



Ohio Legislative Service Commission

Sub. Bill Comparative Synopsis

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Sub. S.B. 185

131st General Assembly
(S. Energy & Natural Resources)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. This synopsis does not discuss provisions that are substantially similar across the two versions.

Topic	Previous Version (As Introduced)	Sub. Version (LSC 131 1012-4)
Energy special improvement districts (ESIDs)	Permits one or more property owners to create an energy special improvement district (ESID) for the purpose of developing and implementing plans for special energy improvement projects (SEIPs), requires the creation to be done by petitioning each municipal corporation and township that has territory within the proposed ESID, and contains numerous provisions governing ESIDs (<i>R.C. 1710.01(E), 1710.20, 1710.21, 1710.22, 1710.23, 1710.24, 1710.241, 1710.25, 1710.26, 1710.27, 1710.28, 1710.29, 1710.33(B), 4582.06(A)(16), and 4582.31(A)(26)</i>).	No provision.

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Repeals general special improvement districts for special energy improvement projects (SEIPs)	Repeals provisions allowing property owners to petition for the creation of a general special improvement district for the purpose of developing and implementing plans for SEIPs, and makes other changes to provisions governing general special improvement districts, including requiring that general special improvement districts that were created for the purpose of developing and implementing SEIPs be treated as though they were created as ESIDs under the bill (<i>R.C. 1710.01, 1710.02, 1710.021, 1710.03, 1710.04, 1710.05, 1710.06, 1710.07, 1710.11, 1710.12, 1710.13, 1710.29, and 1710.40</i>).	No provision.
Condominium property included in general special improvement districts	No provision.	Provides a special voting process for each of the following regarding a general special improvement district that includes condominium property: (1) inclusion of the property in the district, (2) approval of the district plan, (3) repealing an improvements or services plan of the district, and (4) dissolution of the district (<i>R.C. 1710.02(E)(2)(b), 1710.06(B)(2)(b), and 1710.13(B)(2) and (C)</i>).
Independent SEIPs	Permits a property owner or owners to petition the municipal corporation, township, or any combination of contiguous or noncontiguous municipal corporations or townships within which their property is located for the purpose of developing and implementing one or more SEIPs on their property, and allows the petition to include provisions for aggregating renewable energy credits generated by SEIPs (<i>R.C. 1710.30 and 1710.32(B)(5)</i>).	Restricts the SEIPs to those consisting <i>only of energy efficiency improvements</i> . Specifies that the petition is to be filed with the <i>legislative authority</i> of "any municipal corporation or township" in which the property is located. (<i>R.C. 1710.20</i> .)



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Development, financing, management, and implementation of independent SEIPs	No provision.	Permits any municipal corporation or township levying a special assessment for SEIPs to develop, finance, manage, or implement part or all of any independent SEIP approved under the bill (<i>R.C. 1710.26</i>).
Contracts regarding SEIPs within ESIDs	Permits a nonprofit corporation governing an ESID to contract with any person, political subdivision, or state agency to develop and implement plans for SEIPs within the ESID (<i>R.C. 1710.25(A)(3)</i>).	No provision.
Contracts regarding independent SEIPs	No provision.	Permits any municipal corporation or township levying a special assessment for independent SEIPs to contract with any person, <i>community improvement corporation</i> , political subdivision, state agency, or <i>port authority</i> to develop, <i>finance, manage</i> , or implement part or all of any independent SEIP approved under the bill, and makes this contracting power an authorized purpose of port authorities (<i>R.C. 1710.26, 4582.06(A)(17)(b), and 4582.31(A)(27)(b)</i>).
Petition provisions for financial cooperation	Permits the petition for the development and implementation of independent SEIPs to include provisions for cooperating and contracting with any port authority having jurisdiction over the parcels upon which the independent SEIP or SEIPs will be developed and implemented, for purposes relating to the financing of SEIPs (<i>R.C. 1710.32(B)(3)</i>).	Permits the petition to include provisions for cooperating with <i>any person, any public or private lender</i> , or any port authority having jurisdiction over the parcels upon which the independent SEIP or SEIPs are proposed to be developed and implemented to provide financing to pay or reimburse the costs of the independent SEIP or SEIPs (<i>R.C. 1710.22(B)(2)</i>).

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Port authorities authorized to provide financial assistance to ESIDs	Expressly permits port authorities to provide financing by making loans or grants, issuing bonds, notes, or other obligations, or providing other financial assistance to an ESID or to property owners to pay the costs of SEIPs (<i>R.C. 4582.06(A)(16) and 4582.31(A)(26)</i>).	No provision.
Port authorities authorized to provide financial assistance for independent SEIPs	No provision.	Expressly permits port authorities having jurisdiction over the parcel upon which the independent SEIP or SEIPs are proposed to be developed and implemented to provide financing to pay or reimburse the costs of independent SEIPs (<i>R.C. 4582.06(A)(17)(a) and 4582.31(A)(27)(a)</i>).
Port authorities' authorized purposes	No provision.	Specifies that the authorized purposes given to port authorities by the bill may be exercised jointly or separately by one or more port authorities, are in addition to the powers granted to port authorities under continuing law, and are not limitations on any of those existing powers (<i>R.C. 4582.06(A)(17)(c) and 4582.31(A)(27)(c)</i>).
Actions in furtherance of the Ohio Constitution	Specifies that a petition for the development and implementation of independent SEIPs is in furtherance of the purposes set forth in Section 2o of Article VIII of the Ohio Constitution, if approved by all of the municipal corporations or townships with which the petition is submitted (<i>R.C. 1710.331</i>).	Specifies that the petition <i>and any actions taken by the municipal corporation or township under the petition and the legislation approving the petition</i> are in furtherance of the purposes set forth in Section 2o or 2q of Article VIII of the Ohio Constitution, if approved by the municipal corporation or township with which the petition is filed (<i>R.C. 1710.241</i>).



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Electric utility laws not superseded	No provision.	<p>Specifies that the acquisition, installation, equipping, and improvement of an independent SEIP does not supersede:</p> <p>(1) Continuing law governing the certified territories of electric suppliers; or</p> <p>(2) Any state or federal law relating to the provision of electric service or the regulation of electric light companies that operate their utilities not for profit or public utilities (<i>R.C. 1710.24(A)(2) and (3)</i>).</p>
Sales, transfers, leases, or conveyances of SEIPs within ESIDs: purposes	Permits a nonprofit corporation governing an ESID to sell, transfer, lease, or convey a SEIP owned by a municipal corporation or township as long as the SEIP is not required to be exclusively owned by the municipal corporation or township for its purposes <i>and provided that the sale is for</i> certain enumerated purposes, including promoting the welfare of the people of the municipal corporation or township, protecting water and other natural resources, and ensuring public health, safety, and welfare (<i>R.C. 1710.25(A)(6)</i>).	No provision.
Sales, transfers, leases, or conveyances of independent SEIPs: purposes	No provision.	Permits a municipal corporation or township levying a special assessment for independent SEIPs to sell, transfer, lease, or convey any independent SEIP owned by the municipal corporation or township as long as the independent SEIP is not required to be owned exclusively by the municipal corporation or township for its purposes or for certain enumerated purposes, including promoting the welfare of the people of the municipal corporation

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		or township, protecting water and other natural resources, and ensuring public health, safety, and welfare (<i>R.C. 1710.28(A)</i>).
Sales, transfers, leases, or conveyances of SEIPs within ESIDs: consideration	Requires the legislative authority of a municipal corporation to specify the consideration and any other terms for the sale, transfer, lease, or conveyance of a SEIP within an ESID (<i>R.C. 1710.25(A)</i>).	No provision.
Sales, transfers, leases, or conveyances of independent SEIPs: consideration	No provision.	Requires the legislative authority of a municipal corporation to specify the consideration and any other terms for the sale, transfer, lease, or conveyance of an independent SEIP (<i>R.C. 1710.28(B)</i>).
Sales, transfers, leases, or conveyances of SEIPs within ESIDs: determinations	Specifies that any determinations made by a legislative authority of a municipal corporation or township regarding the sale, transfer, lease, or conveyance of a SEIP within an ESID are conclusive (<i>R.C. 1710.25(A)</i>).	No provision.
Sales, transfers, leases, or conveyances of independent SEIPs: determinations	No provision.	Specifies that any determinations made by a legislative authority of a municipal corporation or township regarding the sale, transfer, lease, or conveyance of an independent SEIP are conclusive (<i>R.C. 1710.28(C)</i>).
Sales, transfers, leases, or conveyances of SEIPs within ESIDs: competitive bidding	Exempts from competitive bidding requirements the purchase, sale, transfer, lease, or conveyance of a SEIP within an ESID (<i>R.C. 1710.25(B)</i>).	No provision.
Sales, transfers, leases, or conveyances of independent SEIPs: competitive bidding	No provision.	Exempts from competitive bidding requirements the sale, transfer, lease, or conveyance of an independent SEIP (<i>R.C. 1710.28(D)</i>).

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Notes and bonds for SEIPs	Permits the petition for the development and implementation of independent SEIPs to include provisions for paying the costs of issuing, paying interest on, and redeeming or refunding notes and bonds issued for the purpose of funding the independent SEIPs (R.C. 1710.32(B)(2)).	Describes the notes and bonds as being issued for paying costs of the independent SEIP or SEIPs (R.C. 1710.22(B)(2)).
Reimbursing SEIP costs	No provision.	Permits the petition for the development and implementation of independent SEIPs to include provisions for reimbursing costs of the independent SEIP or SEIPs that were previously incurred (R.C. 1710.22(B)(2)).
Petition approval	Permits a municipal corporation or township to approve or disapprove a petition for the development and implementation of independent SEIPs by <i>resolution</i> (R.C. 1710.33(A)).	Permits a municipal corporation or township to approve or disapprove the petition by <i>legislation</i> (R.C. 1710.24(A)).
Location of property	Requires, for a petition for the development and implementation of independent SEIPs, that the parcels upon which the independent SEIP or SEIPs will be developed and implemented are within the boundaries of any one municipal corporation, any one township, or any combination of contiguous or noncontiguous municipal corporations or townships (R.C. 1710.30(A)).	Specifies that, for purposes of petitioning for the development and implementation of independent SEIPs, property is located in a municipal corporation or township if the property is located wholly within the boundaries of the municipal corporation or township (R.C. 1710.20).
Levying of the special assessment	Requires that if <i>every</i> municipal corporation and township with which a petition was submitted for the development and implementation of independent SEIPs approves the petition, then each municipal corporation or township must levy a special assessment to pay for the independent SEIPs (R.C. 1710.34(A)).	Requires that if "the municipal corporation or township" approves the petition, then the municipal corporation or township must levy the special assessment (R.C. 1710.24(B)).



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Lake facilities authorities	No provision.	<p>Increases, from \$25,000 to \$50,000, the amount of expenditure involved in a construction contract that usually triggers when a lake facilities authority must competitively bid the contract (<i>R.C. 353.03</i>).</p> <p>Makes the following changes regarding lake facilities authorities and natural-resources projects:</p> <p>(1) Makes the authorities eligible for project grants;</p> <p>(2) Permits the authorities to contribute to grant recipients; and</p> <p>(3) Specifies that an individual who is a public official or appointee of an authority and also a member of a natural resources assistance council does not have an unlawful interest in a public contract solely by receiving financial assistance from the authority for a project (<i>R.C. 164.20; R.C. 164.21(C), 164.23(A), and 164.27(C), not in the bill</i>).</p>

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