

As Passed by the House

**125th General Assembly
Regular Session
2003-2004**

Am. H. B. No. 81

Representatives Core, S. Patton, Flowers, Schmidt, Walcher

A B I L L

To amend section 1724.10 and to enact section 1724.12 1
of the Revised Code to specify that a community 2
improvement corporation designated as the agency 3
of a political subdivision may be authorized to 4
take certain other actions on behalf of the 5
political subdivision and retains certain 6
statutory powers to do all things necessary or 7
convenient to carry out its organizational 8
purposes and to prohibit a community improvement 9
corporation from providing certain information or 10
cable services in competition with private 11
enterprise. 12

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

Section 1. That section 1724.10 be amended and section 13
1724.12 of the Revised Code be enacted to read as follows: 14

Sec. 1724.10. (A) A community improvement corporation may be 15
designated by a county, one or more townships, one or more 16
municipal corporations, two or more adjoining counties, or any 17
combination of ~~the foregoing~~ those political subdivisions as the 18
agency of each ~~such~~ designating political subdivision for ~~the~~ 19
industrial, commercial, distribution, and research development in 20

~~such the~~ political subdivision when the legislative authority of 21
~~such the~~ political subdivision has determined that the policy of 22
the political subdivision is to promote the health, safety, 23
morals, and general welfare of its inhabitants through the 24
designation of a community improvement corporation as such an 25
agency. ~~Such The~~ designation shall be made by the legislative 26
authority of the political subdivision by resolution or ordinance. 27
~~Any~~ 28

(B) ~~Any~~ political subdivision ~~which that~~ has designated a 29
community improvement corporation as such an agency may enter into 30
an agreement with it to provide any one or more of the following: 31

~~(A)~~(1) That the community improvement corporation shall 32
prepare a plan for the political subdivision of industrial, 33
commercial, distribution, and research development, and ~~such the~~ 34
plan shall provide ~~therein in it~~ the extent to which the community 35
improvement corporation shall participate as the agency of the 36
political subdivision in carrying it out ~~such plan~~. ~~Such The~~ plan 37
shall be confirmed by the legislative authority of the political 38
subdivision. A 39

A community improvement corporation may insure mortgage 40
payments required by a first mortgage on any industrial, economic, 41
commercial, or civic property for which funds have been loaned by 42
any person, corporation, bank, or financial or lending institution 43
upon ~~such the~~ terms and conditions ~~as~~ the community improvement 44
corporation may prescribe. A community improvement corporation may 45
incur debt, mortgage its property acquired under this section or 46
otherwise, and issue its obligations, for the purpose of 47
acquiring, constructing, improving, and equipping buildings, 48
structures, and other properties, and acquiring sites ~~therefor~~ for 49
buildings, structures, and other properties, for lease or sale by 50
the community improvement corporation in order to carry out its 51

participation in ~~such~~ the plan. Any such debt shall be solely that 52
of the community improvement corporation and shall not be secured 53
by the pledge of any moneys received or to be received from any 54
political subdivision. All revenue bonds issued under ~~sections~~ 55
~~1724.02 and 1724.10 of the Revised Code~~ this chapter are lawful 56
investments of banks, savings and loan associations, deposit 57
guarantee associations, trust companies, trustees, fiduciaries, 58
trustees or other officers having charge of sinking or bond 59
retirement funds of municipal corporations and other political 60
subdivisions of the state, and ~~of~~ domestic insurance companies 61
notwithstanding sections 3907.14 and 3925.08 of the Revised Code. 62
Not less than two fifths of the governing board of any community 63
improvement corporation designated as the agency of one or more 64
~~political subdivisions shall be composed of mayors, members of~~ 65
~~municipal legislative authorities, members of boards of township~~ 66
~~trustees, members of boards of county commissioners, or any other~~ 67
~~appointed or elected officers of such political subdivisions,~~ 68
~~provided that at least one officer from each political subdivision~~ 69
~~shall be a member of the governing board. Membership on the~~ 70
~~governing board of a community improvement corporation does not~~ 71
~~constitute the holding of a public office or employment within the~~ 72
~~meaning of sections 731.02 and 731.12 of the Revised Code or any~~ 73
~~other section of the Revised Code. Membership on such governing~~ 74
~~boards shall not constitute an interest, either direct or~~ 75
~~indirect, in a contract or expenditure of money by any municipal~~ 76
~~corporation, township, county, or other political subdivision. No~~ 77
~~member of such governing boards shall be disqualified from holding~~ 78
~~any public office or employment, nor shall such member forfeit any~~ 79
~~such office or employment, by reason of his membership on the~~ 80
~~governing board of a community improvement corporation~~ 81
~~notwithstanding any law to the contrary.~~ 82

~~Actions taken under this section shall be in accordance with~~ 83
~~any applicable planning or zoning regulations.~~ 84

~~Any agreement entered into under this section may be amended 85
or supplemented from time to time by the parties thereto. 86~~

~~A community improvement corporation designated as the agency 87
of a political subdivision under this section shall promote and 88
encourage the establishment and growth in such subdivision of 89
industrial, commercial, distribution, and research facilities. 90~~

~~(B)(2) Authorization for the community improvement 91
corporation to sell or to lease any lands or interests in lands 92
owned by the political subdivision determined from time to time by 93
the its legislative authority ~~thereof~~ not to be required by ~~such~~ 94
the political subdivision for its purposes, for uses determined by 95
the legislative authority as those that will promote the welfare 96
of the people of the political subdivision, stabilize the economy, 97
provide employment, ~~and~~ assist in the development of industrial, 98
commercial, distribution, and research activities to the benefit 99
of the people of the political subdivision, and will provide 100
additional opportunities for their gainful employment. The 101
legislative authority shall specify the consideration for such a 102
sale or lease and any other terms ~~thereof~~ of the sale or lease. 103
Any determinations made by the legislative authority under this 104
division shall be conclusive. ~~The~~ 105~~

~~The community improvement corporation, acting through its 106
officers and on behalf and as agent of the political subdivision, 107
shall execute the necessary instruments, including deeds conveying 108
the title of the political subdivision or leases, to accomplish 109
such a sale or lease. Such a conveyance or lease shall be made 110
without advertising and receipt of bids. A 111~~

~~A copy of ~~such~~ the agreement providing the authorization 112
described in this division shall be recorded in the office of the 113
county recorder of any county in which lands or interests in lands 114
to be sold or leased are situated prior to the recording of a deed 115~~

or lease executed pursuant to ~~such~~ the agreement. The county 116
recorder shall charge the same fee for the recording, indexing, or 117
making of a certified copy ~~thereof~~ of the agreement as provided in 118
section 317.32 of the Revised Code. 119

~~(C)(3)~~ That the political subdivision ~~executing the agreement~~ 120
will convey or lease to the community improvement corporation 121
lands ~~and or~~ or interests in lands owned by the political subdivision 122
~~and determined by the~~ that its legislative authority ~~thereof~~ 123
determines are not to be required by the political subdivision for 124
its purposes ~~and that such, the~~ conveyance or lease of ~~such land~~ 125
~~or interests in land~~ which will promote the welfare of the people 126
of the political subdivision, stabilize the economy, provide 127
employment, ~~and~~ assist in the development of industrial, 128
commercial, distribution, and research activities to the benefit 129
of the people of the political subdivision, and provide additional 130
opportunities for their gainful employment, for the consideration 131
and upon the terms established in the agreement, and further that, 132
as the agency for development, the community improvement 133
corporation may acquire from others additional lands or interests 134
in lands, and any lands or interests in ~~land~~ lands so conveyed or 135
leased to the community improvement corporation may be sold or 136
leased by it for uses that will promote the welfare of the people 137
of the political subdivision, stabilize the economy, provide 138
employment, and assist in the development of industrial, 139
commercial, distribution, and research activities required for the 140
people of the political subdivision and for their gainful 141
employment. Any conveyance or lease by the political subdivision 142
to the community improvement corporation shall be made without 143
advertising and receipt of bids. If any lands or interests in ~~land~~ 144
lands conveyed by a political subdivision under this division are 145
sold by the community improvement corporation at a price in excess 146
of the consideration received by the political subdivision from 147
the community improvement corporation, ~~such~~ the excess shall be 148

paid to ~~such~~ the political subdivision after deducting, to the 149
extent and in the manner provided in the agreement, the costs of 150
such acquisition and sale, taxes, assessments, costs of 151
maintenance, costs of improvements to the land by the community 152
improvement corporation, service fees, and any debt service 153
charges of the corporation attributable to ~~such~~ the land or 154
interests. 155

(4) Authorization for the community improvement corporation 156
to take any other actions on behalf of the political subdivision 157
that are consistent with the purposes of this chapter. 158

(C) Not less than two-fifths of the governing board of any 159
community improvement corporation designated as the agency of one 160
or more political subdivisions shall be composed of mayors, 161
members of municipal legislative authorities, members of boards of 162
township trustees, members of boards of county commissioners, or 163
any other appointed or elected officers of the designating 164
political subdivisions, and at least one officer from each 165
designating political subdivision shall be a member of the 166
governing board. Membership on the governing board does not 167
constitute the holding of a public office or employment within the 168
meaning of sections 731.02 and 731.12 or any other section of the 169
Revised Code. Membership on the governing board also does not 170
constitute an interest, either direct or indirect, in a contract 171
or expenditure of money by any municipal corporation, township, 172
county, or other political subdivision. No member of the governing 173
board shall be disqualified from holding any public office or 174
employment, or forfeit any public office or employment, by reason 175
of membership on the governing board notwithstanding any law to 176
the contrary. 177

(D) Actions taken under this section shall be in accordance 178
with any applicable planning or zoning regulations. 179

(E) Any agreement entered into under this section may be 180

amended or supplemented from time to time by the parties to it. 181

(F)(1) A community improvement corporation designated as the 182
agency of a political subdivision under this section shall promote 183
and encourage the establishment and growth in that political 184
subdivision of industrial, commercial, distribution, and research 185
facilities. 186

(2) A community improvement corporation that enters into an 187
agreement under this section retains the powers listed in section 188
1724.02 of the Revised Code to do all things necessary or 189
convenient to carry out the purposes stated in section 1724.01 of 190
the Revised Code. 191

Sec. 1724.12. Notwithstanding any other provision of this 192
chapter, a community improvement corporation shall not, directly 193
or indirectly, provide information service, as defined in 47 194
U.S.C. 153(20), or cable service, as defined in 47 U.S.C. 522(6), 195
in competition with private enterprise. 196

Section 2. That existing section 1724.10 of the Revised Code 198
is hereby repealed. 199