(123rd General Assembly)
(Substitute House Bill Number 544)

AN ACT

To amend sections 9.44, 124.13, 124.38, 303.99, 325.19, 504.11, 519.99, 711.10, 713.22, and 5555.46 of the Revised Code to authorize a regional or county planning commission to send certain notices by electronic mail as well as regular mail, to require a regional or county planning commission to send notice to all townships at least thirty days before a public hearing on the adoption or amendment of its rules, to make changes to the composition of county planning commissions, to extend the period of time over which property owners may pay special assessments for county road improvements and the maturity of related bonds from ten to twenty years, to state that the procedures for adopting resolutions in the Township Limited Home Rule Government Law apply only to resolutions adopted pursuant to that Law, to increase the maximum fines for violating county and township zoning regulations from $100 to $500, to temporarily permit the transfer of surplus moneys in a township artificial lighting fund to another township fund, to authorize certain county appointing authorities to count prior service with a regional council of government for the purpose of determining years of service in the accrual of earned vacation leave and for the purpose of determining the credit for unused sick leave when an employee transfers, and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 9.44, 124.13, 124.38, 303.99, 325.19, 504.11, 519.99, 711.10, 713.22, and 5555.46 of the Revised Code be amended to read as follows:

Sec. 9.44. (A) Except as otherwise provided in this section, a person employed, other than as an elective officer, by the state or any political subdivision of the state, earning vacation credits currently, is entitled to have ~~his~~ the employee's prior service with any of these employers counted as service with the state or any political subdivision of the state, for the purpose of computing the amount of ~~his~~ the employee's vacation leave. The anniversary date of ~~his~~ employment for the purpose of computing the amount of ~~his~~ the employee's vacation leave, unless deferred pursuant to the appropriate law, ordinance, or regulation, is the anniversary date of such prior service.

(B) To determine prior service for the purpose of computing the amount of vacation leave for a person initially employed on or after July 5, 1987, by:

(1) A municipal corporation, the person shall have only ~~his~~ prior service within that municipal corporation counted;

(2) A township, the person shall have only ~~his~~ prior service with a township counted.

(C) An employee who has retired in accordance with the provisions of any retirement plan offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have ~~his~~ prior service with the state ~~or~~, any political subdivision of the state, or a regional council of government established in accordance with Chapter 167. of the Revised Code counted for the purpose of computing vacation leave.

Sec. 124.13. (A) As used in this section, "state employee" means a state employee who does not accrue vacation leave under section 124.134 of the Revised Code.

(B) Each full-time state employee or county ~~human services~~ department of job and family services employee, including full-time hourly rate employees, after service of one year with the state, or any political subdivision of the state, shall have earned and will be due upon the attainment of the first year of employment, and annually thereafter, eighty hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods. A full-time state employee, or county ~~human services~~ department of job and family services employee with eight or more years of service with the state or any political subdivision

of the state shall have earned and is entitled to one hundred twenty hours of vacation leave with full pay. A full-time state employee or county ~~human services~~ department of job and family services employee with fifteen or more years of service with the state or any political subdivision of the state shall have earned and is entitled to one hundred sixty hours of vacation leave with full pay. A full-time state employee or county ~~human services~~ department of job and family services employee with twenty-five years of service with the state or any political subdivision of the state shall have earned and is entitled to two hundred hours of vacation leave with full pay. Such vacation leave shall accrue to the employee at the rate of three and one-tenth hours each biweekly period for those entitled to eighty hours per year; four and six-tenths hours each biweekly period for those entitled to one hundred twenty hours per year; six and two-tenths hours each biweekly period for those entitled to one hundred sixty hours per year; and seven and seven-tenths hours each biweekly period for those entitled to two hundred hours per year.

The appointing authority of a county department of job and family services may permit all or any part of a person's prior service with any regional council of government established in accordance with Chapter 167. of the Revised Code to be considered service with the state or any political subdivision of the state for the purpose of determining years of service under this division.

(C) Full-time state and county ~~human services~~ department of job and family services employees who are in active pay status for less than eighty hours in a pay period, and part-time state employees, shall earn vacation leave on a prorated basis. The ratio between the hours worked and the vacation hours earned by these classes of employees shall be the same as the ratio between the hours worked and the vacation hours earned by a full-time state or county ~~human services~~ department of job and family services employee who works forty hours in a pay period and who has the same amount of service as provided for in this section.

(D) An employee shall take vacation leave during the year in which it accrues and is available for use that equals not less than the amount of vacation leave that the employee accrues and has available to use during that year, except that an appointing authority may permit an employee to carry over vacation leave to the following year. As used in this division, "year" means the twelve-month period that commences on an employee's anniversary date of employment. Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of the accrual for three years. Such excess leave shall be eliminated from the

employees' leave balance.

(E) Upon separation from state service, an employee shall be entitled to compensation at the employee's current rate of pay for all lawfully accrued and unused vacation leave to the employee's credit at the time of separation up to three years. In case of transfer of an employee from one state agency to another, or between a county and the state, the employee may elect to be compensated at the employee's current rate of pay for accrued and unused vacation leave at the time of transfer by the releasing agency or to retain the accrued and unused vacation leave. In case of death of an employee, such unused vacation leave shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate. Notwithstanding section 325.19 of the Revised Code, county ~~human~~ department of job and family services employees shall receive vacation benefits as provided in this section.

Sec. 124.38. Each of the following shall be entitled for each completed eighty hours of service to sick leave of four and six-tenths hours with pay:

(A) Employees in the various offices of the county, municipal, and civil service township service, other than superintendents and management employees, as defined in section 5126.20 of the Revised Code, of county boards of mental retardation and developmental disabilities;

(B) Employees of any state college or university;

(C) Employees of any board of education for whom sick leave is not provided by section 3319.141 of the Revised Code. ~~Employees~~

Employees may use sick leave, upon approval of the responsible administrative officer of the employing unit, for absence due to personal illness, pregnancy, injury, exposure to contagious disease ~~which~~ that could be communicated to other employees, and ~~to~~ illness, injury, or death in the employee's immediate family. Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work. ~~The~~

The previously accumulated sick leave of an employee who has been separated from the public service shall be placed to ~~his~~ the employee's credit upon ~~his~~ the employee's re-employment in the public service, provided that such re-employment takes place within ten years of the date on which the employee was last terminated from public service. An employee who transfers from one public agency to another shall be credited with the unused balance of ~~his~~ the employee's accumulated sick leave up to the maximum of the sick leave accumulation permitted in the public agency to which the employee transfers. ~~The~~

The appointing authorities of the various offices of the county service may permit all or any part of a person's accrued but unused sick leave acquired during service with any regional council of government established in accordance with Chapter 167. of the Revised Code to be credited to the employee upon a transfer as if the employee were transferring from one public agency to another under this section.

The appointing authority of each employing unit shall require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician shall be required to justify the use of sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal.

This section does not interfere with existing unused sick leave credit in any agency of government where attendance records are maintained and credit has been given employees for unused sick leave.

Notwithstanding this section or any other section of the Revised Code, any appointing authority of a county office, department, commission, board, or body may, upon notification to the board of county commissioners, establish alternative schedules of sick leave for employees of the appointing authority for whom the state employment relations board has not established an appropriate bargaining unit pursuant to section 4117.06 of the Revised Code, provided that the alternative schedules are not inconsistent with the provisions of a collective bargaining agreement covering other employees of that appointing authority.

Sec. 303.99. ~~(A)~~ Whoever violates sections 303.01 to 303.25~~, inclusive,~~ of the Revised Code~~,~~ shall be fined not more than ~~one~~ five hundred dollars for each offense.

Sec. 325.19. (A)(1) The granting of vacation leave under division (A)(1) of this section is subject to divisions (A)(2) and (3) of this section. Each full-time employee in the several offices and departments of the county service, including full-time hourly rate employees, after service of one year with the county or any political subdivision of the state, shall have earned and will be due upon the attainment of the first year of employment, and annually thereafter, eighty hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods. A full-time county employee with eight or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred twenty hours of vacation leave with full pay. A full-time county employee with fifteen or more years of service with the county or any political subdivision of the state shall have earned and is

tled to one hundred sixty hours of vacation leave with full pay. A full-time county employee with twenty-five years of service with the county or any political subdivision of the state shall have earned and is entitled to two hundred hours of vacation leave with full pay. Such vacation leave shall accrue to the employee at the rate of three and one-tenth hours each biweekly period for those entitled to eighty hours per year; four and six-tenths hours each biweekly period for those entitled to one hundred twenty hours per year; six and two-tenths hours each biweekly period for those entitled to one hundred sixty hours per year; and seven and seven-tenths hours each biweekly period for those entitled to two hundred hours per year.

The appointing authorities of the offices and departments of the county service may permit all or any part of a person's prior service with any regional council of government established in accordance with Chapter 167. of the Revised Code to be considered service with the county or a political subdivision of the state for the purpose of determining years of service under this division.

(2) Full-time employees granted vacation leave under division (A)(1) of this section who render any standard of service other than forty hours per week as described in division (J) of this section and who are in active pay status in a biweekly pay period, shall accrue a number of hours of vacation leave during each such pay period that bears the same ratio to the number of hours specified in division (A)(1) of this section as their number of hours which are accepted as full-time in active pay status, excluding overtime hours, bears to eighty hours.

(3) Full-time employees granted vacation leave under division (A)(1) of this section who are in active pay status in a biweekly pay period for less than eighty hours or the number of hours of service otherwise accepted as full-time by their employing office or department shall accrue a number of hours of vacation leave during that pay period that bears the same ratio to the number of hours specified in division (A)(1) of this section as their number of hours in active pay status, excluding overtime hours, bears to eighty or the number of hours of service accepted as full-time, whichever is applicable.

(B) A board of county commissioners, by resolution, may grant vacation leave with full pay to part-time county employees. A part-time county employee shall be eligible for vacation leave with full pay upon the attainment of the first year of employment, and annually thereafter. The ratio between the hours worked and the vacation hours awarded to a part-time employee shall be the same as the ratio between the hours worked

and the vacation hours earned by a full-time employee as provided for in this section.

(C) Days specified as holidays in section 124.19 of the Revised Code shall not be charged to an employee's vacation leave. Vacation leave shall be taken by the employee during the year in which it accrued and prior to the next recurrence of the anniversary date of the employee's employment, provided the appointing authority may, in special and meritorious cases, permit such employee to accumulate and carry over ~~his~~ the employee's vacation leave to the following year. No vacation leave shall be carried over for more than three years. An employee is entitled to compensation, at the employee's current rate of pay, for the prorated portion of any earned but unused vacation leave for the current year to the employee's credit at time of separation, and in addition shall be compensated for any unused vacation leave accrued to the employee's credit, with the permission of the appointing authority, for the three years immediately preceding the last anniversary date of employment.

(D)(1) In addition to vacation leave, a full-time county employee is entitled to eight hours of holiday pay for New Year's day, Martin Luther King day, Washington-Lincoln day, Memorial day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, and Christmas day, of each year. Except as provided in division (D)(2) of this section, holidays shall occur on the days specified in section 1.14 of the Revised Code. ~~In the event that~~ If any of ~~the aforesaid~~ those holidays fall on Saturday, the Friday immediately preceding shall be observed as the holiday. ~~In the event that~~ If any of ~~the aforesaid~~ those holidays fall on Sunday, the Monday immediately succeeding shall be observed as the holiday. If an employee's work schedule is other than Monday through Friday, the employee is entitled to holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed.

(2)(a) When a classified employee of a county board of mental retardation and developmental disabilities works at a site maintained by a government entity other than the board, such as a public school, the board may adjust the employee's holiday schedule to conform to the schedule adopted by the government entity. Under an adjusted holiday schedule, an employee shall receive the number of hours of holiday pay granted under division (D)(1) of this section.

(b) Pursuant to division (H)(6) of section 339.06 of the Revised Code, a county hospital may observe Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in

section 1.14 of the Revised Code.

(E) In the case of the death of a county employee, the unused vacation leave and unpaid overtime to the credit of any such employee~~,~~ shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate.

(F) Notwithstanding this section or any other section of the Revised Code, any appointing authority of a county office, department, commission, board, or body may, upon notification to the board of county commissioners, establish alternative schedules of vacation leave and holidays for employees of the appointing authority for whom the state employment relations board has not established an appropriate bargaining unit pursuant to section 4117.06 of the Revised Code, provided that the alternative schedules are not inconsistent with the provisions of a collective bargaining agreement covering other employees of that appointing authority.

(G) The employees of a county children services board that establishes vacation benefits under section 5153.12 of the Revised Code are exempt from division (A) of this section.

(H) The provisions of this section do not apply to superintendents and management employees of county boards of mental retardation and developmental disabilities.

(I) Division (A) of this section does not apply to an employee of a county board of mental retardation and developmental disabilities who works at, or provides transportation services to pupils of, a special education program provided by the county board pursuant to division (A)(4) of section 5126.05 of the Revised Code, if the employee's employment is based on a school year and the employee is not subject to a contract with the county board that provides for division (A) of this section to apply to the employee.

(J) As used in this section:

(1) "Full-time employee" means an employee whose regular hours of service for a county total forty hours per week, or who renders any other standard of service accepted as full-time by an office, department, or agency of county service.

(2) "Part-time employee" means an employee whose regular hours of service for a county total less than forty hours per week, or who renders any other standard of service accepted as part-time by an office, department, or agency of county service, and whose hours of county service total at least five hundred twenty hours annually.

(3) "Management employee" has the same meaning as in section 5126.20 of the Revised Code.

Sec. 504.11. (A) The vote on the question of passage of ~~each~~ a

resolution provided for in section 504.10 of the Revised Code or a motion related to that resolution shall be taken by yeas and nays and entered on the journal, and ~~no~~ the resolution or motion shall not be passed without concurrence of a majority of all members of the board of township trustees, except that each emergency resolution under that section shall require the affirmative vote of all of the members of the board for its enactment. If an emergency resolution fails to receive the required vote for passage as an emergency measure but receives the necessary majority for passage as a nonemergency resolution, it shall be considered passed as a nonemergency resolution. Except as otherwise provided in division (B) of this section, a resolution shall become effective thirty days after it is filed with the township clerk. Each emergency resolution shall determine that the resolution is necessary for the immediate preservation of the public peace, health, safety, or welfare~~,~~ and shall contain a statement of the necessity for the emergency. Each resolution shall be authenticated by the signature of the township clerk~~. However~~, but the failure or refusal of the clerk to sign a resolution shall not invalidate an otherwise properly enacted resolution.

(B) Each resolution appropriating money, submitting a question to the electorate, determining to proceed with an election, or providing for the approval of a revision, codification, recodification, or rearrangement of resolutions, or publication ~~thereof~~ of resolutions in book form, and any emergency resolution, shall take effect, unless a later time is specified in the resolution, ten days after it is filed with the township clerk.

(C) Each resolution shall be recorded in a book, or other record prescribed by the board, established and maintained for that purpose. The township clerk or a duly authorized deputy to the clerk shall, upon the request of any person and upon the payment of a fee established by the board, certify true copies of any resolution, and these certified copies shall be admissible as evidence in any court.

(D) The procedures provided in this section apply only to resolutions adopted pursuant to a township's limited home rule powers as authorized by this chapter.

Sec. 519.99. ~~(A)~~ Whoever violates sections 519.01 to 519.25~~, inclusive,~~ of the Revised Code shall be fined not more than ~~one~~ five hundred dollars for each offense.

Sec. 711.10. Whenever a county planning commission or a regional planning commission adopts a plan for the major streets or highways of the county or region, ~~then~~ no plat of a subdivision of land within the county or region, other than land within a municipal corporation or land within three miles of a city or one and one-half miles of a village as provided in section

711.09 of the Revised Code, shall be recorded until it is approved by the county or regional planning commission and the approval is endorsed in writing on the plat. Within five days after the submission of a plat for approval, the county or regional planning commission shall schedule a meeting to consider the plat and send a ~~written~~ notice by regular mail or by electronic mail to the clerk of the board of township trustees of the township in which ~~a proposed~~ the plat is located. The notice shall inform the trustees of the submission of the ~~proposed~~ plat and of the date, time, and location of any meeting at which the county or regional planning commission will consider or act upon the ~~proposed~~ plat. The meeting shall take place within thirty days after submission of the plat, and no meeting shall be held until at least seven days have passed from the date the notice was sent by the planning commission. ~~The~~

The approval of the planning commission or the refusal to approve shall be endorsed on the plat within thirty days after the submission of the plat for approval, or within such further time as the applying party may agree to in writing; otherwise that plat is deemed approved, and the certificate of the planning commission as to the date of the submission of the plat for approval and the failure to take action on it within that time shall be sufficient in lieu of the written endorsement or evidence of approval required by this section. A county or regional planning commission shall not require a person submitting the plat to alter the plat or any part of it as a condition for approval, as long as the plat is in accordance with the general rules governing plats and subdivisions of land, adopted by the commission as provided in this section, in effect at the time the plat ~~was~~ is submitted. The ground of refusal of approval of any plat submitted, including citation of or reference to the rule violated by the plat, shall be stated upon the record of the commission. Within sixty days after the refusal, the person submitting any plat ~~which~~ that the county or regional planning commission refuses to approve may file a petition in the court of common pleas of the proper county, and the proceedings on the petition shall be governed by section 711.09 of the Revised Code as in the case of the refusal of a planning authority to approve a plat. A board of township trustees is not entitled to appeal a decision of the county or regional planning commission under this section.

~~Any such~~ A county or regional planning commission shall adopt general rules, of uniform application, governing plats and subdivisions of land falling within its jurisdiction, to secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways or to the county or regional plan, for adequate and

convenient open spaces for traffic, utilities, access of ~~fire-fighting~~ firefighting apparatus, recreation, light, and air, and for the avoidance of congestion of population. The rules may provide for their modification by the county or regional planning commission in specific cases where unusual topographical and other exceptional conditions require the modification. The rules may require the county department of health to review and comment on a plat before the county or regional planning commission acts upon it and may also require proof of compliance with any applicable zoning resolutions as a basis for approval of a plat.

Before adoption of its rules or amendment of its rules, a public hearing shall be held on the adoption or amendment by the commission. ~~However, no~~ Notice of the public hearing shall be sent to all townships in the county or region by regular mail or electronic mail at least thirty days before the hearing. No county or regional planning commission shall adopt any rules requiring actual construction of streets or other improvements or facilities or assurance of that construction as a condition precedent to the approval of a plat of a subdivision unless the requirements have first been adopted by the board of county commissioners after a public hearing. A copy of the rules shall be certified by the planning commission to the county recorders of the appropriate counties. ~~After~~

After a county or regional street or highway plan has been adopted as provided in this section, the approval of plats and subdivisions provided for in this section shall be in lieu of any approvals provided for in other sections of the Revised Code, so far as the territory within the approving jurisdiction of the county or regional planning commission, as provided in this section, is concerned. Approval of a plat shall not be an acceptance by the public of the dedication of any street, highway, or other way or open space shown upon the plat. Any ~~such~~ county or regional planning commission and a city or village planning commission, or platting commissioner or legislative authority of a village, with subdivision regulation jurisdiction over unincorporated territory within the county or region may cooperate and agree by written agreement that the approval of a plat by the city or village planning commission, or platting commissioner or legislative authority of a village, as provided in section 711.09 of the Revised Code, shall be conditioned upon receiving advice from or approval by the county or regional planning commission.

Sec. 713.22. (A) The board of county commissioners of any county may, and on petition of the planning commissions of a majority of the municipal corporations in the county having ~~such~~ those planning commissions shall, provide for the organization and maintenance of a

county planning commission. ~~Except as provided in division (B) of this section, a~~ A county planning commission shall consist of ~~eight members appointed by the board of county commissioners, together with~~ the members of the board of county commissioners~~. If~~, or their alternates designated in accordance with this division, and eight other members appointed by the board in accordance with divisions (B)(1) to (4) of this section OR THEIR ALTERNATES DESIGNATED AND APPROVED IN ACCORDANCE WITH THIS DIVISION. ANY ALTERNATE DESIGNATED UNDER THIS DIVISION SHALL BE A RESIDENT OF THE COUNTY.

To designate an alternate for a member of the board of county commissioners, the board member shall send a letter of appointment to the alternate and deliver a copy of that letter to the clerk of the board of county commissioners. At the next regular meeting of the board, the clerk shall inform the board of the designation of the alternate, and the board shall have the designation entered on the journal.

TO DESIGNATE AN ALTERNATE FOR ANY OTHER MEMBER OF THE PLANNING COMMISSION, the MEMBER SHALL SEND A LETTER OF APPOINTMENT TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS DESIGNATING AN INDIVIDUAL TO SERVE AS THAT MEMBER'S ALTERNATE. AT THE NEXT REGULAR MEETING OF THE BOARD, THE CLERK SHALL INFORM THE BOARD OF THE DESIGNATION OF THE ALTERNATE, WHICH DESIGNATION THE BOARD MAY EITHER APPROVE OR DISAPPROVE. THE BOARD SHALL ENTER ITS DECISION ON THE BOARD'S JOURNAL AND, IF THE ALTERNATE IS APPROVED, DESIGNATE THE NAME OF THE ALTERNATE ON THE JOURNAL. THE CLERK OF THE BOARD SHALL NOTIFY THE COMMISSION MEMBER OF THE BOARD'S ACTION, AND THE COMMISSION MEMBER SHALL INFORM THE ALTERNATE.

A designated alternate shall serve at the pleasure of the member who makes the designation. Removal of an alternate shall be made by a letter of removal, delivered and journalized by the same method that the alternate was designated.

Once an alternate is designated for a member of the planning commission, if that commission member is absent from a planning commission meeting, the alternate has the right to vote and participate in all proceedings and actions of the commission at that meeting as if that alternate were the commission member.

(B)(1) Except as provided for counties with two or less townships in division (B)(4) of this section, if the population of the portion of any city

located in the county exceeds fifty per cent of the total population of the county, ~~then at least~~ the board of county commissioners shall select three of the appointive members ~~shall be selected~~ from persons nominated by the planning commission of that city. ~~Otherwise, three members shall be appointed from municipal corporations within the county.~~ The board shall appoint three members from the unincorporated ~~area~~ territory of the county from persons ~~nominated~~ recommended by the townships to the county~~. If,~~ except that, if one or more of those townships in the county ~~contains one or more~~ is a limited home rule government ~~townships~~ township, then the board shall appoint at least one of these three township appointees ~~shall be~~ from the ~~nominees of~~ persons recommended by a limited home rule government township. The remaining two appointees shall be selected at the discretion of the board and shall be ~~citizens~~ residents of the county, one residing in the unincorporated ~~area~~ territory of the county and representing townships and the other residing in the incorporated ~~area~~ territory of the county and representing municipal corporations in the county.

~~(B) If a county contains two or less townships with unincorporated territory, a county planning commission shall consist of eight citizens of the county appointed by the board of county commissioners, together with the members of the board of county commissioners, except that if the population of the portion of any city located in the county exceeds fifty per cent of the total population of the county, then at least three of the appointive members shall be selected from persons nominated by the planning commission of that city. Otherwise, appointees shall be selected at the discretion of the board and shall be citizens of the county.~~

(2) Except as provided for counties with two or less townships in division (B)(4) of this section, if a county does not contain the portion of any city with at least fifty per cent of the total population of the county but contains one or more limited home rule government townships, one of the appointees shall be a resident of a limited home rule government township in the county, selected at the discretion of the board of county commissioners from persons recommended by a limited home rule government township in the county. One appointee shall be a resident of the municipal corporation with the largest population contained within the portion of the municipal corporation located in the county, selected at the discretion of the board of county commissioners from persons recommended by that municipal corporation. The remaining six appointees shall be residents of the county, selected at the discretion of the board of county commissioners.

(3) Except as provided for counties with two or less townships in

division (B)(4) of this section, if a county does not contain the portion of any city with at least fifty per cent of the total population of the county and does not contain a limited home rule government township, the board of county commissioners shall appoint eight residents of the county selected at the discretion of the board.

(4) If a county contains two or less townships with unincorporated territory, the board of county commissioners shall appoint eight residents of the county selected at the discretion of the board, except that, if the population of the portion of any city located in the county exceeds fifty per cent of the total population of the county, then at least three of the appointive members shall be selected from persons nominated by the planning commission of that city.

(C) ~~The~~ Subject to division (F) of this section, the appointive members of a county planning commission shall be appointed for terms of three years, except that, of the eight members first appointed, three shall be appointed for terms of two years, and two shall be appointed for a term of one year. The members shall serve without pay. Any member of a county planning commission may hold any other public office and may serve as a member of a city, village, and regional planning commission, except as otherwise provided in the charter of any city or village.

(D) The expenses of the appointive members of a county planning commission and the compensation of planning commission employees shall be paid from appropriations made by the board.

The county planning commission may employ engineers, accountants, consultants, and employees as are necessary, and make ~~such~~ purchases as may be needed to the furtherance of its operation.

The county planning commission may accept, receive, and expend funds, grants, and services from the federal government or its agencies, from departments, agencies, and instrumentalities of this state or any adjoining state ~~or,~~ from one or more counties of this state or any adjoining state ~~or,~~ from any municipal corporation or political subdivision of this or any adjoining state, including a county, regional, and municipal planning commission of this or any adjoining state, or from civic sources, ~~and~~ may contract with respect thereto, either separately ~~or,~~ jointly, or cooperatively, and may provide ~~such~~ information and reports as may be necessary to secure such financial aid.

(E) A county planning commission may adopt a policy under which members of the board of county commissioners, as members of that commission, or their designated alternates must abstain from participating and voting on the commission's recommendation, whenever a county

planning commission is required by section 303.12 of the Revised Code to recommend the approval or denial of a proposed amendment or approval of some modification of an amendment to the county zoning resolution, or is required by section 303.07 of the Revised Code to approve or disapprove, or make suggestions about, a proposed county zoning resolution. The policy may require that a quorum of the commission under those circumstances be determined on the basis of an eight-member commission instead of an eleven-member commission.

(F) If at any time a change occurs within a county so that the population of a portion of a city within the county exceeds or no longer exceeds fifty per cent of the total population of the county or a township becomes a limited home rule government township, thus creating a situation where the membership of a county planning commission should be altered to comply with the membership requirements of division (B) of this section, within thirty days after the effective date of either of those types of change, the board of county commissioners, in the board's discretion, may make changes on the commission by resolution so that its membership representation complies with division (B) of this section. If the board does not adopt a resolution to so change the commission's membership, the board shall phase in the necessary changes in the commission's membership by waiting until a member's term of office expires and appointing new members so as to meet the representation requirements of division (B) of this section as soon as possible without interfering with any member's term of office.

Sec. 5555.46. All assessments, with interest accrued ~~thereon~~ on them, made under sections 5555.01 to 5555.72~~, inclusive,~~ of the Revised Code~~,~~ shall be placed by the county auditor upon a special duplicate to be collected as other taxes, and the principal shall be payable in not more than ~~twenty~~ forty semiannual installments extending over a period of not more than ~~ten~~ twenty years, as determined by the board of county commissioners. If any assessment is twenty-five dollars or less, or if the unpaid balance of any ~~such~~ assessment is twenty-five dollars or less, it shall be paid in full, and not in installments, at the time the first or next installment would otherwise become due and payable. ~~In the event that~~

If bonds are issued to pay the compensation, damages, and expenses incident to the improvement, the principal sum of ~~such~~ the assessments shall be payable in ~~such~~ the number of equal semiannual installments ~~as~~ that will provide a fund for the redemption of the bonds so issued. ~~Such~~ The assessments shall bear interest from the date of the issuance of the bonds and at the same rate as the bonds, and the interest shall be collected in ~~like~~ the same manner as the principal of ~~such~~ the assessments.

SECTION 2. That existing sections 9.44, 124.13, 124.38, 303.99, 325.19, 504.11, 519.99, 711.10, 713.22, and 5555.46 of the Revised Code are hereby repealed.

SECTION 3. Notwithstanding anything to the contrary in section 713.22 of the Revised Code, the change in the composition of a county planning commission required under that section as amended by this act shall be implemented so that any member serving on the commission on the effective date of this act serves out the member's term of office, even if the membership would not then meet the representation requirements in section 713.22 of the Revised Code, unless the board of county commissioners within thirty days after the effective date of this act determines, by resolution, that the commission's membership should comply with the representation requirements enacted by this act. If the board so determines to comply with those representation requirements, the board may remove members from the commission and may appoint members to the commission whose appointments comply with those representation requirements. Otherwise, as new members are appointed to the commission, the new members shall be appointed so as to meet the representation requirements enacted by this act as soon as possible without interfering with any member's term of office.

SECTION 4. Within thirty days after the effective date of this act, the clerk of any township that has created a fund for the deposit of special assessments for artificial lighting as provided in section 515.08 of the Revised Code may transfer any surplus in that fund to another township fund if all of the following conditions are met:

(1) The surplus has occurred due to overcharges by the company providing the artificial lighting.

(2) The board of township trustees adopts a resolution finding that the surplus has occurred and indicating the exact amount of the surplus.

(3) That resolution requests the clerk to transfer the surplus to another fund within the township treasury and indicates the specific township account to which the surplus is to be transferred.

No surplus shall be transferred as provided in this section after the thirtieth day after the effective date of this act.

SECTION 5. Section 124.38 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 403 and Am. Sub. S.B. 358 of the 120th General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 6. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for this necessity is that the terms of members serving on some county planning commissions are coming to an end and, to ensure that new appointees to those commissions will meet the representation requirements enacted by this act instead of the representation requirements in effect prior to the effective date of this act, the new representation requirements must go into effect as soon as possible. Therefore, this act shall go into immediate effect.

_____

Speaker _____ of the House of Representatives.

_____

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

_____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

_____

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

_____

Secretary of State.

File No. _____ Effective Date _____