriates \$1 million to the Indigent Burial and Cremation Support Program.

Brownfield Remediation Program

- Eliminates procedures for the designation of a county lead entity under the Brownfield Remediation Program, and, instead, revises what is considered a lead entity by doing both of the following:
 - Eliminating the stipulation that a lead entity must be a grant award recipient and the responsible party with whom the Department of Development executes a grant agreement for grant funds; and
 - Clarifying that a lead entity means a county, township, municipal corporation, port authority, conservancy district, park district or other similar park authority, county land reutilization corporation, or organization for profit.
- Regarding current law that allows money appropriated to counties that is unspent after a calendar year to be made available for grants statewide on a first-come, first-served basis, eliminates the requirement that those grants be limited to 75% of a qualifying project's total cost.
- Delays the effective date of these changes to July 1, 2025.

Public officials

- Allows a judge and a prosecuting attorney to submit an affidavit to have their name removed from the general tax list and duplicate of real and public utility property.
- Specifies that certain election officials are designated public service workers under the Public Records Law, thereby prohibiting residential and familial information from disclosure.

Antisemitism

- Requires a state agency to apply the International Holocaust Remembrance Alliance’s (IHRA) May 26, 2016, working definition of antisemitism when reviewing, investigating, or deciding whether there has been a violation of any relevant policy, law, or regulation, prohibiting discrimination based on anti-Semitic intent.
- Requires anti-discrimination and anti-bias training for state agency employees to use the IHRA working definition of antisemitism as an educational tool to familiarize staff and officials with antisemitism.

Historic rehabilitation tax credit

- Prohibits the Department of Development, in awarding a historic rehabilitation tax credit, from considering whether a project will benefit an economically distressed area.

Conservancy district charitable and social welfare trusts

- Allows the board of directors of a conservancy district that includes all or parts of more than 16 counties to do both of the following:
 - Establish a charitable trust, social welfare trust, or both, that meets certain requirements, to benefit the conservancy district and the purposes for which the district was created, in perpetuity;
 - Use surplus money in its maintenance fund, other than proceeds derived from the levy of maintenance assessments, to provide financial support to a conservancy district charitable trust or social welfare trust.
- Establishes requirements for the instrument creating any conservancy district charitable trust or social welfare trust and documents evidencing the payment and receipt of financial support by such trusts.
- Exempts conservancy district charitable trusts and social welfare trusts from the Public Records Law and from being considered a “subdivision” under the existing uniform depository act.
- Exempts conservancy district charitable trusts and social welfare trusts from the following:
 - Various charitable trust oversight powers granted to the Attorney General, including authority for the Attorney General to investigate trustees of charitable trusts.
 - General law governing the incorporation and administration of charitable trusts.
- Exempts money in a conservancy district charitable trust and social welfare trust and money received for such trusts from the meaning of “public moneys” under the uniform depository act.
- Adds rents, incomes, royalties, and other revenues received from the use of the conservancy district’s lands to the conservancy district maintenance fund.

- Increases statutory competitive bidding thresholds from \$50,000 to \$75,000 for conservancy districts. Starting in 2025, the provision increases the threshold amount by 3% each year.

Underground Technical Committee

- Adds an OHIO811 nonvoting advisory member (OHIO811 member) to the Underground Technical Committee (UTC), who is not counted for purposes of (1) determining whether a quorum is present and (2) determining the number of votes necessary to constitute a majority for the UTC to take action.
- Requires the OHIO811 member to be appointed by the Governor to a four-year term.
- Requires the first OHIO811 member to be appointed to the UTC not later than 60 days after the effective date of the section.
- Requires the OHIO811 member to provide support, expertise, education, and additional research, data, and industry information to the UTC regarding the Ohio Underground Protection Service Law and processes.

Cooperative economic development agreements

- Allows, under certain conditions, a cooperative economic development agreement (CEDA) to include a new type of agreement that would allow a political subdivision's regulations to apply within territory wherein the regulations would not otherwise apply.
- Specifically includes road and bridge improvements and regulations as types of government improvements and services that CEDAs should be liberally construed to allow.
- Specifies that nothing in the CEDA law expands or diminishes the exception of public utilities from certain regulations.

TABLE OF CONTENTS

New community authority	6
Township admissions charge	6
Newspaper notices	6
Fire equipment specifications.....	7
Emergencies.....	7
Marks and brands	7
Township town halls	8
Township preservation commission	8
Zoning violations	8
License plates.....	9
Roads.....	9
Digital publication of public notices	9

Recreation boards.....	9
Auditor of State.....	10
Public officials	10
Judges and prosecuting attorneys	10
Election officials.....	10
Definition of antisemitism in certain investigations, training	11
materials, and proceedings.....	11
IHRA definition of antisemitism	11
Historic rehabilitation tax credit.....	13
Indigent burial.....	13
Brownfield Remediation Program	13
Conservancy district.....	14
Conservancy district charitable trusts and social welfare trusts.....	15
Establishment.....	15
Qualifying as charitable trusts or social welfare trusts.....	15
Trust instrument and financial support document requirements.....	16
Exemptions from current law classifications	17
Conservancy district maintenance fund	17
Competitive bidding	18
Underground Technical Committee	18
OHIO811 nonvoting member	18
Duties.....	18
Exclusions	18
Cooperative economic development agreements	19
New type of agreement	19
Eligible parties	19
Eligible territory.....	19
Effect of agreement.....	20
Effective date of agreement.....	20
Alternative county agreement	20
Road and bridge improvements and regulations.....	21
Public utilities	21

DETAILED ANALYSIS

New community authority

The bill makes a clarification regarding the organizational board of commissioners for a new community district. The organizational board is responsible for overseeing the proceedings to establish a new community district, which is ultimately overseen and operated by a board of trustees. The bill specifies that when multiple bodies are eligible to serve as the organizational board of commissioners of a new community authority, the body appearing on the original petition, unless that body adopts a resolution to appoint another body as the organizational board.¹

Township admissions charge

The bill authorizes townships to impose a “protect and serve charge” on admissions to certain event venues in the township to fund police, fire, and emergency medical services.

The charge may equal up to \$1 per admission to event venues that have a capacity of least 2,000 and are exempt from property taxation. However, the charge cannot apply to admissions to county fairgrounds, events sponsored by the state or a local government, or events with a ticket price of \$10 or less. Before adopting a resolution imposing the charge, the township must hold two public hearings on the proposal, with notice of each meeting published in a local newspaper.

A township that chooses to impose the charge must use the revenue collected to fund police, fire, and emergency medical services. Under the bill, every person receiving an admission payment will collect the charge from the person making the payment, then remit that payment to the township. The township may prescribe all rules necessary to administer the charge.²

Newspaper notices

The bill modifies various township newspaper publication requirements. Where current law requires a township to provide publication via newspaper, the bill allows a township to select one (or more) of three methods for publication:

1. The print or digital edition of a newspaper of general circulation within the township;
2. The official public notice website; or
3. The township’s website and social media account.

Therefore, under the bill, a township may meet the public notice requirements by purchasing digital advertisements only, or posting on the township’s website, completely foregoing the newspaper of general circulation, or the print edition of the newspaper.

¹ R.C. 349.01, 349.03, and 349.14.

² R.C. 503.54

While the bill appears to authorize a township to publish only on the official public notice website, that website, operated by newspaper organizations, only includes documents that have been published via the print edition of a newspaper. Under the bill, in order to publish a document on the official public notice website, a township must purchase an advertisement in the newspaper of general circulation, either print, digital, or both.

In the case of a limited home rule township, when a notification is published by posting on the township website or social media account, the fiscal officer must create and maintain proof.³ The bill retains existing requirements regarding the timing of a notice (e.g., notice must be published x number of days before the relevant event). The bill does not modify every instance of newspaper publication by a township; if an existing requirement applies to a variety of entities and not only townships (e.g., townships, counties, and municipal corporations), the bill does not modify the requirement.⁴

Fire equipment specifications

Under continuing law, a township cannot purchase and lease fire-related equipment unless the county prosecutor approves the specifications. The bill eliminates this requirement.⁵

Emergencies

Continuing law allows boards of township trustees to declare an emergency if an emergency that threatens life or property exists or is imminent within the unincorporated territory. The bill specifically includes in this, emergencies due to a natural disaster, civil unrest, cyber attack, or the derailment of a train.⁶

Marks and brands

The bill eliminates a requirement that each township provide its fiscal officer with a book for the record of marks and brands.⁷

³ R.C. 504.121.

⁴ R.C. 501.07, 503.162, 503.41, 504.02, 504.03, 504.12, 504.121, 504.122, 504.123, 504.124, 504.125 (repealed), 504.126 (renumbered), 504.21, 505.07, 505.10, 505.17, 505.264, 505.28, 505.37, 505.373, 505.55, 505.73, 505.75, 505.76, 505.86, 505.87, 505.871, 511.12, 511.21, 515.01, 515.04, 517.07, 517.073, 517.12, 517.22, 519.06, 519.08, 519.09, 519.12, 519.15, 521.03, 971.12, 971.99, 4504.18, 4504.181, 5571.011, 5571.20, 5573.02, 5573.10, 5575.01, 5575.02, and 5579.05. See also R.C. 125.182, not in the bill, and publicnoticesohio.com, which is the website operated by the Ohio News Media Association.

⁵ R.C. 505.37.

⁶ R.C. 505.82.

⁷ R.C. 507.05.

Township town halls

Current law requires that in order for a township town hall to be built, improved, enlarged, or removed at a cost above a certain amount (currently \$75,000), the township is required to obtain the approval of voters. The bill eliminates this requirement.⁸

Township preservation commission

The bill allows a township to establish a township preservation commission, tasked with preserving historic properties in the unincorporated territory of the township. A board of township trustees may adopt a resolution to establish a commission and appoint seven members. Commission members serve three-year terms, though initial terms are one, two, or three years long to create staggered terms indefinitely. Four members constitute a quorum, with any action requiring a majority of members present. The members are not compensated.

Within 30 days of being appointed, the members must select a chairperson and vice-chairperson. The members must adopt rules of procedure (for meetings, etc . . .); within six months of being appointed, the members must adopt procedures and guidelines for performing their duties (preserving properties, etc. . . .). Both sets of rules are subject to the approval of the township trustees. The commission can only take official action during a public meeting open to the public, and must maintain a record of proceedings that is available for inspection.

The commission has the following duties:

- Promote the importance of historic preservation throughout the unincorporated territory of the township.
- Maintain a register of historic properties located within the unincorporated township.
- Make recommendations to the board of township trustees regarding properties that may be designated as registered, historic properties.
- Consider applications and issue certificates for exterior alterations at registered properties.

The commission's primary purpose is to protect the unique historical and architectural character of registered properties and promote the conservation of the registered properties. The commission itself does not designate properties as registered properties; that is the duty of the board of township trustees, upon recommendation of the commission. If a township has established a preservation commission, the exterior of a registered property may only be altered after obtaining a certificate from the commission allowing the alteration.⁹

Zoning violations

The bill establishes a civil enforcement process for township zoning violations. Current law simply specifies that a person who violates a township zoning law must be fined up to \$500

⁸ R.C. 511.01 and 511.02, repealed; conforming changes in R.C. 505.26, 511.03, and 511.04.

⁹ R.C. 511.51, 511.52, and 511.53.

per offense. The bill modifies this by specifying the fine is civil in nature and must be collected by filing a civil action in the court of common pleas in the county where the property is located. The bill allows a complaint to combine the collection action with a cause of action for injunction, abatement, mandamus, or other appropriate relief. Finally, the bill specifies that each day the violation continues – beginning the day the judgment granting relief is issued – is a separate offense.¹⁰

License plates

Continuing law requires the Registrar of Motor Vehicles to issue permanent license plates for motor vehicles acquired by the state or a political subdivision. For a permanent license plate issued for use on a motor vehicle owned or used by a township, the bill requires the term “township” to be displayed in bold letters on the plate.¹¹

Roads

Continuing law allows a township to use the township’s road fund to pay for machinery, tools, material, and labor used in constructing, reconstructing, maintaining, or repairing roads and culverts. The bill allows a township also to use its general fund.¹²

Digital publication of public notices

The bill authorizes a publisher to establish a government rate for posting legal advertisements, notices, and proclamations in a newspaper’s digital edition on the newspaper’s website. The rate may not exceed the lowest classified advertising rate and lowest insert rate paid by other advertisers. Under current law, publishers are authorized only to charge for publication of such documents in the print edition of a newspaper.¹³

Continuing law requires an Ohio trade organization, which represents the majority of newspapers of general circulation, to operate an “official public notice web site.” In all cases in which a notice or advertisement is required by a law to be published in a newspaper of general circulation, the notice or advertisement also must be posted on the official public notice website by the publisher of the newspaper. Therefore, under current law, whenever a government entity purchases a required print advertisement, the notice appears on the newspaper’s website, and on the statewide “official public notice web site.”

Recreation boards

The bill requires the controlling authority of each sports and recreation location to place automated external defibrillators in each sports and recreation location at any time that the location is hosting an organized youth sport activity, rather than at all times as required under

¹⁰ R.C. 519.99.

¹¹ R.C. 4503.16.

¹² R.C. 5549.21.

¹³ R.C. 7.10, 7.16, and 125.182.

current law. The bill exempts townships, if the population of the unincorporated area of the township is less than 5,000, from this requirement.¹⁴

Auditor of State

The bill expands the use of GRF ALI 070403, Fiscal Distress Technical Assistance, in the current biennium to support costs incurred by the Auditor of State (AOS) for colleges or universities in or at risk of entering in a state of fiscal caution, watch, or emergency. Under current law, this line item supports technical assistance provided by the AOS to local governments and schools in or at risk of entering fiscal caution, watch, or emergency.¹⁵

Public officials

Judges and prosecuting attorneys

The bill clarifies that a judge and a prosecuting attorney may submit an affidavit to have the person's name removed from the general tax list and duplicate of real and public utility property, and replaced with the person's initials. Under continuing law, judges and prosecuting attorneys are designated public service workers. However, unlike the residential address of other designated public service workers, the residential address of a judge or a prosecuting attorney is not exempt from disclosure. This may be because a judge and a prosecuting attorney are elected to office. Furthermore, a declaration of candidacy form is a public record and it includes the candidate's address.

Under the bill, the residential address of a judge and a prosecuting attorney remains subject to disclosure under Public Records Law.¹⁶

Election officials

The bill includes election officials as designated public service workers for purposes of the law that exempts those workers' residential and familial information from being disclosed as a public record. Continuing law includes a number of other persons as designated public service workers, such as law enforcement and other first responders, judges, prosecutors, and certain medical and social service providers.

Under the bill, "election official" means all of the following:

- Secretary of State;
- Employees of the Secretary of State serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;
- Director of a board of elections;

¹⁴ R.C. 755.13.

¹⁵ Sections 8 and 9.

¹⁶ R.C. 319.28.

- Deputy director of a board of elections;
- Member of a board of elections;
- Employees of a board of elections.¹⁷

Definition of antisemitism in certain investigations, training materials, and proceedings

Under the bill, when a state agency reviews, investigates, or decides whether there has been a violation of any relevant policy, law, or regulation, the agency must consider the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, to determine whether an alleged act was motivated by discriminatory anti-Semitic intent.¹⁸ Currently, pursuant to an executive order, all state agencies, departments, boards, and commissions (including all public colleges and universities) must use this definition, or an “appropriate alternative” definition, when taking these actions.¹⁹

The bill also requires anti-discrimination and anti-bias training for state agency employees to use the IHRA working definition of antisemitism as an educational tool to familiarize staff and officials with antisemitism.²⁰

Under continuing law, a “state agency” is any organized body, office, or agency established by law for the exercise of any function of state government.²¹ With respect to the bill’s requirement that the IHRA working definition of antisemitism be applied to decide whether an act was motivated by antisemitism, “state agency” also includes any entity established by state law for the exercise of a quasigovernmental function, including all of the following:

- A state institution of higher education;
- JobsOhio and any subsidiary;
- Any state retirement system or retirement program.²²

IHRA definition of antisemitism

On May 26, 2016, the IHRA adopted the following working definition of antisemitism:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or

¹⁷ R.C. 149.43

¹⁸ R.C. 4112.01(A)(26) and 4112.20(B).

¹⁹ Executive Order 2022-006D.

²⁰ R.C. 124.92.

²¹ R.C. 1.60, not in the bill.

²² R.C. 4112.20(A), by reference to R.C. 187.01 and 3345.011, not in the bill.

nonJewish individuals and/or their property, toward Jewish community institutions and religious facilities.

The bill adopts the IHRA definition and the following contemporary examples identified by the IHRA:

Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.

Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.

Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.

Denying the fact, scope, mechanisms (e.g., gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).

Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.

Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.

Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.

Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.

Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.

Drawing comparisons of contemporary Israeli policy to that of the Nazis.

Holding Jews collectively responsible for actions of the state of Israel.²³

Under the bill, the IHRA definition of antisemitism may not be construed to diminish or infringe on any right protected by the first amendment to the U.S. or Ohio Constitution. It also cannot be construed to conflict with any federal, state, or local antidiscrimination law.²⁴

Historic rehabilitation tax credit

Under continuing law, a person may apply to the Department of Development (DEV) to receive a partially refundable income tax, insurance premium tax, or financial institution tax credit equal to 25% of the person's cost to rehabilitate a historic building in Ohio. DEV awards the credits competitively, based on a series of scoring criteria DEV prescribes. The bill prohibits DEV from considering whether a historic rehabilitation project is located in or will benefit an economically distressed area in awarding credits, e.g., as by weighting preference based on the poverty rate in the jurisdiction or census tract.²⁵

Under its current scoring criteria, DEV gives additional points to projects located in such an area.²⁶

Indigent burial

The bill appropriates \$1 million in FY 2025 to the Indigent Burial and Cremation Support Program, which the State Board of Embalmers and Funeral Directors uses to help local government entities offset the costs they incur for cremating or burying indigent people.²⁷

Brownfield Remediation Program

Current law establishes the Brownfield Remediation Program to award grants for the remediation of brownfield sites throughout Ohio. To streamline funding through the program, each county must have one lead entity designated in accordance with these general guidelines:

1. If the county has up to 100,000 people, the Director of Development must select a lead entity from a list submitted by the applicable board of county commissioners;
2. If the county has more than 100,000 people and it does not have a county land reutilization corporation (county land bank), the Director must select a lead entity from a list submitted by the applicable board of county commissioners; or

²³ R.C. 4112.01(A)(26) and [IHRA Working Definition of Antisemitism](#), which may be accessed by conducting a keyword "antisemitism definition" search on the IHRA website: holocaustremembrance.com.

²⁴ R.C. 4112.01(C).

²⁵ R.C. 149.311.

²⁶ See pages 13 to 18 of DEV's most recent (Round 33), [Ohio Historic Preservation Tax Credit Application Guide \(PDF\)](#), available on DEV's website: development.ohio.gov.

²⁷ Section 6.

3. If the county has more than 100,000 people and the county has a county land bank, the land bank is the lead entity.

The lead entity of each county must submit all grant applications for that county. The lead entity must submit with a grant application any agreements executed between the lead entity with other recipients that will receive grant money through the lead entity. Those recipients may include local governments, nonprofit organizations, community development corporations, regional planning commissions, county land reutilization corporations, and community action agencies.

The bill eliminates the procedures for the designation of a county lead entity under the Program and, instead, revises what is considered a lead entity by doing both of the following:

1. Eliminating the stipulation that a lead entity must be a grant award recipient and the responsible party with whom the DEV executes a grant agreement for grant funds; and
2. Clarifying that a lead entity means a county, township, municipal corporation, port authority, conservancy district, park district or other similar park authority, county land bank, or organization for profit.

Current law allows money appropriated to counties that is unspent after a calendar year to be made available for grants statewide on a first-come, first-served basis. These grants are limited to 75% of a project's total cost. The bill eliminates the 75% limitation.

The bill also does both of the following:

1. Delays the effective date of the above changes to July 1, 2025; and
2. States that the above changes apply to new projects that are applied for and awarded funding by the Director on and after the delayed effective date. Projects that are applied for or were applied for prior to that date are governed by the statute as it existed prior to that date.²⁸

Conservancy district

The bill allows for the board of directors of a conservancy district that includes all or parts of more than 16 counties (referred to in this analysis as a "large conservancy district") to establish a charitable trust, social welfare trust, or both, to benefit the district and the district's purposes. Various requirements are imposed on these charitable trusts and social welfare trusts. The trusts are also exempted from several classifications under existing law, meaning that certain laws, such as the public records law, would not apply to them. Some changes are also made to the existing conservancy district maintenance fund to, in part, allow for financial support to charitable trusts and social welfare trusts.

²⁸ R.C. 122.6511 and Section 4.

Conservancy district charitable trusts and social welfare trusts

Establishment

The bill permits the board of directors of a large conservancy district, to facilitate the future preservation of the district's lands and improvements and accomplish the district's purposes, to establish a charitable trust, social welfare trust, or both, to benefit the district and the purposes for which the district was created, in perpetuity. A large conservancy district can provide financial support to any charitable trust or social welfare trust in accordance with the "**Conservancy district maintenance fund**" section discussed below. This financial support provision does not limit a conservancy district's authority to appropriate, transfer, and spend funds to carry out the purposes of the conservancy district law.

"Financial support" is defined as the provision of funds from a large conservancy district to a charitable trust, social welfare trust, or both, for the purposes of preserving, investing, and using such funds for the benefit of the district and the purposes for which the district was created.²⁹

Qualifying as charitable trusts or social welfare trusts

An entity must meet all of the following to be a "charitable trust" under the bill:

- It is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code. This federal tax exemption applies to corporations and any community chest, fund, or foundation that satisfies several conditions, such as being organized and operated exclusively for religious, charitable, or scientific purposes.
- At least in part, it benefits a large conservancy district.
- At least in part, its purposes are consistent with the purposes of a large conservancy district.

A "social welfare trust" is an entity that meets all of the following:

- It is exempt from federal income taxation under section 501(c)(4) of the Internal Revenue Code. This federal tax exemption applies to organizations not organized for profit that satisfy several conditions, such as being operated exclusively for the promotion of social welfare.
- At least in part, it benefits a large conservancy district.
- At least in part, its purposes are consistent with the purposes of a large conservancy district.³⁰

²⁹ R.C. 6101.47(A)(2) and (B).

³⁰ R.C. 6101.47(A)(1) and (3); 26 United States Code 501(c)(3) and (4).

Trust instrument and financial support document requirements

The bill requires the instrument creating any charitable trust or social welfare trust, or the documents evidencing the payment and receipt of financial support, to do all of the following:

- Require, except as provided in the bill, that the trustee do all the following:
 - Act in accordance with any applicable trust documents and grant or donation restrictions imposed by the conservancy district.
 - Act in accordance with the Uniform Prudent Management of Institutional Funds Act (UPMIFA). UPMIFA creates several requirements and grants permissive authority for the management of institutional funds (meaning a fund held by an institution exclusively for charitable purposes, with some exceptions). An example of a UPMIFA requirement is that an institution must consider the charitable purposes of the institution and the purposes of the institutional fund when managing and investing the fund, subject to the intent of a donor expressed in a gift instrument. An example of permissive authority granted by UPMIFA is that, subject to limitation in a gift instrument or any other provision of law, an institution can delegate to an external agent the management and investment of an institutional fund to the extent that an institution could prudently delegate under the circumstances.
 - Qualify as an “institution” under UPMIFA, meaning any of: (1) a person, other than an individual, organized and operated exclusively for charitable purposes, (2) a governmental organization to the extent that it holds funds exclusively for a charitable purpose, (3) a trust that had both charitable and noncharitable interests and the noncharitable interests have terminated.
- Prohibit invasion of the principal amount granted to the charitable trust or social welfare trust by the district.
- Require the trustee to administer the financial support amounts held in trust, including by holding, investing, and reinvesting principal, collecting income from investments, and, after deducting the costs of administering the trust and any applicable trustee compensation, using the net income solely for the benefit of the district.
- Require the trustee at all times to keep and make available to the district accurate books and records of all funds, sub-funds, accounts, and sub-accounts into which any financial support received and any investment earnings on any financial support is held.
- Specify the conditions, if any, under which the charitable trust or social welfare trust is revocable and require that upon revocation the principal portion of any financial support received from a conservancy district must revert to the district.
- Include any other provision that the board of directors of a large conservancy district determines to be necessary or advisable, if any.³¹

³¹ R.C. 6101.47(C); R.C. 1715.51 to 1715.59, not in the bill.

Exemptions from current law classifications

A charitable trust or social welfare trust established by the bill or receiving money from a large conservancy district is exempt from classification as any of the following:

- A “subdivision” under the Uniform Depository Act, which governs deposits made by entities classified as subdivisions such as townships, districts or local authorities electing or appointing a treasurer, and certain municipal corporations.
- A “public office” under the Public Records Law. There are various public records requirements imposed on public offices, including that such public records may be requested by any person for inspection with penalties attaching if the office does not properly comply. (Thus, the Public Records Law does not apply to a charitable trust or social welfare trust established by the bill.)
- A “charitable trust” under existing charitable trusts law. This means that charitable trusts and social welfare trusts under the bill would be exempt from:
 - Various charitable trust oversight powers granted to the Attorney General, including authority for the Attorney General to investigate trustees of charitable trusts.
 - General law governing the incorporation and administration of charitable trusts.

Additionally, money in a charitable trust or social welfare trust created under the bill and money received by a charitable trust or social welfare trust from a large conservancy district is not considered “public moneys” under the Uniform Depository Act. Public moneys are the funds subject to the requirements of that act.³²

Conservancy district maintenance fund

Existing law requires the moneys of every conservancy district to be administered through various funds, including a maintenance fund. The maintenance fund currently consists of the proceeds of annual maintenance assessments, earnings from the operation of the works of the district, and all receipts not otherwise assigned by law or order of the district board of directors. Money in the maintenance fund is presently used to pay for the operation, maintenance, and other current expenses of the district.

The maintenance fund is changed by the bill to do the following:

- Adding rents, incomes, royalties, or other revenues received from the use of the district’s lands to the fund.
- Modifying a potential use of money in the fund from “other current expense of the district” to “any other expense of the district.”
- Permitting a large conservancy district board of directors to use surplus money in the maintenance fund, other than proceeds derived from the levy of maintenance

³² R.C. 6101.47(D) and (E); R.C. 109.23 to 109.33, Chapters 135, 149, and 1719, not in the bill.

assessments, to provide financial support to a charitable trust or social welfare trust established pursuant to the bill.³³

Competitive bidding

The bill increases statutory competitive bidding thresholds from \$50,000 to \$75,000 for conservancy districts. Starting in 2025, the provision increases the threshold amount by 3% each year. The bill also specifies that no project subject to this provision can be divided into component parts, separate projects, or separate items of work in order to avoid the provision's requirements.³⁴

Underground Technical Committee

OHIO811 nonvoting member

The bill requires OHIO811 be included amongst the stakeholder groups whose members make up the Underground Technical Committee (UTC). The OHIO811 member acts as a nonvoting advisory member and is appointed by the Governor for a four-year term. The bill further requires, not later than 60 days after the bill's effective date, the Governor to appoint the first OHIO811 member to the UTC.³⁵

Duties

The bill requires the OHIO811 member to provide the following:

- Support to UTC during discussions regarding enforcement provisions of the Ohio Underground Protection Service Law;
- Subject matter expertise and education regarding the "Contact 811 Before You Dig" process and stakeholder responsibilities to it during any Public Utilities Commission staff inquiries regarding compliance failures;
- Additional research, data, and industry information when requested by UTC.³⁶

Exclusions

The bill prohibits the OHIO811 member from voting on any UTC action regarding the Ohio Underground Protection Service Law. Additionally, the OHIO811 member cannot be included as a member of the UTC for purposes of calculating the number of votes necessary to take action regarding said law.³⁷

³³ R.C. 6101.44.

³⁴ R.C. 6101.16.

³⁵ R.C. 3781.34(B)(14); Section 10.

³⁶ R.C. 3781.361(A); R.C. Chapter 4913.

³⁷ R.C. 3781.36(B), 3781.361(B) and (C), 4913.15(C), and 4913.17(C).

Cooperative economic development agreements

Under continuing law, cooperative economic development agreements (CEDAs) provide for, among other things, the provision of joint services or permanent improvements within incorporated or unincorporated areas, annexation-related agreements, or agreements about other development-related matters.

New type of agreement

The bill allows, within a CEDA, a type of agreement (“agreement” or “agreements”) that would allow a political subdivision’s regulations to apply within territory wherein the regulations would not otherwise apply, subject to numerous conditions.

Eligible parties

This type of agreement can be entered into by contiguous cities and townships (“parties to the agreement”); the township(s) must be in a county that has a population of 160,000 to 180,000³⁸ and has a county planning commission.³⁹ A county wherein a political subdivision that is party to the CEDA is located, or a county contiguous to a political subdivision that is party to the CEDA, may become a party to the agreement if the legislative authority of each city and the board of township trustees of each township that is a party to the CEDA give their written consent.

Eligible territory

The agreement can apply only to real property within a “megaproject supporting site,” which is all or part of the territory that is subject to the CEDA and satisfies the following factors:

- It is subject to a CEDA that becomes effective not later than June 30, 2025. The bill specifies that amendments to or modifications of a CEDA that is effective by that date do not affect eligibility. This includes amendments to include an agreement or modifications of an agreement, even if made after that date.
- It is 600 acres or less.
- It is zoned by the applicable governmental authority to allow for the development, operation, and construction of 1,000 or more residential dwelling units in addition to nonresidential uses.
- Any portion of the real property’s perimeter boundary is located within five miles of real property on which a megaproject⁴⁰ is located, is under construction, or is planned to be constructed.

³⁸ Determined by the most recent federal decennial census published by the U.S. Census Bureau before the execution of the CEDA.

³⁹ The commission must have been operating as of the last day of the year to which the census applies.

⁴⁰ Defined under R.C. 122.17, not in the bill. The megaproject real property would be identified in a fully executed agreement with the Tax Credit Authority under R.C. 122.17(D).

Effect of agreement

Under an agreement, the megaproject supporting site can be subject to the substance of ordinances, resolutions, or other regulations of one or more of the parties to the agreement related to the permitting, engineering, and construction of public and private improvements and other regulatory and proprietary matters determined to be for a public purpose under building codes, subdivision and other regulations contemplated in Chapter 711 of the Revised Code (planning law), and regulations concerning construction and maintenance of new roads and streets. The following are excluded: regulations related to zoning, public water infrastructure and services, public sanitary sewer infrastructure and services, bridges, existing roads and streets, stormwater management, floodplain management, or soil erosion control. The regulations specified in the agreement would then apply within the designated territory and prevail over regulations that would otherwise be applicable, including regulations of a political subdivision that is not party to the CEDA.

The political subdivision whose regulations the designated territory is subject to is responsible for administering and processing the regulations within the designated territory and may be compensated for such services as specified in the agreement. All public improvements that are constructed pursuant to the regulations must be required to be owned and maintained by one or more of the parties to the CEDA, as specified in the agreement. The public improvement cannot, without its consent, be required to be owned or maintained by any political subdivision whose regulations have been superseded, and that political subdivision does not, without its consent, have any related obligations or liabilities.

Effective date of agreement

An agreement is effective upon written approval of the legislative authority of each city, the board of township trustees of each township, and, as applicable, the board of county commissioners of each county that is party to the agreement.

Alternative county agreement

Before executing a CEDA that includes an agreement, a township that is party to the proposed CEDA must deliver, by certified mail, written notice to the clerk of the board of commissioners of the county in which affected property is located and to the proposed other party or parties to the CEDA indicating its intent to include an agreement within the proposed CEDA. The notice must identify which ordinances, resolutions, or other regulations are to be addressed in the permissible agreement and the territory to which the agreement will apply. The township and the county have 90 days from the clerk's receipt of the notice to negotiate their own agreement ("alternative county agreement") concerning procedures to achieve the efficient administration of those county regulations over which the regulations of another political subdivision would prevail under the agreement, including, without limitation, definitive timing requirements for completing related administrative actions. The township and county can mutually extend the 90-day period for up to an additional 30 days.

The notice can include an election by the township to require the county to process and review all applications related to the permitting, engineering, and construction of public and private improvements that must be filed, processed, and approved by the county, its engineer, agencies, or departments in accordance with the same timing requirements as would apply to the processing and approval of similar applications if they were instead permitted to be filed under similar regulations adopted by the city that is a party to the CEDA. The election is binding on the county regardless of whether the township and the county enter into an alternative county agreement, unless otherwise provided in such an agreement. If the election is made and is not otherwise altered in an alternative county agreement, and an application requires review by any committee, commission, or board of the county, then the application must be placed on the agenda of the first regular meeting of that committee, commission, or board that occurs on or after the date that is 15 days after the date the application was filed. If no decision on the application is made at the initial meeting of the relevant committee, commission, or board, the application must be considered at subsequent meetings of the relevant committee, commission, or board not less frequently than once every 30 days thereafter, until the relevant committee, commission, or board issues a decision on the application. These timing requirements apply over any conflicting provision in the county's regulations or in the Revised Code.

If an agreement between the township and county is not duly executed before the expiration of the 90-day period (or beyond the extended period), then the parties to the CEDA can approve and execute the type of agreement authorized under the bill. If an alternative county agreement is duly executed, then during all times while the alternative county agreement remains effective, an agreement (the type authorized under the bill) cannot be included in a CEDA. If an alternative county agreement terminates or expires, then a CEDA can include the type of agreement authorized under the bill without the requirement to again follow this procedure.⁴¹

Road and bridge improvements and regulations

In the general CEDA law, under continuing language specifying that CEDAs should be liberally construed to allow the parties to provide government improvements and facilities and services, the bill specifies this includes road and bridge improvements and regulations.⁴²

Public utilities

Finally, the bill specifies that nothing in the CEDA law expands or diminishes the exception of public utilities from certain regulations.⁴³

⁴¹ R.C. 701.07(C)(16).

⁴² R.C. 701.07(H).

⁴³ R.C. 701.07(I).

HISTORY

Action	Date
Introduced	11-02-23
Reported, H. State & Local Gov't	5-22-24
Re-referred to H. Finance	06-03-24
Reported, H. Finance	06-25-24
Passed House (95-0)	06-26-24
Reported, S. Local Government	12-10-24
