

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 38

Senator Schuring

A BILL

To amend sections 729.52 and 743.06 of the Revised 1
Code to revise the law governing municipal 2
corporation use of water and sewer funds. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 729.52 and 743.06 of the Revised 4
Code be amended to read as follows: 5

Sec. 729.52. ~~The funds—~~(A) Money received from the 6
collection of sewer rentals under section 729.49 of the Revised 7
Code shall be deposited weekly with the treasurer of the 8
municipal corporation. Money so deposited shall be kept as a 9
separate and distinct fund and shall be known as the sewer fund. 10
When appropriated by the legislative authority of the municipal 11
corporation, the fund shall be subject to the order of the 12
director of public service of a city or of the board of trustees 13
of public affairs of a village. The director or board shall sign 14
all orders drawn on the treasurer of the municipal corporation 15
against such fund, ~~which~~. The fund shall be used for the 16
payment of the cost of the management, maintenance, operation, 17
and repair of the sewerage system and sewage pumping, treatment, 18
and disposal works and may be used for purposes of division (B) 19

~~of this section. Any surplus in such fund may be used for the~~ 20
~~enlargement or replacement of the system and works, for~~ 21
~~construction and reconstruction of main and intercepter storm~~ 22
~~sewers, for the payment of the interest on any debt incurred for~~ 23
~~the construction thereof, and for the creation of a sinking fund~~ 24
~~for the payment of such debt, but shall not be used for the~~ 25
~~extension of a sewerage system to serve unsewered areas or for~~ 26
~~any other purpose; provided, where such municipal corporation~~ 27
~~does not operate or maintain a sewage pumping, treatment, and~~ 28
~~disposal works, any or all of such surplus may be transferred to~~ 29
~~the general fund of the municipal corporation in the manner~~ 30
~~provided in sections 5705.15 and 5705.16 of the Revised Code.~~ 31

(B) In each fiscal year, a municipal corporation may use 32
up to five per cent of the gross amount of money deposited in 33
the municipal corporation's sewer fund in the preceding year for 34
the purpose of extending the municipal corporation's sewerage 35
system if the sewerage system is being extended to areas for 36
economic development purposes. 37

In any fiscal year, a municipal corporation shall not 38
exceed the five per cent limit established in this division. 39

Sec. 743.06. (A) Money collected for water-works purposes 40
shall be deposited weekly with the treasurer of the municipal 41
corporation, and . Money so deposited shall be kept as a 42
separate and distinct fund. When appropriated by the legislative 43
authority of the municipal corporation, such money shall be 44
subject to the order of the director of public service. The 45
director shall sign all orders drawn on the treasurer of the 46
municipal corporation against such fund. 47

(B) In addition to the purposes specified in section 48
743.04 of the Revised Code, in each fiscal year, a municipal 49

corporation may use up to five per cent of the gross amount of 50
money deposited in the fund created under this section in the 51
preceding year for the purpose of extending the municipal 52
corporation's water system if the water system is being extended 53
to areas for economic development purposes. 54

In any fiscal year, a municipal corporation shall not 55
exceed the five per cent limit established in this division. 56

Section 2. That existing sections 729.52 and 743.06 of the 57
Revised Code are hereby repealed. 58