

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 34

Representatives Hambley, Ryan

**Cosponsors: Representatives Wiggam, Greenspan, Blessing, Hill, Becker, Riedel,
Goodman**

A BILL

To amend sections 9.312, 124.327, 128.07, 149.30, 1
303.14, 307.204, 307.699, 340.02, 343.01, 2
505.109, 505.391, 505.511, 902.04, 931.03, 3
940.20, 3517.01, 3517.11, 3791.12, 4301.39, 4
5713.082, 5715.12, 5715.19, 5715.20, 5717.01, 5
5721.30, 5721.31, 5721.32, 5721.33, and 5727.75 6
of the Revised Code to authorize certain state 7
agencies, local governments, and other boards, 8
commissions, and officers to deliver certain 9
notices by ordinary mail and electronically 10
instead of by certified mail. 11

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

Section 1. That sections 9.312, 124.327, 128.07, 149.30, 12
303.14, 307.204, 307.699, 340.02, 343.01, 505.109, 505.391, 13
505.511, 902.04, 931.03, 940.20, 3517.01, 3517.11, 3791.12, 14
4301.39, 5713.082, 5715.12, 5715.19, 5715.20, 5717.01, 5721.30, 15
5721.31, 5721.32, 5721.33, and 5727.75 of the Revised Code be 16
amended to read as follows: 17

Sec. 9.312. (A) If a state agency or political subdivision 18

is required by law or by an ordinance or resolution adopted 19
under division (C) of this section to award a contract to the 20
lowest responsive and responsible bidder, a bidder on the 21
contract shall be considered responsive if the bidder's proposal 22
responds to bid specifications in all material respects and 23
contains no irregularities or deviations from the specifications 24
which would affect the amount of the bid or otherwise give the 25
bidder a competitive advantage. The factors that the state 26
agency or political subdivision shall consider in determining 27
whether a bidder on the contract is responsible include the 28
experience of the bidder, the bidder's financial condition, 29
conduct and performance on previous contracts, facilities, 30
management skills, and ability to execute the contract properly. 31

For purposes of this division, the provision of a bid 32
guaranty in accordance with divisions (A) (1) and (B) of section 33
153.54 of the Revised Code issued by a surety licensed to do 34
business in this state is evidence of financial responsibility, 35
but a state agency or political subdivision may request 36
additional financial information for review from an apparent low 37
bidder after it opens all submitted bids. A state agency or 38
political subdivision shall keep additional financial 39
information it receives pursuant to a request under this 40
division confidential, except under proper order of a court. The 41
additional financial information is not a public record under 42
section 149.43 of the Revised Code. 43

An apparent low bidder found not to be responsive and 44
responsible shall be notified by the state agency or political 45
subdivision of that finding and the reasons for it. Except for 46
contracts awarded by the department of administrative services 47
pursuant to section 125.11 of the Revised Code, the notification 48
shall be given in writing and either by certified mail or, if 49

the state agency or political subdivision has record of an 50
internet identifier of record associated with the bidder, by 51
ordinary mail and by that internet identifier of record. When 52
awarding contracts pursuant to section 125.11 of the Revised 53
Code, the department may send such notice in writing by first 54
class mail or by electronic means. 55

(B) Where a state agency or a political subdivision that 56
has adopted an ordinance or resolution under division (C) of 57
this section determines to award a contract to a bidder other 58
than the apparent low bidder or bidders for the construction, 59
reconstruction, improvement, enlargement, alteration, repair, 60
painting, or decoration of a public improvement, it shall meet 61
with the apparent low bidder or bidders upon a filing of a 62
timely written protest. The protest must be received within five 63
days of the notification required in division (A) of this 64
section. No final award shall be made until the state agency or 65
political subdivision either affirms or reverses its earlier 66
determination. Notwithstanding any other provisions of the 67
Revised Code, the procedure described in this division is not 68
subject to Chapter 119. of the Revised Code. 69

(C) A municipal corporation, township, school district, 70
board of county commissioners, any other county board or 71
commission, or any other political subdivision required by law 72
to award contracts by competitive bidding may by ordinance or 73
resolution adopt a policy of requiring each competitively bid 74
contract it awards to be awarded to the lowest responsive and 75
responsible bidder in accordance with this section. 76

(D) As used in this section, "internet identifier of 77
record" means an electronic mail address, or any other 78
designation used for self-identification or routing in internet 79

communication or posting, provided for the purpose of receiving 80
communication. 81

Sec. 124.327. (A) Employees who have been laid off or 82
have, by virtue of exercising their displacement rights, been 83
displaced to a lower classification in their classification 84
series, shall be placed on appropriate layoff lists. Those 85
employees with the most retention points within each category of 86
order of layoff, as established in section 124.323 of the 87
Revised Code, shall be placed at the top of the layoff list to 88
be followed by employees ranked in descending total retention 89
order. Laid-off employees shall be placed on layoff lists for 90
each classification in the classification series equal to or 91
lower than the classification in which the employee was employed 92
at the time of layoff. 93

(B) An employee who is laid off retains reinstatement 94
rights in the agency from which the employee was laid off. 95
Reinstatement rights continue for one year from the date of 96
layoff. During this one-year period, in any layoff jurisdiction 97
in which an appointing authority has an employee on a layoff 98
list, the appointing authority shall not hire or promote anyone 99
into a position within that classification until all laid-off 100
persons on a layoff list for that classification who are 101
qualified to perform the duties of the position are reinstated 102
or decline the position when it is offered. 103

For an exempt employee, as defined in section 124.152 of 104
the Revised Code, who has reinstatement rights into a bargaining 105
unit classification, the exempt employee's recall jurisdiction 106
shall be the counties in which the exempt employee indicates 107
willingness to accept reinstatement as determined by the 108
applicable collective bargaining agreement. 109

(C) Each laid-off or displaced employee, in addition to 110
reinstatement rights within the employee's appointing authority, 111
has the right to reemployment with any other state agency, 112
board, commission, or independent institution described in 113
division (B) (1) of section 124.326 of the Revised Code, if the 114
employee meets all applicable position-specific minimum 115
qualifications developed by the other agency, board, commission, 116
or independent institution and reviewed for validity by the 117
department of administrative services or, in the absence of 118
position-specific minimum qualifications so developed and 119
reviewed, meets the qualifications described in the applicable 120
classification, but only in the same classification from which 121
the employee was initially laid off or displaced. Layoff lists 122
for each appointing authority must be exhausted before other 123
jurisdiction reemployment layoff lists are used. 124

(D) Any employee accepting or declining reinstatement to 125
the same classification and same appointment type from which the 126
employee was laid off or displaced shall be removed from the 127
appointing authority's layoff list. 128

(E) Any employee accepting or declining reemployment to 129
the same classification and the same appointment type from which 130
the employee was laid off or displaced shall be removed from the 131
layoff list for the jurisdiction in which the employee accepted 132
or declined that reemployment as determined under division (C) 133
of this section. 134

(F) An employee who does not exercise the option to 135
displace under section 124.324 of the Revised Code shall only be 136
entitled to reinstatement or reemployment in the classification 137
from which the employee was displaced or laid off. 138

(G) Except as otherwise provided in this division, an 139

employee who declines reinstatement to a classification lower in 140
the classification series than the classification from which the 141
employee was laid off or displaced, thereafter is only entitled 142
to reinstatement to a classification higher, up to and including 143
the classification from which the employee was laid off or 144
displaced, in the classification series than the classification 145
that was declined. This division does not apply when an 146
employee, who was a full-time employee at the time of layoff or 147
displacement, declines reinstatement in a part-time position. 148

(H) Any employee reinstated or reemployed under this 149
section shall not serve a probationary period upon reinstatement 150
or reemployment, except that an employee laid off during an 151
original or promotional probationary period shall begin a new 152
probationary period. 153

(I) For the purposes of this section, employees whose 154
salary or wage is not paid directly by warrant of the director 155
of budget and management shall be placed on layoff lists of 156
their appointing authority only. 157

(J) A state agency shall notify an employee recalled from 158
layoff of the offer of reinstatement or reemployment either by 159
certified letter or, if the agency has record of an internet 160
identifier of record associated with the employee, by ordinary 161
mail and by that internet identifier of record. As used in this 162
division, "internet identifier of record" has the same meaning 163
as in section 9.312 of the Revised Code. 164

Sec. 128.07. (A) The 9-1-1 planning committee shall 165
prepare a proposal on the implementation of a countywide 9-1-1 166
system and shall hold a public meeting on the proposal to 167
explain the system to and receive comments from public 168
officials. At least thirty but not more than sixty days before 169

the meeting, the committee shall send a copy of the 170
implementation proposal and written notice of the meeting: 171

(1) ~~By certified mail, to~~ To the board of county 172
commissioners, the legislative authority of each municipal 173
corporation in the county, and to the board of trustees of each 174
township in the county, either by certified mail or, if the 175
committee has record of an internet identifier of record 176
associated with the board or legislative authority, by ordinary 177
mail and by that internet identifier of record; and 178

(2) To the board of trustees, directors, or park 179
commissioners of each subdivision that will be served by a 180
public safety answering point under the plan. 181

(B) The proposal and the final plan adopted by the 182
committee shall specify: 183

(1) Which telephone companies serving customers in the 184
county and, as authorized in division (A) (1) of section 128.03 185
of the Revised Code, in an adjacent county will participate in 186
the 9-1-1 system; 187

(2) The location and number of public safety answering 188
points; how they will be connected to a company's telephone 189
network; from what geographic territory each will receive 9-1-1 190
calls; whether basic or enhanced 9-1-1 service will be provided 191
within such territory; what subdivisions will be served by the 192
answering point; and whether an answering point will respond to 193
calls by directly dispatching an emergency service provider, by 194
relaying a message to the appropriate provider, or by 195
transferring the call to the appropriate provider; 196

(3) Which subdivision or regional council of governments 197
will establish, equip, furnish, operate, and maintain a 198

particular public safety answering point;	199
(4) A projection of the initial cost of establishing,	200
equipping, and furnishing and of the annual cost of the first	201
five years of operating and maintaining each public safety	202
answering point;	203
(5) Whether the cost of establishing, equipping,	204
furnishing, operating, or maintaining each public safety	205
answering point should be funded through charges imposed under	206
section 128.22 of the Revised Code or will be allocated among	207
the subdivisions served by the answering point and, if any such	208
cost is to be allocated, the formula for so allocating it;	209
(6) How each emergency service provider will respond to a	210
misdirected call.	211
(C) Following the meeting required by this section, the 9-	212
1-1 planning committee may modify the implementation proposal	213
and, no later than nine months after the resolution authorized	214
by section 128.06 of the Revised Code is adopted, may adopt, by	215
majority vote, a final plan for implementing a countywide 9-1-1	216
system. If a planning committee and wireline service provider do	217
not agree on whether the wireline service provider is capable of	218
providing the wireline telephone network as described under	219
division (A) of section 128.03 of the Revised Code and the	220
planning committee refers that question to the steering	221
committee, the steering committee may extend the nine-month	222
deadline established by this division to twelve months.	223
Immediately on completion of the plan, the planning committee	224
shall send a copy of the final plan:	225
(1) By certified mail to <u>To</u> the board of county	226
commissioners of the county, to the legislative authority of	227

each municipal corporation in the county, and to the board of 228
township trustees of each township in the county either by 229
certified mail or, if the committee has record of an internet 230
identifier of record associated with the board or legislative 231
authority, by ordinary mail and by that internet identifier of 232
record; and 233

(2) To the board of trustees, directors, or park 234
commissioners of each subdivision that will be served by a 235
public safety answering point under the plan. 236

(D) As used in this section, "internet identifier of 237
record" has the same meaning as in section 9.312 of the Revised 238
Code. 239

Sec. 149.30. The Ohio history connection, chartered by 240
this state as a corporation not for profit to promote a 241
knowledge of history and archaeology, especially of Ohio, and 242
operated continuously in the public interest since 1885, may 243
perform public functions as prescribed by law. 244

The general assembly may appropriate money to the Ohio 245
history connection each biennium to carry out the public 246
functions of the Ohio history connection as enumerated in this 247
section. An appropriation by the general assembly to the Ohio 248
history connection constitutes an offer to contract with the 249
Ohio history connection to carry out those public functions for 250
which appropriations are made. An acceptance by the Ohio history 251
connection of the appropriated funds constitutes an acceptance 252
by the Ohio history connection of the offer and is considered an 253
agreement by the Ohio history connection to perform those 254
functions in accordance with the terms of the appropriation and 255
the law and to expend the funds only for the purposes for which 256
appropriated. The governor may request on behalf of the Ohio 257

history connection, and the controlling board may release, 258
additional funds to the Ohio history connection for survey, 259
salvage, repair, or rehabilitation of an emergency nature for 260
which funds have not been appropriated, and acceptance by the 261
Ohio history connection of those funds constitutes an agreement 262
on the part of the Ohio history connection to expend those funds 263
only for the purpose for which released by the controlling 264
board. 265

The Ohio history connection shall faithfully expend and 266
apply all moneys received from the state to the uses and 267
purposes directed by law and for necessary administrative 268
expenses. If the general assembly appropriates money to the Ohio 269
history connection for grants or subsidies to other entities for 270
their site-related programs, the Ohio history connection, except 271
for good cause, shall distribute the money within ninety days of 272
accepting a grant or subsidy application for the money. 273

The Ohio history connection shall perform the public 274
function of sending notice by ordinary or certified mail to the 275
owner of any property at the time it is listed on the national 276
register of historic places. The Ohio history connection shall 277
accurately record all expenditures of such funds in conformity 278
with generally accepted accounting principles. 279

The auditor of state shall audit all funds and fiscal 280
records of the Ohio history connection. 281

The public functions to be performed by the Ohio history 282
connection shall include all of the following: 283

(A) Creating, supervising, operating, protecting, 284
maintaining, and promoting for public use a system of state 285
memorials, titles to which may reside wholly or in part with 286

this state or wholly or in part with the Ohio history connection 287
as provided in and in conformity to appropriate acts and 288
resolves of the general assembly, and leasing for renewable 289
periods of two years or less, with the advice and consent of the 290
attorney general and the director of administrative services, 291
lands and buildings owned by the state which are in the care, 292
custody, and control of the Ohio history connection, all of 293
which shall be maintained and kept for public use at reasonable 294
hours; 295

(B) Making alterations and improvements, marking, and 296
constructing, reconstructing, protecting, or restoring 297
structures, earthworks, and monuments in its care, and equipping 298
such facilities with appropriate educational maintenance 299
facilities; 300

(C) Serving as the archives administration for the state 301
and its political subdivisions as provided in sections 149.31 to 302
149.42 of the Revised Code; 303

(D) Administering a state historical museum, to be the 304
headquarters of the society and its principal museum and 305
library, which shall be maintained and kept for public use at 306
reasonable hours; 307

(E) Establishing a marking system to identify all 308
designated historic and archaeological sites within the state 309
and marking or causing to be marked historic sites and 310
communities considered by the society to be historically or 311
archaeologically significant; 312

(F) Publishing books, pamphlets, periodicals, and other 313
publications about history, archaeology, and natural science and 314
offering one copy of each regular periodical issue to all public 315

libraries in this state at a reasonable price, which shall not 316
exceed one hundred ten per cent more than the total cost of 317
publication; 318

(G) Engaging in research in history, archaeology, and 319
natural science and providing historical information upon 320
request to all state agencies; 321

(H) Collecting, preserving, and making available by all 322
appropriate means and under approved safeguards all manuscript, 323
print, or near-print library collections and all historical 324
objects, specimens, and artifacts which pertain to the history 325
of Ohio and its people, including the following original 326
documents: Ohio Constitution of 1802; Ohio Constitution of 1851; 327
proposed Ohio Constitution of 1875; design and the letters of 328
patent and assignment of patent for the state flag; S.J.R. 13 329
(1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); 330
H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 331
(1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); 332
H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 333
(1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 334
(1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); 335
S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936); 336
petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 337
8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 338
(1947); and H.J.R. 48 (1947); 339

(I) Encouraging and promoting the organization and 340
development of county and local historical societies; 341

(J) Providing to Ohio schools such materials as the Ohio 342
history connection may prepare to facilitate the instruction of 343
Ohio history at a reasonable price, which shall not exceed one 344
hundred ten per cent more than the total cost of preparation and 345

delivery;	346
(K) Providing advisory and technical assistance to local societies for the preservation and restoration of historic and archaeological sites;	347 348 349
(L) Devising uniform criteria for the designation of historic and archaeological sites throughout the state and advising local historical societies of the criteria and their application;	350 351 352 353
(M) Taking inventory, in cooperation with the Ohio arts council, the Ohio archaeological council, and the archaeological society of Ohio, of significant designated and undesignated state and local sites and keeping an active registry of all designated sites within the state;	354 355 356 357 358
(N) Contracting with the owners or persons having an interest in designated historic or archaeological sites or property adjacent or contiguous to those sites, or acquiring, by purchase, gift, or devise, easements in those sites or in property adjacent or contiguous to those sites, in order to control or restrict the use of those historic or archaeological sites or adjacent or contiguous property for the purpose of restoring or preserving the historical or archaeological significance or educational value of those sites;	359 360 361 362 363 364 365 366 367
(O) Constructing a monument honoring Governor James A. Rhodes, which shall stand on the northeast quadrant of the grounds surrounding the capitol building. The monument shall be constructed with private funds donated to the Ohio history connection and designated for this purpose. No public funds shall be expended to construct this monument. The department of administrative services shall cooperate with the Ohio history	368 369 370 371 372 373 374

connection in carrying out this function and shall maintain the 375
monument in a manner compatible with the grounds of the capitol 376
building. 377

(P) Commissioning a portrait of each departing governor, 378
which shall be displayed in the capitol building. The Ohio 379
history connection may accept private contributions designated 380
for this purpose and, at the discretion of its board of 381
trustees, also may apply for the same purpose funds appropriated 382
by the general assembly to the Ohio history connection pursuant 383
to this section. 384

(Q) Submitting an annual report of its activities, 385
programs, and operations to the governor within two months after 386
the close of each fiscal year of the state. 387

The Ohio history connection shall not sell, mortgage, 388
transfer, or dispose of historical or archaeological sites to 389
which it has title and in which the state has monetary interest 390
except by action of the general assembly. 391

In consideration of the public functions performed by the 392
Ohio history connection for the state, employees of the Ohio 393
history connection shall be considered public employees within 394
the meaning of section 145.01 of the Revised Code. 395

Sec. 303.14. The county board of zoning appeals may: 396

(A) Hear and decide appeals where it is alleged there is 397
error in any order, requirement, decision, or determination made 398
by an administrative official in the enforcement of sections 399
303.01 to 303.25 of the Revised Code, or of any resolution 400
adopted pursuant thereto; 401

(B) Authorize upon appeal, in specific cases, such 402
variance from the terms of the zoning resolution as will not be 403

contrary to the public interest, where, owing to special 404
conditions, a literal enforcement of the resolution will result 405
in unnecessary hardship, and so that the spirit of the 406
resolution shall be observed and substantial justice done; 407

(C) Grant conditional zoning certificates for the use of 408
land, buildings, or other structures if such certificates for 409
specific uses are provided for in the zoning resolution. If the 410
board considers conditional zoning certificates for activities 411
that are permitted and regulated under Chapter 1514. of the 412
Revised Code or activities that are related to making finished 413
aggregate products, the board shall proceed in accordance with 414
section 303.141. of the Revised Code. 415

(D) Revoke an authorized variance or conditional zoning 416
certificate granted for the extraction of minerals, if any 417
condition of the variance or certificate is violated. 418

The board shall notify the holder of the variance or 419
certificate either by certified mail or, if the board has record 420
of an internet identifier of record associated with the holder, 421
by ordinary mail and by that internet identifier of record of 422
its intent to revoke the variance or certificate under division 423
(D) of this section and of the holder's right to a hearing 424
before the board within thirty days of the mailing of the notice 425
if the holder so requests. If the holder requests a hearing, the 426
board shall set a time and place for the hearing and notify the 427
holder. At the hearing, the holder may appear in person, by 428
attorney, or by other representative, or the holder may present 429
the holder's position in writing. The holder may present 430
evidence and examine witnesses appearing for or against the 431
holder. If no hearing is requested, the board may revoke the 432
variance or certificate without a hearing. The authority to 433

revoke a variance or certificate is in addition to any other 434
means of zoning enforcement provided by law. 435

In exercising the above-mentioned powers, the board may, 436
in conformity with such sections, reverse or affirm, wholly or 437
partly, or modify the order, requirement, decision, or 438
determination appealed from and may make such order, 439
requirement, decision, or determination as ought to be made, and 440
to that end has all powers of the officer from whom the appeal 441
is taken. 442

As used in this section, "internet identifier of record" 443
has the same meaning as in section 9.312 of the Revised Code. 444

Sec. 307.204. (A) As used in this section: 445

(1) "Concentrated animal feeding facility" and "major 446
concentrated animal feeding facility" have the same meanings as 447
in section 903.01 of the Revised Code. 448

(2) "Facility" means a proposed new or expanded major 449
concentrated animal feeding facility. 450

(3) "Improvement" means the construction, modification, or 451
both of county infrastructure. 452

(B) A person who proposes to do any of the following shall 453
provide written notification as required under division (C) of 454
this section to the board of county commissioners of the county 455
in which a facility is or is to be located: 456

(1) Establish a new major concentrated animal feeding 457
facility; 458

(2) Increase the design capacity of an existing major 459
concentrated animal feeding facility by ten per cent or more in 460
excess of the design capacity set forth in the current permit 461

for construction or modification of the facility or for 462
installation or modification of the disposal system for manure 463
at the facility issued under section 903.02 or division (J) of 464
section 6111.03 of the Revised Code, as applicable; 465

(3) Increase the design capacity of an existing 466
concentrated animal feeding facility by ten per cent or more in 467
excess of the design capacity set forth in the current permit 468
for construction or modification of the facility or for 469
installation or modification of the disposal system for manure 470
at the facility issued under section 903.02 or division (J) of 471
section 6111.03 of the Revised Code, as applicable, and to a 472
design capacity of more than ten times the number of animals 473
specified in any of the categories in division (H) of section 474
903.01 of the Revised Code. 475

(C) The person shall notify the board in writing by 476
certified mail of the proposed construction or expansion of the 477
facility and include the following information: 478

(1) The anticipated travel routes of motor vehicles to and 479
from the facility; 480

(2) The anticipated number and weights of motor vehicles 481
traveling to and from the facility. 482

(D) At the request of the board, the county engineer may 483
review the written notification and advise the board on both of 484
the following: 485

(1) Improvements and maintenance of improvements that are 486
reasonably needed in order to accommodate the impact on county 487
infrastructure that is anticipated as a result of the facility, 488
including increased travel or the types of vehicles on county 489
roads; 490

(2) The projected costs of the improvements and 491
maintenance. 492

Not later than ten days after receiving the written 493
notification, the board may request the person to provide 494
additional reasonable and relevant information regarding the 495
impact of the facility on county infrastructure. The person 496
shall provide the information not later than ten days after the 497
request is made. 498

(E)(1) Not later than thirty days after the initial 499
written notification is received by the board, the board shall 500
submit to the person its recommendations, if any, concerning the 501
improvements that will be needed as a result of the facility and 502
the cost of those improvements. 503

(2) Not later than fifteen days after receipt of the 504
board's recommendations, the person shall notify the board 505
either that the person agrees with the recommendations and will 506
implement them or that the person is submitting reasonable 507
alternative recommendations or modifications to the board. If 508
the person agrees with the recommendations, they shall be 509
considered to be the board's final recommendations. 510

(3) If the board receives alternative recommendations or 511
modifications under division (E)(2) of this section, the board 512
shall select final recommendations and submit them to the person 513
not later than thirty days after the receipt of the alternative 514
recommendations or modifications. 515

(F)(1) The board shall prepare a written, dated statement 516
certifying that the written notification required under this 517
section was submitted and that final recommendations were 518
selected regarding needed improvements and the costs of those 519

improvements. The board shall provide the person with the 520
original of the statement so that the person can include it with 521
the application for a permit to install for the facility as 522
required under division (C) (4) of section 903.02 of the Revised 523
Code. The board shall retain a copy of the statement for its 524
records. 525

(2) If the board fails to prepare a written, dated 526
statement in accordance with division (F) (1) of this section 527
within seventy-five days of receiving the initial written 528
notification by certified mail from the person, the person 529
instead shall file with the application for a permit to install 530
for the facility a notarized affidavit declaring that the person 531
has met the criteria established in this section and that a 532
written, dated statement was not received by the person from the 533
board. 534

(G) If the person receives a written, dated statement from 535
the board as provided in division (F) (1) of this section, the 536
person shall construct, modify, and maintain or finance the 537
construction, modification, and maintenance of improvements as 538
provided in the board's final recommendations and with the 539
approval and oversight of the county engineer. If the person 540
fails to do so, the board shall notify the person either by 541
certified mail or, if the board has record of an internet 542
identifier of record associated with the person, by ordinary 543
mail and by that internet identifier of record that the board 544
intends to initiate mediation with the person if the person 545
remains out of compliance with the final recommendations. 546

The board shall allow sufficient time for the person to 547
apply for and proceed to obtain, for the purpose of financing 548
the construction, modification, or maintenance of the 549

improvements, exemptions from taxation under sections 5709.63, 550
5709.632, 5709.73, and 5709.78 of the Revised Code or state or 551
federal grants that may be available. 552

If the person remains out of compliance with the final 553
recommendations, the board may initiate mediation with the 554
person in order to resolve the differences between them. If 555
mediation fails to resolve the differences, the board and the 556
person first shall attempt to resolve the differences through 557
any legal remedies before seeking redress through a court of 558
common pleas. 559

(H) If the person subsequently submits an application 560
under section 903.02 of the Revised Code for a permit to modify 561
the facility, or if the routes of travel to or from the facility 562
change for any reason other than road construction conducted by 563
the county, the board or the person may request that additional 564
information be provided in writing and shall proceed as provided 565
in this section for the notification and recommendation 566
proceedings. 567

(I) As used in this section, "internet identifier of 568
record" has the same meaning as in section 9.312 of the Revised 569
Code. 570

Sec. 307.699. (A) As used in this section: 571

(1) "Sports facility" has the same meaning as in section 572
307.696 of the Revised Code. 573

(2) "Residual cash" has the same meaning as in division 574
(B) (5) of section 5709.081 of the Revised Code. 575

(3) "Internet identifier of record" has the same meaning 576
as in section 9.312 of the Revised Code. 577

(B) Any political subdivision or subdivisions or any corporation that owns a sports facility that is both constructed under section 307.696 of the Revised Code and includes property exempt from taxation under division (B) of section 5709.081 of the Revised Code, shall make an annual service payment in lieu of taxes on the exempt property for each tax year beginning with the first tax year in which the facility or part thereof is used by a major league professional athletic team for its home schedule. The amount of the service payment for a tax year shall be determined by the county auditor under division (D) of this section.

(C) On or before the first day of September each year, the owner of property to which this section applies shall file both of the following with the county auditor:

(1) A return in the same form as under section 5711.02 of the Revised Code listing all its exempt tangible personal property as of the first day of August of that year;

(2) An audited financial statement certified by the owner and reflecting the actual receipts, revenue, expenses, expenditures, net income, and residual cash derived from the property during the most recently ended calendar year.

For the purposes of this section, the county auditor shall determine the true value of the real and tangible personal property owned by the political subdivision or subdivisions or the corporation and included in the sports facility, including the taxable portion thereof, by capitalizing at an appropriate rate the net income of the owner derived from that property. The auditor shall use the net income as certified in the owner's financial statement, unless ~~he~~ the auditor determines that the amount so certified is inaccurate, in which event ~~he~~ the auditor

shall determine the accurate amount of net income to be 608
capitalized. The county auditor shall compute net income before 609
debt service, and shall not include any revenue from county 610
taxes as defined in division (A) (1) of section 307.696 of the 611
Revised Code. The true value so determined shall be allocated 612
between real and tangible personal property and assessed for the 613
purposes of this section at the appropriate percentages provided 614
by law for determining taxable values. 615

Using information reported or determined under this 616
division, the county auditor shall determine the amount of 617
putative taxes for the property for that tax year. As used in 618
this section, "putative taxes" means the greater of one million 619
dollars or the amount of property taxes that would have been 620
charged and payable if all the real and tangible personal 621
property owned by the political subdivision or subdivisions or 622
the corporation and included in the sports facility was subject 623
to taxation. 624

(D) On or before the date that is sixty days before the 625
date that the first payment of real property taxes are due 626
without penalty under Chapter 323. of the Revised Code each tax 627
year, the county auditor shall determine the amount of service 628
payments for that tax year for property to which this section 629
applies in the following manner: 630

(1) The county auditor shall deduct from the amount of 631
putative taxes under division (C) of this section any taxes 632
assessed against the taxable portion of the sports facility 633
owned by any of the entities in division (B) (1) of section 634
5709.081 of the Revised Code, any amounts paid by a municipal 635
corporation under section 5709.082 of the Revised Code as a 636
result of the exempt property, and any amounts available in the 637

construction payments account established under division (G) (1) 638
of this section as are required to make the total deductions 639
under this division equal to one million dollars. 640

(2) The county auditor shall fix the amount of the service 641
payments for a tax year at the amount of the putative taxes 642
minus deductions under division (D) (1) of this section. However, 643
any amount of service payments required because the putative 644
taxes exceed one million dollars shall not exceed the amount of 645
residual cash of the owner of the exempt property as reported in 646
division (C) of this section that would otherwise accrue to the 647
political subdivision or subdivisions pursuant to division (B) 648
(5) of section 5709.081 of the Revised Code if no service 649
payments were imposed under this section. 650

(3) If the exempt property is an improvement under 651
division (C) (2) of section 5709.081 of the Revised Code, the 652
county auditor shall determine the percentage which such 653
improvement constitutes of the total sports facility and shall 654
substitute for the one-million-dollar amount, wherever it 655
appears in this section, an amount equal to such percentage 656
multiplied by one million dollars. The percentage shall be 657
determined by dividing the reproduction cost new of the 658
improvement by the reproduction cost new of the total sports 659
facility including the improvement, owned by any of the entities 660
under division (B) (1) of section 5709.081 of the Revised Code. 661

(E) On or before the date that is sixty days before the 662
date that the first payment of real property taxes are due 663
without penalty under Chapter 323. of the Revised Code each tax 664
year, the county auditor shall certify and send notice ~~by~~ 665
~~certified mail~~ to the owner of the property either by certified 666
mail or, if the auditor has record of an internet identifier of 667

record associated with the owner, by ordinary mail and by that 668
internet identifier of record, of the amount and the calculation 669
of the service payments charged that tax year, including the 670
separate valuations determined for the real and tangible 671
personal property, the capitalization rate used, the separate 672
deductions allowed under division (D) of this section, and any 673
claimed inaccuracies in net income determined under division (C) 674
of this section. 675

The service payments for a tax year shall be charged and 676
collected in the same manner as real property taxes for that tax 677
year. Revenue collected as service payments shall be distributed 678
to the taxing districts that would have received property tax 679
revenue from the exempt property if it was not exempt, for the 680
tax year for which the payments are made, in the same 681
proportions as property taxes are distributed. However, if the 682
sum of the deductions allowed under division (D) of this section 683
and the service payments exceeds one million dollars, any 684
service payments in excess of one million dollars shall first be 685
paid to the municipal corporation to reimburse it for the 686
payments made under section 5709.082 of the Revised Code from 687
the inception of such payments. Any such payments to the 688
municipal corporation shall be deducted from the municipal 689
payments account established under division (G) (2) of this 690
section. 691

(F) The owner of property exempt from taxation under 692
section 5709.081 of the Revised Code or persons and political 693
subdivisions entitled to file complaints under section 5715.19 694
of the Revised Code may appeal the determination of the annual 695
service payments required by this section to the board of 696
revision in the county in which the exempt property is located 697
within the time period for filing complaints under section 698

5715.19 of the Revised Code. The appeal shall be taken by filing 699
a complaint with that board which need not be on the form 700
prescribed for other complaints filed under section 5715.19 of 701
the Revised Code but which shall include an identification of 702
the exempt property, a copy of the auditor's certification to 703
the owner, a calculation of the service payments claimed to be 704
correct and a statement of the errors in the auditor's 705
determination. Upon receipt of such complaint, the board of 706
revision shall notify the county auditor of the county in which 707
the exempt property is located, who shall, within thirty days of 708
such notice, certify to the board of revision a transcript of 709
the record of the proceedings of the county auditor pertaining 710
to the determination of the annual service payments. Any 711
complaint filed under this section shall be regarded as a 712
complaint for the purposes of divisions (B), (C), (E), (F), (G), 713
and (H) of section 5715.19 of the Revised Code. The board of 714
revision shall order the hearing of evidence and shall determine 715
the amount of service payments due and payable pursuant to this 716
section. 717

(G) The county auditor of the county in which the exempt 718
property is located shall establish the following two accounts: 719

(1) A construction payments account to which shall be 720
posted all payments made by a municipal corporation pursuant to 721
section 5709.082 of the Revised Code on account of such property 722
derived from persons employed at the site of the sports facility 723
in the construction of the facility. Deductions shall be made 724
from such account as provided in division (D) of this section 725
until the amounts so posted are exhausted. 726

(2) A municipal payments reimbursement account to which 727
shall be posted all payments made by a municipal corporation 728

pursuant to section 5709.082 of the Revised Code on account of 729
such property including those posted under division (G) (1) of 730
this section. Deductions shall be made from the municipal 731
payments reimbursement account for reimbursements to the 732
municipal corporation made under division (E) of this section 733
until the amounts posted are exhausted. 734

Sec. 340.02. (A) For each alcohol, drug addiction, and 735
mental health service district, there shall be appointed a board 736
of alcohol, drug addiction, and mental health services 737
consisting of eighteen members or fourteen members. Should the 738
board of alcohol, drug addiction, and mental health services 739
elect to remain at eighteen members, as provided under section 740
340.02 of the Revised Code as it existed immediately prior to 741
the date of this amendment, the board of alcohol, drug 742
addiction, and mental health services and the board of county 743
commissioners shall not be required to take any action. Should 744
the board of alcohol, drug addiction, and mental health services 745
elect a recommendation to become a fourteen-member board, that 746
recommendation must be approved by the board of county 747
commissioners of the county in which the alcohol, drug 748
addiction, and mental health district is located in order for 749
the transition to a fourteen-member board to occur. Not later 750
than September 30, 2013, each board of alcohol, drug addiction, 751
and mental health services wishing to become a fourteen-member 752
board shall notify the board of county commissioners of that 753
recommendation. Failure of the board of county commissioners to 754
take action within thirty days after receipt of the 755
recommendation shall be deemed agreement by the board of county 756
commissioners to transition to a fourteen-member board of 757
alcohol, drug addiction, and mental health services. Should the 758
board of county commissioners reject the recommendation, the 759

board of county commissioners shall adopt a resolution stating 760
that rejection within thirty days after receipt of the 761
recommendation. Upon adoption of the resolution, the board of 762
county commissioners shall meet with the board of alcohol, drug 763
addiction, and mental health services to discuss the matter. 764
After the meeting, the board of county commissioners shall 765
notify the department of mental health and addiction services of 766
its election not later than January 1, 2014. In a joint-county 767
district, a majority of the boards of county commissioners must 768
not reject the recommendation of a joint-county board to become 769
a fourteen-member board in order for the transition to a 770
fourteen-member board to occur. Should the joint-county district 771
have an even number of counties, and the boards of county 772
commissioners of these counties tie in terms of whether or not 773
to accept the recommendation of the alcohol, drug addiction, and 774
mental health services board, the recommendation of the alcohol, 775
drug addiction, and mental health service board to become a 776
fourteen-member board shall prevail. The election shall be 777
final. Failure to provide notice of its election to the 778
department on or before January 1, 2014, shall constitute an 779
election to continue to operate as an eighteen-member board, 780
which election shall also be final. If an existing board 781
provides timely notice of its election to transition to operate 782
as a fourteen-member board, the number of board members may 783
decline from eighteen to fourteen by attrition as current 784
members' terms expire. However, the composition of the board 785
must reflect the requirements set forth in this section for 786
fourteen-member boards. For all boards, half of the members 787
shall be interested in mental health services and half of the 788
members shall be interested in alcohol, drug, or gambling 789
addiction services. All members shall be residents of the 790
service district. The membership shall, as nearly as possible, 791

reflect the composition of the population of the service 792
district as to race and sex. 793

(B) For boards operating as eighteen-member boards, the 794
director of mental health and addiction services shall appoint 795
eight members of the board and the board of county commissioners 796
shall appoint ten members. For boards operating as fourteen- 797
member boards, the director of mental health and addiction 798
services shall appoint six members of the board and the board of 799
county commissioners shall appoint eight members. In a joint- 800
county district, the county commissioners of each participating 801
county shall appoint members in as nearly as possible the same 802
proportion as that county's population bears to the total 803
population of the district, except that at least one member 804
shall be appointed from each participating county. 805

(C) The director of mental health and addiction services 806
shall ensure that at least one member of the board is a 807
clinician with experience in the delivery of mental health 808
services, at least one member of the board is a person who has 809
received or is receiving mental health services, at least one 810
member of the board is a parent or other relative of such a 811
person, at least one member of the board is a clinician with 812
experience in the delivery of addiction services, at least one 813
member of the board is a person who has received or is receiving 814
addiction services, and at least one member of the board is a 815
parent or other relative of such a person. A single member who 816
meets both qualifications may fulfill the requirement for a 817
clinician with experience in the delivery of mental health 818
services and a clinician with experience in the delivery of 819
addiction services. 820

(D) No member or employee of a board of alcohol, drug 821

addiction, and mental health services shall serve as a member of 822
the board of any provider with which the board of alcohol, drug 823
addiction, and mental health services has entered into a 824
contract for the provision of services or facilities. No member 825
of a board of alcohol, drug addiction, and mental health 826
services shall be an employee of any provider with which the 827
board has entered into a contract for the provision of services 828
or facilities. No person shall be an employee of a board and 829
such a provider unless the board and provider both agree in 830
writing. 831

(E) No person shall serve as a member of the board of 832
alcohol, drug addiction, and mental health services whose 833
spouse, child, parent, brother, sister, grandchild, stepparent, 834
stepchild, stepbrother, stepsister, father-in-law, mother-in- 835
law, son-in-law, daughter-in-law, brother-in-law, or sister-in- 836
law serves as a member of the board of any provider with which 837
the board of alcohol, drug addiction, and mental health services 838
has entered into a contract for the provision of services or 839
facilities. No person shall serve as a member or employee of the 840
board whose spouse, child, parent, brother, sister, stepparent, 841
stepchild, stepbrother, stepsister, father-in-law, mother-in- 842
law, son-in-law, daughter-in-law, brother-in-law, or sister-in- 843
law serves as a county commissioner of a county or counties in 844
the alcohol, drug addiction, and mental health service district. 845

(F) Each year each board member shall attend at least one 846
inservice training session provided or approved by the 847
department of mental health and addiction services. 848

(G) For boards operating as eighteen-member boards, each 849
member shall be appointed for a term of four years, commencing 850
the first day of July, except that one-third of initial 851

appointments to a newly established board, and to the extent 852
possible to expanded boards, shall be for terms of two years, 853
one-third of initial appointments shall be for terms of three 854
years, and one-third of initial appointments shall be for terms 855
of four years. For boards operating as fourteen-member boards, 856
each member shall be appointed for a term of four years, 857
commencing the first day of July, except that four of the 858
initial appointments to a newly established board, and to the 859
extent possible to expanded boards, shall be for terms of two 860
years, five initial appointments shall be for terms of three 861
years, and five initial appointments shall be for terms of four 862
years. No member shall serve more than two consecutive four-year 863
terms under the same appointing authority. A member may serve 864
for three consecutive terms under the same appointing authority 865
only if one of the terms is for less than two years. A member 866
who has served two consecutive four-year terms or three 867
consecutive terms totaling less than ten years is eligible for 868
reappointment by the same appointing authority one year 869
following the end of the second or third term, respectively. 870

When a vacancy occurs, appointment for the expired or 871
unexpired term shall be made in the same manner as an original 872
appointment. The board shall notify the appointing authority 873
~~shall be notified either by~~ certified mail ~~or, if the board has~~ 874
record of an internet identifier of record associated with the 875
authority, by ordinary mail and by that internet identifier of 876
record of any vacancy and shall fill the vacancy within sixty 877
days following that notice. 878

Any member of the board may be removed from office by the 879
appointing authority for neglect of duty, misconduct, or 880
malfeasance in office, and shall be removed by the appointing 881
authority if the member is barred by this section from serving 882

as a board member. The member shall be informed in writing of 883
the charges and afforded an opportunity for a hearing. Upon the 884
absence of a member within one year from either four board 885
meetings or from two board meetings without prior notice, the 886
board shall notify the appointing authority, which may vacate 887
the appointment and appoint another person to complete the 888
member's term. 889

Members of the board shall serve without compensation, but 890
shall be reimbursed for actual and necessary expenses incurred 891
in the performance of their official duties, as defined by rules 892
of the department of mental health and addiction services. 893

(H) As used in this section, "internet identifier of 894
record" has the same meaning as in section 9.312 of the Revised 895
Code. 896

Sec. 343.01. (A) In order to comply with division (B) of 897
section 3734.52 of the Revised Code, the board of county 898
commissioners of each county shall do one of the following: 899

(1) Establish, by resolution, and maintain a county solid 900
waste management district under this chapter that consists of 901
all the incorporated and unincorporated territory within the 902
county except as otherwise provided in division (A) of this 903
section; 904

(2) With the boards of county commissioners of one or more 905
other counties establish, by agreement, and maintain a joint 906
solid waste management district under this chapter that consists 907
of all the incorporated and unincorporated territory within the 908
counties forming the joint district except as otherwise provided 909
in division (A) of this section. 910

If a municipal corporation is located in more than one 911

solid waste management district, the entire municipal 912
corporation shall be considered to be included in and shall be 913
under the jurisdiction of the district in which a majority of 914
the population of the municipal corporation resides. 915

A county and joint district established to comply with 916
division (B) of section 3734.52 of the Revised Code shall have a 917
population of not less than one hundred twenty thousand unless, 918
in the instance of a county district, the board of county 919
commissioners has obtained an exemption from that requirement 920
under division (C) (1) or (2) of that section. Each joint 921
district established to comply with an order issued under 922
division (D) of that section shall have a population of at least 923
one hundred twenty thousand. 924

(B) The boards of county commissioners of the counties 925
establishing a joint district constitute, collectively, the 926
board of directors of the joint district, except that if a 927
county with a form of legislative authority other than a board 928
of county commissioners participates, it shall be represented on 929
the board of directors by three persons appointed by the 930
legislative authority. 931

The agreement to establish and maintain a joint district 932
shall be ratified by resolution of the board of county 933
commissioners of each participating county. Upon ratification, 934
the board of directors shall take control of and manage the 935
joint district subject to this chapter, except that, in the case 936
of a joint district formed pursuant to division (C), (D), or (E) 937
of section 343.012 of the Revised Code, the board of directors 938
shall take control of and manage the district when the formation 939
of the district becomes final under the applicable division. A 940
majority of the board of directors constitutes a quorum, and a 941

majority vote is required for the board to act. 942

A county participating in a joint district may contribute 943
lands or rights or interests therein, money, other personal 944
property or rights or interests therein, or services to the 945
district. The agreement shall specify any contributions of 946
participating counties and the rights of the participating 947
counties in lands or personal property, or rights or interests 948
therein, contributed to or otherwise acquired by the joint 949
district. The agreement may be amended or added to by a majority 950
vote of the board of directors, but no amendment or addition 951
shall divest a participating county of any right or interest in 952
lands or personal property without its consent. 953

The board of directors may appoint and fix the 954
compensation of employees of, accept gifts, devises, and 955
bequests for, and take other actions necessary to control and 956
manage the joint district. Employees of the district shall be 957
considered county employees for the purposes of Chapter 124. of 958
the Revised Code and other provisions of state law applicable to 959
employees. Instead of or in addition to appointing employees of 960
the district, the board of directors may agree to use employees 961
of one or more of the participating counties in the service of 962
the joint district and to share in their compensation in any 963
manner that may be agreed upon. 964

The board of directors shall do one of the following: 965

(1) Designate the county auditor, including any other 966
official acting in a capacity similar to a county auditor under 967
a county charter, of a county participating in the joint 968
district as the fiscal officer of the district, and the county 969
treasurer, or other official acting in a capacity similar to a 970
county treasurer under a county charter, of that county as the 971

treasurer of the district. The designated county officials shall 972
perform any applicable duties for the district as each typically 973
performs for the county of which the individual is an official, 974
except as otherwise may be provided in any bylaws or resolutions 975
adopted by the board of directors. The board of directors may 976
pay to that county any amount agreed upon by the board of 977
directors and the board of county commissioners of that county 978
to reimburse that county for the cost properly allocable to the 979
service of its officials as fiscal officer and treasurer of the 980
joint district. 981

(2) Appoint one individual who is neither a county auditor 982
nor a county treasurer, and who may be an employee of the 983
district, to serve as both the treasurer of the district and its 984
fiscal officer. That individual shall act as custodian of the 985
funds of the board and the district and shall maintain all 986
accounts of the district. Any reference in this chapter or 987
Chapter 3734. of the Revised Code to a county auditor or county 988
treasurer serving as fiscal officer of a district or custodian 989
of any funds of a board or district is deemed to refer to an 990
individual appointed under division (B) (2) of this section. 991

The fiscal officer of a district shall establish a general 992
fund and any other necessary funds for the district. 993

(C) A board of county commissioners of a county district 994
or board of directors of a joint district may acquire, by 995
purchase or lease, construct, improve, enlarge, replace, 996
maintain, and operate such solid waste collection systems within 997
their respective districts and such solid waste facilities 998
within or outside their respective districts as are necessary 999
for the protection of the public health. A board of county 1000
commissioners may acquire within its county real property or any 1001

estate, interest, or right therein, by appropriation or any 1002
other method, for use by a county or joint district in 1003
connection with such facilities. Appropriation proceedings shall 1004
be conducted in accordance with sections 163.01 to 163.22 of the 1005
Revised Code. 1006

(D) The sanitary engineer or sanitary engineering 1007
department of a county maintaining a district and any sanitary 1008
engineer or sanitary engineering department of a county in a 1009
joint district, as determined by the board of directors, in 1010
addition to other duties assigned to that engineer or 1011
department, shall assist the board of county commissioners or 1012
directors in the performance of their duties under this chapter 1013
and sections 3734.52 to 3734.575 of the Revised Code and shall 1014
be charged with any other duties and services in relation 1015
thereto that the board prescribes. A board may employ registered 1016
professional engineers to assist the sanitary engineer in those 1017
duties and also may employ financial advisers and any other 1018
professional services it considers necessary to assist it in the 1019
construction, financing, and maintenance of solid waste 1020
collection or other solid waste facilities. Such contracts of 1021
employment shall not require the certificate provided in section 1022
5705.41 of the Revised Code. Payment for such services may be 1023
made from the general fund or any other fund legally available 1024
for that use at times that are agreed upon or as determined by 1025
the board of county commissioners or directors, and the funds 1026
may be reimbursed from the proceeds of bonds or notes issued to 1027
pay the cost of any improvement to which the services related. 1028

(E) (1) The prosecuting attorney of the county shall serve 1029
as the legal advisor of a county district and shall provide such 1030
services to the board of county commissioners of the district as 1031
are required or authorized to be provided to other county boards 1032

under Chapter 309. of the Revised Code, except that, if the 1033
board considers it to be necessary or appropriate, the board, on 1034
its own initiative, may employ an attorney or other legal 1035
counsel on an annual basis to serve as the legal advisor of the 1036
district in place of the prosecuting attorney. When the 1037
prosecuting attorney is serving as the district's legal advisor 1038
and the board considers it to be necessary or appropriate, the 1039
board, on its own initiative, may employ an attorney or other 1040
legal counsel to represent or advise the board regarding a 1041
particular matter in place of the prosecuting attorney. The 1042
employment of an attorney or other legal counsel on an annual 1043
basis or in a particular matter is not subject to or governed by 1044
sections 305.14 and 309.09 of the Revised Code. 1045

Notwithstanding the employment of an attorney or other 1046
legal counsel on an annual basis to serve as the district's 1047
legal advisor, the board may require written opinions or 1048
instructions from the prosecuting attorney under section 309.09 1049
of the Revised Code in matters connected with its official 1050
duties as though the prosecuting attorney were serving as the 1051
legal advisor of the district. 1052

(2) The board of directors of a joint district may 1053
designate the prosecuting attorney of one of the counties 1054
forming the district to serve as the legal advisor of the 1055
district. When so designated, the prosecuting attorney shall 1056
provide such services to the joint district as are required or 1057
authorized to be provided to county boards under Chapter 309. of 1058
the Revised Code. The board of directors may pay to that county 1059
any amount agreed upon by the board of directors and the board 1060
of county commissioners of that county to reimburse that county 1061
for the cost properly allocable to the services of its 1062
prosecuting attorney as the legal advisor of the joint district. 1063

When that prosecuting attorney is so serving and the board 1064
considers it to be necessary or appropriate, the board, on its 1065
own initiative, may employ an attorney or other legal counsel to 1066
represent or advise the board regarding a particular matter in 1067
place of the prosecuting attorney. 1068

Instead of designating the prosecuting attorney of one of 1069
the counties forming the district to be the legal advisor of the 1070
district, the board of directors may employ on an annual basis 1071
an attorney or other legal counsel to serve as the district's 1072
legal advisor. Notwithstanding the employment of an attorney or 1073
other legal counsel as the district's legal advisor, the board 1074
of directors may require written opinions or instructions from 1075
the prosecuting attorney of any of the counties forming the 1076
district in matters connected with the board's official duties, 1077
and the prosecuting attorney shall provide the written opinion 1078
or instructions as though the prosecuting attorney had been 1079
designated to serve as the district's legal advisor under 1080
division (E) (2) of this section. 1081

(F) A board of county commissioners may issue bonds or 1082
bond anticipation notes of the county to pay the cost of 1083
preparing general and detailed plans and other data required for 1084
the construction of solid waste facilities in connection with a 1085
county or joint district. A board of directors of a joint solid 1086
waste management district may issue bonds or bond anticipation 1087
notes of the joint solid waste management district to pay the 1088
cost of preparing general and detailed plans and other data 1089
required for the construction of solid waste facilities in 1090
connection with a joint district. The bonds and notes shall be 1091
issued in accordance with Chapter 133. of the Revised Code, 1092
except that the maximum maturity of bonds issued for that 1093
purpose shall not exceed ten years. Bond anticipation notes may 1094

be paid from the proceeds of bonds issued either to pay the cost 1095
of the solid waste facilities or to pay the cost of the plans 1096
and other data. 1097

(G) To the extent authorized by the solid waste management 1098
plan of the district approved under section 3734.521 or 3734.55 1099
of the Revised Code or subsequent amended plans of the district 1100
approved under section 3734.521 or 3734.56 of the Revised Code, 1101
the board of county commissioners of a county district or board 1102
of directors of a joint district may adopt, publish, and enforce 1103
rules doing any of the following: 1104

(1) Prohibiting or limiting the receipt of solid wastes 1105
generated outside the district or outside a service area 1106
prescribed in the solid waste management plan or amended plan, 1107
at facilities located within the solid waste management 1108
district, consistent with the projections contained in the plan 1109
or amended plan under divisions (A) (6) and (7) of section 1110
3734.53 of the Revised Code. However, rules adopted by a board 1111
under division (G) (1) of this section may be adopted and 1112
enforced with respect to solid waste disposal facilities in the 1113
solid waste management district that are not owned by a county 1114
or the solid waste management district only if the board submits 1115
an application to the director of environmental protection that 1116
demonstrates that there is insufficient capacity to dispose of 1117
all solid wastes that are generated within the district at the 1118
solid waste disposal facilities located within the district and 1119
the director approves the application. The demonstration in the 1120
application shall be based on projections contained in the plan 1121
or amended plan of the district. The director shall establish 1122
the form of the application. The approval or disapproval of such 1123
an application by the director is an action that is appealable 1124
under section 3745.04 of the Revised Code. 1125

In addition, the director of environmental protection may 1126
issue an order modifying a rule adopted under division (G) (1) of 1127
this section to allow the disposal in the district of solid 1128
wastes from another county or joint solid waste management 1129
district if all of the following apply: 1130

(a) The district in which the wastes were generated does 1131
not have sufficient capacity to dispose of solid wastes 1132
generated within it for six months following the date of the 1133
director's order. 1134

(b) No new solid waste facilities will begin operation 1135
during those six months in the district in which the wastes were 1136
generated and, despite good faith efforts to do so, it is 1137
impossible to site new solid waste facilities within the 1138
district because of its high population density. 1139

(c) The district in which the wastes were generated has 1140
made good faith efforts to negotiate with other districts to 1141
incorporate its disposal needs within those districts' solid 1142
waste management plans, including efforts to develop joint 1143
facilities authorized under section 343.02 of the Revised Code, 1144
and the efforts have been unsuccessful. 1145

(d) The district in which the wastes were generated has 1146
located a facility willing to accept the district's solid wastes 1147
for disposal within the receiving district. 1148

(e) The district in which the wastes were generated has 1149
demonstrated to the director that the conditions specified in 1150
divisions (G) (1) (a) to (d) of this section have been met. 1151

(f) The director finds that the issuance of the order will 1152
be consistent with the state solid waste management plan and 1153
that receipt of the out-of-district wastes will not limit the 1154

capacity of the receiving district to dispose of its in-district 1155
wastes to less than eight years. 1156

Any order issued under division (G) (1) of this section 1157
shall not become final until thirty days after it has been 1158
served ~~by certified mail~~ upon the county or joint solid waste 1159
management district that will receive the out-of-district wastes 1160
either by certified mail or, if the director has record of an 1161
internet identifier of record associated with the district, by 1162
ordinary mail and by that internet identifier of record. 1163

(2) Governing the maintenance, protection, and use of 1164
solid waste collection or other solid waste facilities located 1165
within its district. The rules adopted under division (G) (2) of 1166
this section shall not establish design standards for solid 1167
waste facilities and shall be consistent with the solid waste 1168
provisions of Chapter 3734. of the Revised Code and the rules 1169
adopted under those provisions. The rules adopted under division 1170
(G) (2) of this section may prohibit any person, municipal 1171
corporation, township, or other political subdivision from 1172
constructing, enlarging, or modifying any solid waste facility 1173
until general plans and specifications for the proposed 1174
improvement have been submitted to and approved by the board of 1175
county commissioners or board of directors as complying with the 1176
solid waste management plan or amended plan of the district. The 1177
construction of such a facility shall be done under the 1178
supervision of the county sanitary engineer or, in the case of a 1179
joint district, a county sanitary engineer designated by the 1180
board of directors, and any person, municipal corporation, 1181
township, or other political subdivision proposing or 1182
constructing such improvements shall pay to the county or joint 1183
district all expenses incurred by the board in connection 1184
therewith. The sanitary engineer may enter upon any public or 1185

private property for the purpose of making surveys or 1186
examinations necessary for designing solid waste facilities or 1187
for supervising the construction, enlargement, modification, or 1188
operation of any such facilities. No person, municipal 1189
corporation, township, or other political subdivision shall 1190
forbid or interfere with the sanitary engineer or the sanitary 1191
engineer's authorized assistants entering upon such property for 1192
that purpose. If actual damage is done to property by the making 1193
of the surveys and examinations, a board shall pay the 1194
reasonable value of that damage to the owner of the property 1195
damaged, and the cost shall be included in the financing of the 1196
improvement for which the surveys and examinations are made. 1197

(3) Governing the development and implementation of a 1198
program for the inspection of solid wastes generated outside the 1199
boundaries of this state that are disposed of at solid waste 1200
facilities included in the district's solid waste management 1201
plan or amended plan. A board of county commissioners or board 1202
of directors or its authorized representative may enter upon the 1203
premises of any solid waste facility included in the district's 1204
solid waste management plan or amended plan for the purpose of 1205
conducting the inspections required or authorized by the rules 1206
adopted under division (G) (3) of this section. No person, 1207
municipal corporation, township, or other political subdivision 1208
shall forbid or interfere with a board of county commissioners 1209
or directors or its authorized representative entering upon the 1210
premises of any such solid waste facility for that purpose. 1211

(4) Exempting the owner or operator of any existing or 1212
proposed solid waste facility provided for in the plan or 1213
amended plan from compliance with any amendment to a township 1214
zoning resolution adopted under section 519.12 of the Revised 1215
Code or to a county rural zoning resolution adopted under 1216

section 303.12 of the Revised Code that rezoned or redistricted 1217
the parcel or parcels upon which the facility is to be 1218
constructed or modified and that became effective within two 1219
years prior to the filing of an application for a permit 1220
required under division (A)(2)(a) of section 3734.05 of the 1221
Revised Code to open a new or modify an existing solid waste 1222
facility. 1223

(H) A board of county commissioners or board of directors 1224
may enter into a contract with any person, municipal 1225
corporation, township, or other political subdivision for the 1226
operation and maintenance of any solid waste facilities 1227
regardless of whether the facilities are owned or leased by the 1228
county or joint district or the contractor. 1229

(I)(1) No person, municipal corporation, township, or 1230
other political subdivision shall tamper with or damage any 1231
solid waste facility constructed under this chapter or any 1232
apparatus or accessory connected therewith or pertaining 1233
thereto, fail or refuse to comply with the applicable rules 1234
adopted by a board of county commissioners or directors under 1235
division (G)(1), (2), (3), or (4) of this section, refuse to 1236
permit an inspection or examination by a sanitary engineer as 1237
authorized under division (G)(2) of this section, or refuse to 1238
permit an inspection by a board of county commissioners or 1239
directors or its authorized representative as required or 1240
authorized by rules adopted under division (G)(3) of this 1241
section. 1242

(2) If the board of county commissioners of a county 1243
district or board of directors of a joint district has 1244
established facility designations under section 343.013, 1245
343.014, or 343.015 of the Revised Code, or the director has 1246

established facility designations in the initial or amended plan 1247
of the district prepared and ordered to be implemented under 1248
section 3734.521, 3734.55, or 3734.56 of the Revised Code, no 1249
person, municipal corporation, township, or other political 1250
subdivision shall deliver, or cause the delivery of, any solid 1251
wastes generated within a county or joint district to any solid 1252
waste facility other than the facility designated under section 1253
343.013, 343.014, or 343.015 of the Revised Code, or in the 1254
initial or amended plan of the district prepared and ordered to 1255
be implemented under section 3734.521, 3734.55, or 3734.56 of 1256
the Revised Code, as applicable, except that source separated 1257
recyclable materials may be taken to any legitimate recycling 1258
facility. Upon the request of a person or the legislative 1259
authority of a municipal corporation or township, the board of 1260
county commissioners of a county district or board of directors 1261
of a joint district may grant a waiver authorizing the delivery 1262
of all or any portion of the solid wastes generated in a 1263
municipal corporation or township to a solid waste facility 1264
other than the facility designated under section 343.013, 1265
343.014, or 343.015 of the Revised Code, or in the initial or 1266
amended plan of the district prepared and ordered to be 1267
implemented under section 3734.521, 3734.55, or 3734.56 of the 1268
Revised Code, as applicable, regardless of whether the other 1269
facility is located within or outside of the district, if the 1270
board finds that delivery of those solid wastes to the other 1271
facility is not inconsistent with the projections contained in 1272
the district's initial or amended plan under divisions (A) (6) 1273
and (7) of section 3734.53 of the Revised Code as approved or 1274
ordered to be implemented and will not adversely affect the 1275
implementation and financing of the district's initial or 1276
amended plan pursuant to the implementation schedule contained 1277
in it under divisions (A) (12) (a) to (d) of that section. The 1278

board shall act on a request for such a waiver within ninety 1279
days after receiving the request. Upon granting such a waiver, 1280
the board shall send notice of that fact to the director. The 1281
notice shall indicate to whom the waiver was granted. Any waiver 1282
or authorization granted by a board on or before October 29, 1283
1993, shall continue in force until the board takes action 1284
concerning the same entity under this division or until action 1285
is taken under division (G) of section 343.014 of the Revised 1286
Code. 1287

(J) Divisions (G) (1) to (4) and (I) (2) of this section do 1288
not apply to the construction, operation, use, repair, 1289
enlargement, or modification of either of the following: 1290

(1) A solid waste facility owned by a generator of solid 1291
wastes when the solid waste facility exclusively disposes of 1292
solid wastes generated at one or more premises owned by the 1293
generator regardless of whether the facility is located on a 1294
premises where the wastes are generated; 1295

(2) A facility that exclusively disposes of wastes that 1296
are generated from the combustion of coal, or from the 1297
combustion of primarily coal in combination with scrap tires, 1298
that is not combined in any way with garbage at one or more 1299
premises owned by the generator. 1300

(K) (1) A member of the board of county commissioners of a 1301
county solid waste management district, member of the board of 1302
directors of a joint solid waste management district, member of 1303
the board of trustees of a regional solid waste management 1304
authority managing a county or joint solid waste management 1305
district, or officer or employee of any solid waste management 1306
district, for the purposes of sections 102.03, 102.04, 2921.41, 1307
and 2921.42 of the Revised Code, shall not be considered to be 1308

directly or indirectly interested in, or improperly influenced 1309
by, any of the following: 1310

(a) A contract entered into under this chapter or section 1311
307.15 or sections 3734.52 to 3734.575 of the Revised Code 1312
between the district and any county forming the district, 1313
municipal corporation or township located within the district, 1314
or health district having territorial jurisdiction within the 1315
district, of which that member, officer, or employee also is an 1316
officer or employee, but only to the extent that any interest or 1317
influence could arise from holding public office or employment 1318
with the political subdivision or health district; 1319

(b) A contract entered into under this chapter or section 1320
307.15 or sections 3734.52 to 3734.575 of the Revised Code 1321
between the district and a county planning commission organized 1322
under section 713.22 of the Revised Code, or regional planning 1323
commission created under section 713.21 of the Revised Code, 1324
having territorial jurisdiction within the district, of which 1325
that member also is a member, officer, or employee, but only to 1326
the extent that any interest or influence could arise from 1327
holding public office or employment with the commission; 1328

(c) An expenditure of money made by the district for the 1329
benefit of any county forming the district, municipal 1330
corporation or township located within the district, or health 1331
district or county or regional planning commission having 1332
territorial jurisdiction within the district, of which that 1333
member also is a member, officer, or employee, but only to the 1334
extent that any interest or influence could arise from holding 1335
public office or employment with the political subdivision, 1336
health district, or commission; 1337

(d) An expenditure of money made for the benefit of the 1338

district by any county forming the district, municipal 1339
corporation or township located within the district, or health 1340
district or county or regional planning commission having 1341
territorial jurisdiction within the district, of which that 1342
member also is a member, officer, or employee, but only to the 1343
extent that any interest or influence could arise from holding 1344
public office or employment with the political subdivision, 1345
health district, or commission. 1346

(2) A solid waste management district, county, municipal 1347
corporation, township, health district, or planning commission 1348
described or referred to in divisions (K) (1) (a) to (d) of this 1349
section shall not be construed to be the business associate of a 1350
person who is concurrently a member of the board of county 1351
commissioners, directors, or trustees, or an officer or 1352
employee, of the district and an officer or employee of that 1353
municipal corporation, county, township, health district, or 1354
planning commission for the purposes of sections 102.03, 1355
2921.42, and 2921.43 of the Revised Code. Any person who is 1356
concurrently a member of the board of county commissioners, 1357
directors, or trustees, or an officer or employee, of a solid 1358
waste management district so described or referred to and an 1359
officer or employee of a county, municipal corporation, 1360
township, health district, or planning commission so described 1361
or referred to may participate fully in deliberations concerning 1362
and vote on or otherwise participate in the approval or 1363
disapproval of any contract or expenditure of funds described in 1364
those divisions as a member of the board of county commissioners 1365
or directors, or an officer or employee, of a county or joint 1366
solid waste management district; member of the board of 1367
trustees, or an officer or employee, of a regional solid waste 1368
management authority managing a county or joint solid waste 1369

management district; member of the legislative authority, or an 1370
officer or employee, of a county forming the district; member of 1371
the legislative authority, or an officer or employee, of a 1372
municipal corporation or township located within the district; 1373
member of the board of health, or an officer or employee, of a 1374
health district having territorial jurisdiction within the 1375
district; or member of the planning commission, or an officer or 1376
employee of a county or regional planning commission having 1377
territorial jurisdiction within the district. 1378

(3) Nothing in division (K) (1) or (2) of this section 1379
shall be construed to exempt any member of the board of county 1380
commissioners, directors, or trustees, or an officer or 1381
employee, of a solid waste management district from a conflict 1382
of interest arising because of a personal or private business 1383
interest. 1384

(4) A member of the board of county commissioners of a 1385
county solid waste management district, board of directors of a 1386
joint solid waste management district, or board of trustees of a 1387
regional solid waste management authority managing a county or 1388
joint solid waste management district, or an officer or 1389
employee, of any such solid waste management district, neither 1390
shall be disqualified from holding any other public office or 1391
position of employment nor be required to forfeit any other 1392
public office or position of employment by reason of serving as 1393
a member of the board of county commissioners, directors, or 1394
trustees, or as an officer or employee, of the district, 1395
notwithstanding any requirement to the contrary under the common 1396
law of this state or the Revised Code. 1397

(L) As used in this chapter: 1398

(1) "Board of health," "disposal," "health district," 1399

"scrap tires," and "solid waste transfer facility" have the same 1400
meanings as in section 3734.01 of the Revised Code. 1401

(2) "Change in district composition" and "change" have the 1402
same meaning as in section 3734.521 of the Revised Code. 1403

(3) (a) Except as provided in division (L) (3) (b) or (c), 1404
and (d), of this section, "solid wastes" has the same meaning as 1405
in section 3734.01 of the Revised Code. 1406

(b) If the solid waste management district is not one that 1407
resulted from proceedings for a change in district composition 1408
under sections 343.012 and 3734.521 of the Revised Code, until 1409
such time as an amended solid waste management plan is approved 1410
under section 3734.56 of the Revised Code, "solid wastes" need 1411
not include scrap tires unless the solid waste management policy 1412
committee established under section 3734.54 of the Revised Code 1413
for the district chooses to include the management of scrap 1414
tires in the district's initial solid waste management plan 1415
prepared under sections 3734.54 and 3734.55 of the Revised Code. 1416

(c) If the solid waste management district is one 1417
resulting from proceedings for a change in district composition 1418
under sections 343.012 and 3734.521 of the Revised Code and if 1419
the change involves an existing district that is operating under 1420
either an initial solid waste management plan approved or 1421
prepared and ordered to be implemented under section 3734.55 of 1422
the Revised Code or an initial or amended plan approved or 1423
prepared and ordered to be implemented under section 3734.521 of 1424
the Revised Code that does not provide for the management of 1425
scrap tires and scrap tire facilities, until such time as the 1426
amended plan of the district resulting from the change is 1427
approved under section 3734.56 of the Revised Code, "solid 1428
wastes" need not include scrap tires unless the solid waste 1429

management policy committee established under division (C) of 1430
section 3734.521 of the Revised Code for the district chooses to 1431
include the management of scrap tires in the district's initial 1432
or amended solid waste management plan prepared under section 1433
3734.521 of the Revised Code in connection with the change 1434
proceedings. 1435

(d) If the policy committee chooses to include the 1436
management of scrap tires in an initial plan prepared under 1437
sections 3734.54 and 3734.55 of the Revised Code or in an 1438
initial or amended plan prepared under section 3734.521 of the 1439
Revised Code, the board of county commissioners or directors 1440
shall execute all of the duties imposed and may exercise any or 1441
all of the rights granted under this section for the purpose of 1442
managing solid wastes that consist of scrap tires. 1443

(4) (a) Except as provided in division (L) (4) (b) or (c), 1444
and (d) of this section, "facility" has the same meaning as in 1445
section 3734.01 of the Revised Code and also includes any solid 1446
waste transfer, recycling, or resource recovery facility. 1447

(b) If the solid waste management district is not one that 1448
resulted from proceedings for a change in district composition 1449
under sections 343.012 and 3734.521 of the Revised Code, until 1450
such time as an amended solid waste management plan is approved 1451
under section 3734.56 of the Revised Code, "facility" need not 1452
include any scrap tire collection, storage, monocell, monofill, 1453
or recovery facility unless the solid waste management policy 1454
committee established under section 3734.54 of the Revised Code 1455
for the district chooses to include the management of scrap tire 1456
facilities in the district's initial solid waste management plan 1457
prepared under sections 3734.54 and 3734.55 of the Revised Code. 1458

(c) If the solid waste management district is one 1459

resulting from proceedings for a change in district composition 1460
under sections 343.012 and 3734.521 of the Revised Code and if 1461
the change involves an existing district that is operating under 1462
either an initial solid waste management plan approved under 1463
section 3734.55 of the Revised Code or an initial or amended 1464
plan approved or prepared and ordered to be implemented under 1465
section 3734.521 of the Revised Code that does not provide for 1466
the management of scrap tires and scrap tire facilities, until 1467
such time as the amended plan of the district resulting from the 1468
change is approved under section 3734.56 of the Revised Code, 1469
"facility" need not include scrap tires unless the solid waste 1470
management policy committee established under division (C) of 1471
section 3734.521 of the Revised Code for the district chooses to 1472
include the management of scrap tires in the district's initial 1473
or amended solid waste management plan prepared under section 1474
3734.521 of the Revised Code in connection with the change 1475
proceedings. 1476

(d) If the policy committee chooses to include the 1477
management of scrap tires in an initial plan prepared under 1478
sections 3734.54 and 3734.55 of the Revised Code or in an 1479
initial or amended plan prepared under section 3734.521 of the 1480
Revised Code, the board of county commissioners or directors 1481
shall execute all of the duties imposed and may exercise any or 1482
all of the rights granted under this section for the purpose of 1483
managing solid waste facilities that are scrap tire collection, 1484
storage, monocell, monofill, or recovery facilities. 1485

(M) As used in this section: 1486

(1) "Source separated recyclable materials" means 1487
materials that are separated from other solid wastes at the 1488
location where the materials are generated for the purpose of 1489

recycling the materials at a legitimate recycling facility. 1490

(2) "Legitimate recycling facility" has the same meaning 1491
as in rule 3745-27-01 of the Administrative Code. 1492

(3) "Internet identifier of record" has the same meaning 1493
as in section 9.312 of the Revised Code. 1494

Sec. 505.109. Upon the sale of any unclaimed property as 1495
provided in section 505.108 of the Revised Code, if any of the 1496
unclaimed property was ordered removed to a place of storage or 1497
stored, or both, by or under the direction of the head of the 1498
organized police department of the township, township police 1499
district, joint police district, or office of a township 1500
constable, any expenses or charges for the removal or storage, 1501
or both, and costs of sale, provided they are approved by the 1502
head of the department, district, or office, shall first be paid 1503
from the proceeds of the sale. Notice shall be given ~~by~~ 1504
~~certified mail,~~ thirty days before the date of the sale, ~~to the~~ 1505
owner and mortgagee, ~~or other lienholder~~ either by certified 1506
mail or, if the department, district, or office has record of an 1507
internet identifier of record associated with the owner, 1508
mortgagee, or lienholder, by ordinary mail and by that internet 1509
identifier of record. Mail shall be delivered at ~~their~~ the 1510
owner's, mortgagee's, or lienholder's last known ~~addresses~~ 1511
address. As used in this section, "internet identifier of 1512
record" has the same meaning as in section 9.312 of the Revised 1513
Code. 1514

Sec. 505.391. (A) If, after the fire department of a 1515
township, township fire district, or joint fire district, or a 1516
private fire company with which the fire department of a 1517
township, township fire district, or joint fire district 1518
contracts for fire protection, responds to a false alarm from an 1519

automatic fire alarm system at a commercial establishment or 1520
residential building, the board of township trustees gives 1521
written notice either by certified mail or, if the board has 1522
record of an internet identifier of record associated with the 1523
building's owner, by ordinary mail and by that internet 1524
identifier of record that ~~it~~ the board may assess a charge of up 1525
to three hundred dollars for each subsequent false alarm 1526
occurring after three false alarms by that system within the 1527
same calendar year, the board of township trustees may assess 1528
that charge. This notice shall be mailed to the owner and the 1529
lessee, if any, of the building in which the system is 1530
installed. After the board gives this notice, the board need not 1531
give any additional written notices before assessing a charge 1532
for a false alarm as provided by this section. 1533

(B) If payment of the bill assessing a charge for a false 1534
alarm is not received within thirty days, the township fiscal 1535
officer shall send a notice ~~by certified mail~~ to the manager and 1536
to the owner, if different, of the real estate of which the 1537
commercial establishment is a part, or to the occupant, lessee, 1538
agent, or tenant and to the owner, if different, of the real 1539
estate of which the residential building is a part, by either 1540
certified mail or, if the fiscal officer has record of an 1541
internet identifier of record associated with such a person, by 1542
ordinary mail and by that internet identifier of record 1543
indicating that failure to pay the bill within thirty days, or 1544
to show just cause why the bill should not be paid within thirty 1545
days, will result in the assessment of a lien upon the real 1546
estate in the amount of the bill. If payment is not received or 1547
just cause for nonpayment is not shown within those thirty days, 1548
the amount of the bill shall be entered upon the tax duplicate, 1549
shall be a lien upon the real estate from the date of the entry, 1550

and shall be collected as other taxes and returned to the 1551
township treasury to be earmarked for use for fire services. 1552

(C) As used in this section, ~~"commercial"~~: 1553

(1) "Commercial establishment" means a building or 1554
buildings in an area used primarily for nonresidential, 1555
commercial purposes. 1556

(2) "Internet identifier of record" has the same meaning 1557
as in section 9.312 of the Revised Code. 1558

Sec. 505.511. (A) A board of township trustees that 1559
operates a township police department, the board of township 1560
trustees of a township police district, or a joint police 1561
district board may, after police constables, the township 1562
police, a law enforcement agency with which the township 1563
contracts for police services, the joint police district police, 1564
and the county sheriff or the sheriff's deputy have answered a 1565
combined total of three false alarms from the same commercial or 1566
residential security alarm system within the township in the 1567
same calendar year, cause the township fiscal officer to mail 1568
the manager of the commercial establishment or the occupant, 1569
lessee, agent, or tenant of the residence a bill for each 1570
subsequent false alarm from the same alarm system during that 1571
year, to defray the costs incurred. The bill's amount shall be 1572
as follows: 1573

(1) For the fourth false alarm of that year \$50.00; 1574

(2) For the fifth false alarm of that year \$100.00; 1575

(3) For all false alarms in that year occurring after the 1576
fifth false alarm \$150.00. 1577

If payment of the bill is not received within thirty days, 1578

the township fiscal officer or joint police district treasurer 1579
shall send a notice ~~by certified mail~~ to the manager and to the 1580
owner, if different, of the real estate of which the commercial 1581
establishment is a part, or to the occupant, lessee, agent, or 1582
tenant and to the owner, if different, of the real estate of 1583
which the residence is a part, by either certified mail or, if 1584
the fiscal officer has record of an internet identifier of 1585
record associated with such a person, by ordinary mail and by 1586
that internet identifier of record indicating that failure to 1587
pay the bill within thirty days, or to show just cause why the 1588
bill should not be paid, will result in the assessment of a lien 1589
upon the real estate in the amount of the bill. If payment is 1590
not received within those thirty days or if just cause is not 1591
shown, the amount of the bill shall be entered upon the tax 1592
duplicate, shall be a lien upon the real estate from the date of 1593
the entry, and shall be collected as other taxes and returned to 1594
the township treasury to be earmarked for use for police 1595
services. 1596

The board of township trustees shall not cause the 1597
township fiscal officer, or the joint police district board 1598
shall not cause the joint police district treasurer, to send a 1599
bill pursuant to this division if a bill has already been sent 1600
pursuant to division (B) of this section for the same false 1601
alarm. 1602

(B) The county sheriff may, after the county sheriff or 1603
the sheriff's deputy, police constables, the township police, 1604
the joint police district police, and a law enforcement agency 1605
with which the township contracts for police services have 1606
answered a combined total of three false alarms from the same 1607
commercial or residential security alarm system within the 1608
unincorporated area of the county in the same calendar year, 1609

mail the manager of the commercial establishment or the 1610
occupant, lessee, agent, or tenant of the residence a bill for 1611
each subsequent false alarm from the same alarm system during 1612
that year, to defray the costs incurred. The bill's amount shall 1613
be as follows: 1614

(1) For the fourth false alarm of that year \$50.00; 1615

(2) For the fifth false alarm of that year \$100.00; 1616

(3) For all false alarms in that year occurring after the 1617
fifth false alarm \$150.00. 1618

If payment of the bill is not received within thirty days, 1619
the sheriff shall send a notice ~~by certified mail~~ to the manager 1620
and to the owner, if different, of the real estate of which the 1621
commercial establishment is a part, or to the occupant, lessee, 1622
agent, or tenant and to the owner, if different, of the real 1623
estate of which the residence is a part, by either certified 1624
mail or, if the sheriff has record of an internet identifier of 1625
record associated with such a person, by ordinary mail and by 1626
that internet identifier of record indicating that failure to 1627
pay the bill within thirty days, or to show just cause why the 1628
bill should not be paid, will result in the assessment of a lien 1629
upon the real estate in the amount of the bill. If payment is 1630
not received within those thirty days or if just cause is not 1631
shown, the amount of the bill shall be entered upon the tax 1632
duplicate, shall be a lien upon the real estate from the date of 1633
the entry, and shall be collected as other taxes and returned to 1634
the county treasury. 1635

The sheriff shall not send a bill pursuant to this 1636
division if a bill has already been sent pursuant to division 1637
(A) of this section for the same false alarm. 1638

(C) As used in this section, "commercial establishment" 1639
~~has and "internet identifier of record" have the same meaning-~~ 1640
meanings as in section 505.391 of the Revised Code. 1641

Sec. 902.04. (A) An issuer may from time to time issue 1642
bonds to carry out the lawful purposes set forth in this chapter 1643
including, but not limited to, the purchase of loans or other 1644
evidence of debt from and the making of loans to or through 1645
lending institutions, the payment of the costs of insurance, 1646
letters of credit, certificates of deposit, and purchase 1647
agreements related to the bonds or loans, underwriting, legal, 1648
accounting, financial consulting, rating, printing, and other 1649
services relating to the issuance and sale of the bonds, fees of 1650
any trustee, paying agent, bond registrar, depository, transfer 1651
agent, and authenticating agent, interest on the bonds, 1652
establishment of reserve funds securing the bonds, and any other 1653
costs reasonably related to the issuance, sale, marketing, 1654
servicing, insuring, guaranteeing, and otherwise securing of the 1655
bonds. Any issuer may from time to time, whenever it considers 1656
refunding to be expedient, issue bonds to refund any bonds 1657
issued under this chapter whether the bonds to be refunded have 1658
or have not matured, and may issue bonds partly to refund bonds 1659
then outstanding and partly for any other authorized purpose. 1660
The terms of the issuance and sale of refunding bonds shall be 1661
as provided in this chapter for an original issue of bonds. 1662

(B) Bonds, and the issuance of bonds, pursuant to this 1663
chapter need not comply with any other law applicable to the 1664
issuance of bonds. The deposit, application, safeguarding, and 1665
investment of funds of an issuer received or held under bond 1666
proceedings of the issuer shall not be subject to Chapters 131. 1667
and 135. of the Revised Code. 1668

(C) (1) Bonds issued pursuant to this chapter do not 1669
constitute a debt, or the pledge of the faith and credit, of the 1670
state or any political subdivision thereof, and the holders or 1671
owners of such bonds have no right to have taxes levied by the 1672
general assembly or taxing authority of any political 1673
subdivision for the payment of the principal thereof or interest 1674
thereon. Moneys raised by taxation shall not be obligated or 1675
pledged for the payment of principal of or interest on such 1676
bonds, but such bonds shall be payable solely from the revenues 1677
and security interests pledged for their payment as authorized 1678
by this chapter, unless bonds are issued in anticipation of the 1679
issuance of or are refunded by refunding bonds issued pursuant 1680
to this chapter, which refunding bonds shall be payable solely 1681
from revenues and security interests pledged for their payment 1682
as authorized by this chapter. Bond anticipation notes may be 1683
secured solely or additionally by a covenant of the issuer that 1684
it will do all things necessary for the issuance of the bonds 1685
anticipated or renewal notes in appropriate amount and either 1686
exchange such bonds or renewal notes for such notes or apply the 1687
proceeds therefrom to the extent necessary to make full payment 1688
of the principal of and interest on such notes. 1689

(2) Any pledge of revenues to the payment of bonds is 1690
valid and binding from the time the pledge is made and the 1691
revenues so pledged and thereafter received by the issuer are 1692
immediately subject to the lien of such pledge without any 1693
separation or physical delivery thereof, or further act, and the 1694
lien of any such pledge is valid and binding as against all 1695
parties having claims of any kind in tort, contract, or 1696
otherwise against the issuer, irrespective of whether such 1697
parties have notice thereof, and creates a perfected security 1698
interest for all purposes of Chapter 1309. of the Revised Code. 1699

Neither the resolution or ordinance nor any trust agreement or 1700
indenture by which a pledge is created need be filed or recorded 1701
except in the records of the issuer. 1702

(3) All bonds shall contain on the face thereof a 1703
statement to the effect that the bonds, as to both principal and 1704
interest, are not debts of the state or any political 1705
subdivision thereof, but are payable solely from the revenues 1706
and security interests pledged for their payment. 1707

(D) (1) The bonds shall be authorized by one or more 1708
resolutions or ordinances of the issuing authority, shall bear 1709
such date or dates, and shall mature at such time or times, not 1710
exceeding forty years from the date of issue, and have such 1711
redemption and purchase provisions as are authorized by or 1712
pursuant to such resolutions or ordinances. The bonds shall bear 1713
interest at such rate or rates, or at a variable rate or rates, 1714
as provided in or authorized by or pursuant to such resolutions 1715
or ordinances. The bonds shall be in such denominations, be in 1716
such form, either coupon, registered or book entry, carry such 1717
registration privileges, be payable in such medium of payment, 1718
at such place or places, and be subject to such terms of 1719
redemption as the issuing authority may authorize. The bonds may 1720
be sold by the issuing authority at public or private sale, at 1721
not less than such price or prices as the issuer determines. 1722
Notwithstanding any other provision of this chapter or Chapter 1723
165., 761., or 1724. of the Revised Code, the commission shall 1724
have exclusive power to authorize the issuance and sale of bonds 1725
for agricultural purposes under a composite financing 1726
arrangement in excess of five hundred thousand dollars; provided 1727
that other issuers may issue bonds under composite financing 1728
arrangements in such greater amounts and at such times as shall 1729
be approved by the commission. 1730

(2) Bonds issued by the agricultural financing commission 1731
shall be executed by the ~~chairman~~ chairperson or ~~vice-chairman~~ 1732
vice-chairperson of the commission, manually or by a facsimile 1733
signature. The official seal of the commission or a facsimile 1734
thereof shall be affixed thereto or printed thereon, and any 1735
coupons attached thereto shall bear the signature or facsimile 1736
signature of the ~~chairman~~ chairperson or ~~vice-chairman~~ vice- 1737
chairperson of the commission. Bonds and coupons issued by any 1738
other issuer shall be executed by such officers, in manual or 1739
facsimile form, and bear such official seal or a facsimile 1740
thereof, as shall be provided in the bond ~~proceedings~~ proceedings 1741
for the bonds. In case any officer whose signature or a 1742
facsimile of whose signature, appears on any bonds or coupons 1743
ceases to be such officer before delivery of bonds, such 1744
signature or facsimile is nevertheless sufficient for all 1745
purposes the same as if ~~he~~ the officer had remained in office 1746
until such delivery, and in case the seal has been changed after 1747
a facsimile has been imprinted on such bonds, such facsimile 1748
seal will continue to be sufficient for all purposes. The bonds 1749
may also be issued and executed in book entry form in such 1750
manner as is appropriate to that form. Neither the members of 1751
the issuing authority nor any person executing the bonds is 1752
liable personally on the bonds or subject to any personal 1753
liability by reason of the issuance thereof. 1754

(E) If the issuer is a county or municipal corporation, 1755
then prior to the delivery of bonds issued under authority of 1756
this section, the issuing authority shall send written notice ~~by~~ 1757
~~certified mail~~ to the director of agriculture and the director 1758
of development either by certified mail or, if the issuing 1759
authority has record of an internet identifier of record 1760
associated with the director, by ordinary mail and by that 1761

internet identifier of record advising of the proposed delivery 1762
of the bonds, the amount thereof, the proposed lessee of the 1763
project or person to whom the proceeds of the bonds will be 1764
loaned, and a general description of the project or projects to 1765
be financed. 1766

(F) All bonds issued under authority of this chapter, 1767
regardless of form or terms and regardless of any other law to 1768
the contrary, shall have all qualities and incidents of 1769
negotiable instruments, subject to provisions for registration, 1770
and may be issued in coupon, fully registered, or other form, or 1771
any combination thereof, as the issuing authority determines. 1772
Provision may be made for the registration of any coupon bonds 1773
as to principal alone or as to both principal and interest, and 1774
for the conversion into coupon bonds of any fully registered 1775
bonds or bonds registered as to both principal and interest. 1776

(G) As used in this section, "internet identifier of 1777
record" has the same meaning as in section 9.312 of the Revised 1778
Code. 1779

Sec. 931.03. (A) (1) Not later than sixty days after 1780
receipt of an application submitted under section 931.02 of the 1781
Revised Code, the board of township trustees of each township in 1782
which the land that is proposed for enrollment in an 1783
agricultural security area is located and the board of county 1784
commissioners of each county in which the land is located shall 1785
hear the application at the next regularly scheduled meeting of 1786
the board. A board, not later than thirty days prior to the time 1787
of the meeting, shall cause a notice containing the time and 1788
place of the meeting to be published in a newspaper of general 1789
circulation in the township or county, as applicable, and to be 1790
sent to the superintendent of each school district within the 1791

proposed agricultural security area, the county engineer of each 1792
county in which the proposed area would be located, the 1793
legislative authority of each municipal corporation that is 1794
located within one-half mile of the boundaries of the proposed 1795
area if the municipal corporation has requested notice of such a 1796
meeting, and the director of transportation. 1797

As part of the hearing on an application, a board shall 1798
review any information that it possesses concerning improvements 1799
that are planned to be made during the subsequent ten years to 1800
existing or proposed roads that are located or are to be located 1801
within the area that is proposed for enrollment in an 1802
agricultural security area. As used in division (A)(1) of this 1803
section, "proposed road" means any future roadway project that 1804
is on a new alignment or relocation of an existing alignment and 1805
for which state or federal funding has been allocated for, but 1806
not limited to, a planning level roadway improvement study, an 1807
interchange justification or bypass study, environmental review, 1808
design, right-of-way acquisition, or construction, and 1809
"improvement" includes any action taken with respect to an 1810
existing or proposed road that would cause the road to cover a 1811
portion of land that it does not cover or is not proposed to 1812
cover at the time of the hearing. Any portion of land that would 1813
be covered by a planned improvement shall not be eligible for 1814
enrollment in an agricultural security area. 1815

As part of the hearing on an application, a board also may 1816
consider any comprehensive plan that is in place for the county 1817
or township, as applicable, and may choose to approve or reject 1818
the application on the basis of the proposed agricultural 1819
security area's compliance with the comprehensive plan. 1820

(2) The board of township trustees of each township and 1821

the board of county commissioners of each county that is 1822
required to hear an application under division (A) (1) of this 1823
section may conduct a joint meeting in lieu of meeting 1824
separately not later than forty-five days after receipt of an 1825
application under section 931.02 of the Revised Code. A single 1826
public notice concerning the meeting shall be provided in the 1827
manner prescribed in division (A) (1) of this section in each 1828
township and county participating in the meeting. The cost of 1829
the public notice shall be shared equally by all townships and 1830
counties participating in the joint meeting. 1831

For purposes of such a joint meeting, the clerk of the 1832
board of county commissioners of the county that includes the 1833
most land that is located or is to be located within the 1834
agricultural security area shall serve as the clerk on behalf of 1835
all boards of county commissioners and boards of township 1836
trustees participating in the joint meeting. The clerk's duties 1837
shall include providing the public notice that is required under 1838
this section together with maintaining minutes and a record of 1839
proceedings for the joint meeting. 1840

(3) Not later than forty-five days after a board of 1841
township trustees hears the application and not later than sixty 1842
days after a board of county commissioners hears the 1843
application, each respective board shall adopt a resolution 1844
either approving or rejecting the application. However, if a 1845
board determines that the information in the application is 1846
incorrect or the application is incomplete, the board shall 1847
return the application to the applicant, either by certified 1848
mail or, if the board has record of an internet identifier of 1849
record associated with the applicant, by ordinary mail and by 1850
that internet identifier of record, with an enumeration of the 1851
items that are incorrect or incomplete. 1852

Upon receipt of the returned application, the applicant 1853
may amend the application. Not later than fifteen days after 1854
receipt of the returned application, the applicant may submit an 1855
amended application to each board of township trustees and each 1856
board of county commissioners to whom the original application 1857
was submitted. 1858

Not later than thirty days after receipt of an amended 1859
application, a board shall adopt a resolution either approving 1860
or rejecting the amended application. Not later than five days 1861
after adoption of the resolution, the board shall notify the 1862
applicant, either by certified mail or, if the board has record 1863
of an internet identifier of record associated with the 1864
applicant, by ordinary mail and by that internet identifier of 1865
record, of the board's decision to approve or reject the 1866
application. 1867

(4) Any person may submit comments to any board of county 1868
commissioners or board of township trustees to which an 1869
application or amended application has been submitted under this 1870
chapter at any time prior to and at any public meeting at which 1871
the application or amended application is heard. 1872

(B) (1) An agricultural security area is established, and 1873
the land that is proposed for inclusion in the area is enrolled 1874
in the area, upon the adoption of a resolution by each of the 1875
affected boards of township trustees and boards of county 1876
commissioners approving the same version of the application or 1877
applications requesting the establishment of the area. 1878

(2) Not later than thirty days after a board adopts a 1879
resolution approving the establishment of an agricultural 1880
security area, the board shall send a copy of the resolution to 1881
the director of agriculture, the director of transportation, the 1882

superintendent of each school district within the area, the 1883
county engineer, and the county auditor. 1884

(C) A resolution approving the establishment of an 1885
agricultural security area shall include all of the following: 1886

(1) A statement that the board of township trustees or 1887
board of county commissioners, as applicable, commits not to 1888
initiate, approve, or finance any development for residential, 1889
commercial, or industrial purposes, including construction of 1890
new roads and water and sewer lines, within the area for a 1891
period of ten years. For purposes of division (C)(1) of this 1892
section, "development" does not include any of the following: 1893

(a) The improvement of existing roads, provided that the 1894
county engineer of each county in which the portion of the area 1895
affected by the improvement is located determines that the 1896
improvement is necessary for traffic safety, and provided that 1897
the improvement is as consistent as possible with the 1898
agricultural use of land in the area; 1899

(b) The construction, modification, or operation of 1900
transmission or distribution lines for electricity, gas, or oil 1901
or of any gathering or production lines for oil or gas, provided 1902
that the construction, modification, or operation of the lines 1903
does not cause the land to become ineligible for valuation and 1904
assessment for real property tax purposes in accordance with its 1905
current agricultural use value under sections 5713.30 to 5713.38 1906
of the Revised Code; 1907

(c) The construction, modification, or operation of water 1908
lines or sewer lines, provided that an official or employee of 1909
the environmental protection agency orders the construction, 1910
modification, or operation for the purpose of enabling water and 1911

sewer service areas that are outside of the agricultural 1912
security area to be connected to each other, and provided that 1913
the lines do not provide service connections to land within the 1914
agricultural security area. 1915

(2) A requirement that the owner or owners of the land in 1916
the area use best management practices; 1917

(3) A statement that describes the agreement that was 1918
reached with other boards, if applicable, under section 5709.28 1919
of the Revised Code concerning the percentage of the taxable 1920
value of qualifying agricultural real property in the 1921
agricultural security area that is to be exempted from taxation 1922
under that section and the number of years that the tax 1923
exemption established under that section will apply to that 1924
property. 1925

(D) An agricultural security area may continue in 1926
existence for ten years unless either of the following occurs: 1927

(1) The sole owner of land enrolled in the area withdraws 1928
under section 931.07 of the Revised Code. 1929

(2) Unless division (C) of section 931.07 of the Revised 1930
Code applies, land in the area fails to satisfy any of the 1931
criteria specified in divisions (B)(1) to (3) of section 931.02 1932
of the Revised Code. 1933

(E) The approval or disapproval of an application under 1934
this section is not a final order, adjudication, or decision 1935
under section 2506.01 of the Revised Code and is not appealable 1936
under Chapter 2506. of the Revised Code. 1937

(F) As used in this section, "internet identifier of 1938
record" has the same meaning as in section 9.312 of the Revised 1939
Code. 1940

Sec. 940.20. As soon as the supervisors of a soil and 1941
water conservation district have established the dates, times, 1942
and locations of the view and the hearing concerning a proposed 1943
improvement, they shall send, at least twenty days prior to the 1944
date established for the view, a written notice of the view and 1945
the hearing to the landowners within the area to be benefited by 1946
the proposed improvement and to the board of county 1947
commissioners and the county engineer. The supervisors shall 1948
notify all landowners that are adjacent to the proposed 1949
improvement either by certified mail or, if the supervisors have 1950
record of an internet identifier of record associated with such 1951
a landowner, by ordinary mail and by that internet identifier of 1952
record, and shall notify all others by certified mail or first 1953
class mailings. Any such written notice shall have the words 1954
"Legal Notice" printed in plain view on the face of the envelope 1955
or, in the case of service by an internet identifier of record, 1956
in conspicuous typeface at the top of the notice. In addition, 1957
the supervisors shall invite to the view and the hearing the 1958
staff of the soil and water conservation district and the staff 1959
of the natural resources conservation service in the United 1960
States department of agriculture that is involved with the 1961
district together with any other people that the supervisors 1962
consider to be necessary to the proceedings. 1963

Sec. 3517.01. (A) (1) A political party within the meaning 1964
of Title XXXV of the Revised Code is any group of voters that 1965
meets either of the following requirements: 1966

(a) Except as otherwise provided in this division, at the 1967
most recent regular state election, the group polled for its 1968
candidate for governor in the state or nominees for presidential 1969
electors at least three per cent of the entire vote cast for 1970
that office. A group that meets the requirements of this 1971

division remains a political party for a period of four years 1972
after meeting those requirements. 1973

(b) The group filed with the secretary of state, 1974
subsequent to its failure to meet the requirements of division 1975
(A) (1) (a) of this section, a party formation petition that meets 1976
all of the following requirements: 1977

(i) The petition is signed by qualified electors equal in 1978
number to at least one per cent of the total vote for governor 1979
or nominees for presidential electors at the most recent 1980
election for such office. 1981

(ii) The petition is signed by not fewer than five hundred 1982
qualified electors from each of at least a minimum of one-half 1983
of the congressional districts in this state. If an odd number 1984
of congressional districts exists in this state, the number of 1985
districts that results from dividing the number of congressional 1986
districts by two shall be rounded up to the next whole number. 1987

(iii) The petition declares the petitioners' intention of 1988
organizing a political party, the name of which shall be stated 1989
in the declaration, and of participating in the succeeding 1990
general election, held in even-numbered years, that occurs more 1991
than one hundred twenty-five days after the date of filing. 1992

(iv) The petition designates a committee of not less than 1993
three nor more than five individuals of the petitioners, who 1994
shall represent the petitioners in all matters relating to the 1995
petition. Notice of all matters or proceedings pertaining to the 1996
petition may be served on the committee, or any of them, either 1997
personally or by registered mail, or by leaving such notice at 1998
the usual place of residence of each of them. 1999

(2) No such group of electors shall assume a name or 2000

designation that is similar, in the opinion of the secretary of 2001
state, to that of an existing political party as to confuse or 2002
mislead the voters at an election. 2003

(B) A campaign committee shall be legally liable for any 2004
debts, contracts, or expenditures incurred or executed in its 2005
name. 2006

(C) Notwithstanding the definitions found in section 2007
3501.01 of the Revised Code, as used in this section and 2008
sections 3517.08 to 3517.14, 3517.99, and 3517.992 of the 2009
Revised Code: 2010

(1) "Campaign committee" means a candidate or a 2011
combination of two or more persons authorized by a candidate 2012
under section 3517.081 of the Revised Code to receive 2013
contributions and make expenditures. 2014

(2) "Campaign treasurer" means an individual appointed by 2015
a candidate under section 3517.081 of the Revised Code. 2016

(3) "Candidate" has the same meaning as in division (H) of 2017
section 3501.01 of the Revised Code and also includes any person 2018
who, at any time before or after an election, receives 2019
contributions or makes expenditures or other use of 2020
contributions, has given consent for another to receive 2021
contributions or make expenditures or other use of 2022
contributions, or appoints a campaign treasurer, for the purpose 2023
of bringing about the person's nomination or election to public 2024
office. When two persons jointly seek the offices of governor 2025
and lieutenant governor, "candidate" means the pair of 2026
candidates jointly. "Candidate" does not include candidates for 2027
election to the offices of member of a county or state central 2028
committee, presidential elector, and delegate to a national 2029

convention or conference of a political party. 2030

(4) "Continuing association" means an association, other 2031
than a campaign committee, political party, legislative campaign 2032
fund, political contributing entity, or labor organization, that 2033
is intended to be a permanent organization that has a primary 2034
purpose other than supporting or opposing specific candidates, 2035
political parties, or ballot issues, and that functions on a 2036
regular basis throughout the year. "Continuing association" 2037
includes organizations that are determined to be not organized 2038
for profit under subsection 501 and that are described in 2039
subsection 501(c) (3), 501(c) (4), or 501(c) (6) of the Internal 2040
Revenue Code. 2041

(5) "Contribution" means a loan, gift, deposit, 2042
forgiveness of indebtedness, donation, advance, payment, or 2043
transfer of funds or anything of value, including a transfer of 2044
funds from an inter vivos or testamentary trust or decedent's 2045
estate, and the payment by any person other than the person to 2046
whom the services are rendered for the personal services of 2047
another person, which contribution is made, received, or used 2048
for the purpose of influencing the results of an election. Any 2049
loan, gift, deposit, forgiveness of indebtedness, donation, 2050
advance, payment, or transfer of funds or of anything of value, 2051
including a transfer of funds from an inter vivos or 2052
testamentary trust or decedent's estate, and the payment by any 2053
campaign committee, political action committee, legislative 2054
campaign fund, political party, political contributing entity, 2055
or person other than the person to whom the services are 2056
rendered for the personal services of another person, that is 2057
made, received, or used by a state or county political party, 2058
other than moneys a state or county political party receives 2059
from the Ohio political party fund pursuant to section 3517.17 2060

of the Revised Code and the moneys an entity may receive under 2061
sections 3517.101, 3517.1012, and 3517.1013 of the Revised Code, 2062
shall be considered to be a "contribution" for the purpose of 2063
section 3517.10 of the Revised Code and shall be included on a 2064
statement of contributions filed under that section. 2065

"Contribution" does not include any of the following: 2066

(a) Services provided without compensation by individuals 2067
volunteering a portion or all of their time on behalf of a 2068
person; 2069

(b) Ordinary home hospitality; 2070

(c) The personal expenses of a volunteer paid for by that 2071
volunteer campaign worker; 2072

(d) Any gift given to an entity pursuant to section 2073
3517.101 of the Revised Code; 2074

(e) Any contribution as defined in section 3517.1011 of 2075
the Revised Code that is made, received, or used to pay the 2076
direct costs of producing or airing an electioneering 2077
communication; 2078

(f) Any gift given to a state or county political party 2079
for the party's restricted fund under division (A) (2) of section 2080
3517.1012 of the Revised Code; 2081

(g) Any gift given to a state political party for deposit 2082
in a Levin account pursuant to section 3517.1013 of the Revised 2083
Code. As used in this division, "Levin account" has the same 2084
meaning as in that section. 2085

(h) Any donation given to a transition fund under section 2086
3517.1014 of the Revised Code. 2087

(6) "Expenditure" means the disbursement or use of a contribution for the purpose of influencing the results of an election or of making a charitable donation under division (G) of section 3517.08 of the Revised Code. Any disbursement or use of a contribution by a state or county political party is an expenditure and shall be considered either to be made for the purpose of influencing the results of an election or to be made as a charitable donation under division (G) of section 3517.08 of the Revised Code and shall be reported on a statement of expenditures filed under section 3517.10 of the Revised Code. During the thirty days preceding a primary or general election, any disbursement to pay the direct costs of producing or airing a broadcast, cable, or satellite communication that refers to a clearly identified candidate shall be considered to be made for the purpose of influencing the results of that election and shall be reported as an expenditure or as an independent expenditure under section 3517.10 or 3517.105 of the Revised Code, as applicable, except that the information required to be reported regarding contributors for those expenditures or independent expenditures shall be the same as the information required to be reported under divisions (D) (1) and (2) of section 3517.1011 of the Revised Code.

As used in this division, "broadcast, cable, or satellite communication" and "refers to a clearly identified candidate" have the same meanings as in section 3517.1011 of the Revised Code.

(7) "Personal expenses" includes, but is not limited to, ordinary expenses for accommodations, clothing, food, personal motor vehicle or airplane, and home telephone.

(8) "Political action committee" means a combination of

two or more persons, the primary or major purpose of which is to 2118
support or oppose any candidate, political party, or issue, or 2119
to influence the result of any election through express 2120
advocacy, and that is not a political party, a campaign 2121
committee, a political contributing entity, or a legislative 2122
campaign fund. "Political action committee" does not include 2123
either of the following: 2124

(a) A continuing association that makes disbursements for 2125
the direct costs of producing or airing electioneering 2126
communications and that does not engage in express advocacy; 2127

(b) A political club that is formed primarily for social 2128
purposes and that consists of one hundred members or less, has 2129
officers and periodic meetings, has less than two thousand five 2130
hundred dollars in its treasury at all times, and makes an 2131
aggregate total contribution of one thousand dollars or less per 2132
calendar year. 2133

(9) "Public office" means any state, county, municipal, 2134
township, or district office, except an office of a political 2135
party, that is filled by an election and the offices of United 2136
States senator and representative. 2137

(10) "Anything of value" has the same meaning as in 2138
section 1.03 of the Revised Code. 2139

(11) "Beneficiary of a campaign fund" means a candidate, a 2140
public official or employee for whose benefit a campaign fund 2141
exists, and any other person who has ever been a candidate or 2142
public official or employee and for whose benefit a campaign 2143
fund exists. 2144

(12) "Campaign fund" means money or other property, 2145
including contributions. 2146

- (13) "Public official or employee" has the same meaning as 2147
in section 102.01 of the Revised Code. 2148
- (14) "Caucus" means all of the members of the house of 2149
representatives or all of the members of the senate of the 2150
general assembly who are members of the same political party. 2151
- (15) "Legislative campaign fund" means a fund that is 2152
established as an auxiliary of a state political party and 2153
associated with one of the houses of the general assembly. 2154
- (16) "In-kind contribution" means anything of value other 2155
than money that is used to influence the results of an election 2156
or is transferred to or used in support of or in opposition to a 2157
candidate, campaign committee, legislative campaign fund, 2158
political party, political action committee, or political 2159
contributing entity and that is made with the consent of, in 2160
coordination, cooperation, or consultation with, or at the 2161
request or suggestion of the benefited candidate, committee, 2162
fund, party, or entity. The financing of the dissemination, 2163
distribution, or republication, in whole or part, of any 2164
broadcast or of any written, graphic, or other form of campaign 2165
materials prepared by the candidate, the candidate's campaign 2166
committee, or their authorized agents is an in-kind contribution 2167
to the candidate and an expenditure by the candidate. 2168
- (17) "Independent expenditure" means an expenditure by a 2169
person advocating the election or defeat of an identified 2170
candidate or candidates, that is not made with the consent of, 2171
in coordination, cooperation, or consultation with, or at the 2172
request or suggestion of any candidate or candidates or of the 2173
campaign committee or agent of the candidate or candidates. As 2174
used in division (C)(17) of this section: 2175

(a) "Person" means an individual, partnership, 2176
unincorporated business organization or association, political 2177
action committee, political contributing entity, separate 2178
segregated fund, association, or other organization or group of 2179
persons, but not a labor organization or a corporation unless 2180
the labor organization or corporation is a political 2181
contributing entity. 2182

(b) "Advocating" means any communication containing a 2183
message advocating election or defeat. 2184

(c) "Identified candidate" means that the name of the 2185
candidate appears, a photograph or drawing of the candidate 2186
appears, or the identity of the candidate is otherwise apparent 2187
by unambiguous reference. 2188

(d) "Made in coordination, cooperation, or consultation 2189
with, or at the request or suggestion of, any candidate or the 2190
campaign committee or agent of the candidate" means made 2191
pursuant to any arrangement, coordination, or direction by the 2192
candidate, the candidate's campaign committee, or the 2193
candidate's agent prior to the publication, distribution, 2194
display, or broadcast of the communication. An expenditure is 2195
presumed to be so made when it is any of the following: 2196

(i) Based on information about the candidate's plans, 2197
projects, or needs provided to the person making the expenditure 2198
by the candidate, or by the candidate's campaign committee or 2199
agent, with a view toward having an expenditure made; 2200

(ii) Made by or through any person who is, or has been, 2201
authorized to raise or expend funds, who is, or has been, an 2202
officer of the candidate's campaign committee, or who is, or has 2203
been, receiving any form of compensation or reimbursement from 2204

the candidate or the candidate's campaign committee or agent; 2205

(iii) Except as otherwise provided in division (D) of 2206
section 3517.105 of the Revised Code, made by a political party 2207
in support of a candidate, unless the expenditure is made by a 2208
political party to conduct voter registration or voter education 2209
efforts. 2210

(e) "Agent" means any person who has actual oral or 2211
written authority, either express or implied, to make or to 2212
authorize the making of expenditures on behalf of a candidate, 2213
or means any person who has been placed in a position with the 2214
candidate's campaign committee or organization such that it 2215
would reasonably appear that in the ordinary course of campaign- 2216
related activities the person may authorize expenditures. 2217

(18) "Labor organization" means a labor union; an employee 2218
organization; a federation of labor unions, groups, locals, or 2219
other employee organizations; an auxiliary of a labor union, 2220
employee organization, or federation of labor unions, groups, 2221
locals, or other employee organizations; or any other bona fide 2222
organization in which employees participate and that exists for 2223
the purpose, in whole or in part, of dealing with employers 2224
concerning grievances, labor disputes, wages, hours, and other 2225
terms and conditions of employment. 2226

(19) "Separate segregated fund" means a separate 2227
segregated fund established pursuant to the Federal Election 2228
Campaign Act. 2229

(20) "Federal Election Campaign Act" means the "Federal 2230
Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 2231
seq., as amended. 2232

(21) "Restricted fund" means the fund a state or county 2233

political party must establish under division (A) (1) of section 2234
3517.1012 of the Revised Code. 2235

(22) "Electioneering communication" has the same meaning 2236
as in section 3517.1011 of the Revised Code. 2237

(23) "Express advocacy" means a communication that 2238
contains express words advocating the nomination, election, or 2239
defeat of a candidate or that contains express words advocating 2240
the adoption or defeat of a question or issue, as determined by 2241
a final judgment of a court of competent jurisdiction. 2242

(24) "Political committee" has the same meaning as in 2243
section 3517.1011 of the Revised Code. 2244

(25) "Political contributing entity" means any entity, 2245
including a corporation or labor organization, that may lawfully 2246
make contributions and expenditures and that is not an 2247
individual or a political action committee, continuing 2248
association, campaign committee, political party, legislative 2249
campaign fund, designated state campaign committee, or state 2250
candidate fund. For purposes of this division, "lawfully" means 2251
not prohibited by any section of the Revised Code, or authorized 2252
by a final judgment of a court of competent jurisdiction. 2253

(26) "Internet identifier of record" has the same meaning 2254
as in section 9.312 of the Revised Code. 2255

Sec. 3517.11. (A) (1) Campaign committees of candidates for 2256
statewide office or the state board of education, political 2257
action committees or political contributing entities that make 2258
contributions to campaign committees of candidates that are 2259
required to file the statements prescribed by section 3517.10 of 2260
the Revised Code with the secretary of state, political action 2261
committees or political contributing entities that make 2262

contributions to campaign committees of candidates for member of 2263
the general assembly, political action committees or political 2264
contributing entities that make contributions to state and 2265
national political parties and to legislative campaign funds, 2266
political action committees or political contributing entities 2267
that receive contributions or make expenditures in connection 2268
with a statewide ballot issue, political action committees or 2269
political contributing entities that make contributions to other 2270
political action committees or political contributing entities, 2271
political parties, and campaign committees, except as set forth 2272
in division (A) (3) of this section, legislative campaign funds, 2273
and state and national political parties shall file the 2274
statements prescribed by section 3517.10 of the Revised Code 2275
with the secretary of state. 2276

(2) (a) Except as otherwise provided in division (F) of 2277
section 3517.106 of the Revised Code, campaign committees of 2278
candidates for all other offices shall file the statements 2279
prescribed by section 3517.10 of the Revised Code with the board 2280
of elections where their candidates are required to file their 2281
petitions or other papers for nomination or election. 2282

(b) A campaign committee of a candidate for office of 2283
member of the general assembly or a campaign committee of a 2284
candidate for the office of judge of a court of appeals shall 2285
file two copies of the printed version of any statement, 2286
addendum, or amended statement if the committee does not file 2287
pursuant to division (F) (1) or (L) of section 3517.106 of the 2288
Revised Code but files by printed version only with the 2289
appropriate board of elections. The board of elections shall 2290
send one of those copies by certified mail or an electronic copy 2291
to the secretary of state before the close of business on the 2292
day the board of elections receives the statement, addendum, or 2293

amended statement. 2294

(3) Political action committees or political contributing 2295
entities that only contribute to a county political party, 2296
contribute to campaign committees of candidates whose nomination 2297
or election is to be submitted only to electors within a county, 2298
subdivision, or district, excluding candidates for member of the 2299
general assembly, and receive contributions or make expenditures 2300
in connection with ballot questions or issues to be submitted 2301
only to electors within a county, subdivision, or district shall 2302
file the statements prescribed by section 3517.10 of the Revised 2303
Code with the board of elections in that county or in the county 2304
contained in whole or part within the subdivision or district 2305
having a population greater than that of any other county 2306
contained in whole or part within that subdivision or district, 2307
as the case may be. 2308

(4) Except as otherwise provided in division (E) (3) of 2309
section 3517.106 of the Revised Code with respect to state 2310
candidate funds, county political parties shall file the 2311
statements prescribed by section 3517.10 of the Revised Code 2312
with the board of elections of their respective counties. 2313

(B) (1) The official with whom petitions and other papers 2314
for nomination or election to public office are filed shall 2315
furnish each candidate at the time of that filing a copy of 2316
sections 3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 2317
3599.03, and 3599.031 of the Revised Code and any other 2318
materials that the secretary of state may require. Each 2319
candidate receiving the materials shall acknowledge their 2320
receipt in writing. 2321

(2) On or before the tenth day before the dates on which 2322
statements are required to be filed by section 3517.10 of the 2323

Revised Code, the secretary of state shall notify every 2324
candidate subject to the provisions of this section and sections 2325
3517.10 and 3517.106 of the Revised Code ~~shall be notified of~~ 2326
the requirements and applicable penalties of those sections. The 2327
secretary of state, ~~by certified mail, return receipt requested,~~ 2328
shall notify all candidates required to file those statements 2329
with the secretary of state's office either by certified mail, 2330
or, if the secretary of state has record of an internet 2331
identifier of record associated with the candidate, by ordinary 2332
mail and by that internet identifier of record. The board of 2333
elections of every county shall notify by first class mail any 2334
candidate who has personally appeared at the office of the board 2335
on or before the tenth day before the statements are required to 2336
be filed and signed a form, to be provided by the secretary of 2337
state, attesting that the candidate has been notified of the 2338
candidate's obligations under the campaign finance law. The 2339
board shall forward the completed form to the secretary of 2340
state. The board shall ~~use certified mail, return receipt-~~ 2341
~~requested, to~~ notify all other candidates required to file those 2342
statements with it either by certified mail, or, if the 2343
secretary of state has record of an internet identifier of 2344
record associated with the candidate, by ordinary mail and by 2345
that internet identifier of record. 2346

(3) (a) Any statement required to be filed under sections 2347
3517.081 to 3517.17 of the Revised Code that is found to be 2348
incomplete or inaccurate by the officer to whom it is submitted 2349
shall be accepted on a conditional basis, and the person who 2350
filed it shall be notified by certified mail as to the 2351
incomplete or inaccurate nature of the statement. The secretary 2352
of state may examine statements filed for candidates for the 2353
office of member of the general assembly and candidates for the 2354

office of judge of a court of appeals for completeness and 2355
accuracy. The secretary of state shall examine for completeness 2356
and accuracy statements that campaign committees of candidates 2357
for the office of member of the general assembly and campaign 2358
committees of candidates for the office of judge of a court of 2359
appeals file pursuant to division (F) or (L) of section 3517.106 2360
of the Revised Code. If an officer at the board of elections 2361
where a statement filed for a candidate for the office of member 2362
of the general assembly or for a candidate for the office of 2363
judge of a court of appeals was submitted finds the statement to 2364
be incomplete or inaccurate, the officer shall immediately 2365
notify the secretary of state of its incomplete or inaccurate 2366
nature. If either an officer at the board of elections or the 2367
secretary of state finds a statement filed for a candidate for 2368
the office of member of the general assembly or for a candidate 2369
for the office of judge of a court of appeals to be incomplete 2370
or inaccurate, only the secretary of state shall send the 2371
notification as to the incomplete or inaccurate nature of the 2372
statement. 2373

Within twenty-one days after receipt of the notice, in the 2374
case of a pre-election statement, a postelection statement, a 2375
monthly statement, an annual statement, or a semiannual 2376
statement prescribed by section 3517.10, an annual statement 2377
prescribed by section 3517.101, or a statement prescribed by 2378
division (B) (2) (b) or (C) (2) (b) of section 3517.105 or section 2379
3517.107 of the Revised Code, the recipient shall file an 2380
addendum, amendment, or other correction to the statement 2381
providing the information necessary to complete or correct the 2382
statement. The secretary of state may require that, in lieu of 2383
filing an addendum, amendment, or other correction to a 2384
statement that is filed by electronic means of transmission to 2385

the office of the secretary of state pursuant to section 2386
3517.106 of the Revised Code, the recipient of the notice 2387
described in this division file by electronic means of 2388
transmission an amended statement that incorporates the 2389
information necessary to complete or correct the statement. 2390

The secretary of state shall determine by rule when an 2391
addendum, amendment, or other correction to any of the following 2392
or when an amended statement of any of the following shall be 2393
filed: 2394

(i) A two-business-day statement prescribed by section 2395
3517.10 of the Revised Code; 2396

(ii) A disclosure of electioneering communications 2397
statement prescribed by division (D) of section 3517.1011 of the 2398
Revised Code; 2399

(iii) A deposit and disbursement statement prescribed 2400
under division (B) of section 3517.1012 of the Revised Code; 2401

(iv) A gift and disbursement statement prescribed under 2402
section 3517.1013 of the Revised Code; 2403

(v) A donation and disbursement statement prescribed under 2404
section 3517.1014 of the Revised Code. 2405

An addendum, amendment, or other correction to a statement 2406
that is filed by electronic means of transmission pursuant to 2407
section 3517.106 of the Revised Code shall be filed in the same 2408
manner as the statement. 2409

The provisions of sections 3517.10, 3517.106, 3517.1011, 2410
3517.1012, 3517.1013, and 3517.1014 of the Revised Code 2411
pertaining to the filing of statements of contributions and 2412
expenditures, statements of independent expenditures, disclosure 2413

of electioneering communications statements, deposit and 2414
disbursement statements, gift and disbursement statements, and 2415
donation and disbursement statements by electronic means of 2416
transmission apply to the filing of addenda, amendments, or 2417
other corrections to those statements by electronic means of 2418
transmission and the filing of amended statements by electronic 2419
means of transmission. 2420

(b) Within five business days after the secretary of state 2421
receives, by electronic or other means of transmission, an 2422
addendum, amendment, or other correction to a statement or an 2423
amended statement under division (B) (3) (a) of this section, the 2424
secretary of state, pursuant to divisions (E), (F), (G), and (I) 2425
of section 3517.106 or division (D) of section 3517.1011 of the 2426
Revised Code, shall make the contribution and expenditure, 2427
contribution and disbursement, deposit and disbursement, gift 2428
and disbursement, or donation and disbursement information in 2429
that addendum, amendment, correction, or amended statement 2430
available online to the public through the internet. 2431

(4) (a) The secretary of state or the board of elections 2432
shall examine all statements for compliance with sections 2433
3517.08 to 3517.17 of the Revised Code. 2434

(b) The secretary of state may contract with an individual 2435
or entity not associated with the secretary of state and 2436
experienced in interpreting the campaign finance law of this 2437
state to conduct examinations of statements filed by any 2438
statewide candidate, as defined in section 3517.103 of the 2439
Revised Code. 2440

(c) The examination shall be conducted by a person or 2441
entity qualified to conduct it. The results of the examination 2442
shall be available to the public, and, when the examination is 2443

conducted by an individual or entity not associated with the 2444
secretary of state, the results of the examination shall be 2445
reported to the secretary of state. 2446

(C) (1) In the event of a failure to file or a late filing 2447
of a statement required to be filed under sections 3517.081 to 2448
3517.17 of the Revised Code, or if a filed statement or any 2449
addendum, amendment, or other correction to a statement or any 2450
amended statement, if an addendum, amendment, or other 2451
correction or an amended statement is required to be filed, is 2452
incomplete or inaccurate or appears to disclose a failure to 2453
comply with or a violation of law, the official whose duty it is 2454
to examine the statement shall promptly file a complaint with 2455
the Ohio elections commission under section 3517.153 of the 2456
Revised Code if the law is one over which the commission has 2457
jurisdiction to hear complaints, or the official shall promptly 2458
report the failure or violation to the board of elections and 2459
the board shall promptly report it to the prosecuting attorney 2460
in accordance with division (J) of section 3501.11 of the 2461
Revised Code. If the official files a complaint with the 2462
commission, the commission shall proceed in accordance with 2463
sections 3517.154 to 3517.157 of the Revised Code. 2464

(2) For purposes of division (C) (1) of this section, a 2465
statement or an addendum, amendment, or other correction to a 2466
statement or an amended statement required to be filed under 2467
sections 3517.081 to 3517.17 of the Revised Code is incomplete 2468
or inaccurate under this section if the statement, addendum, 2469
amendment, other correction, or amended statement fails to 2470
disclose substantially all contributions, gifts, or donations 2471
that are received or deposits that are made that are required to 2472
be reported under sections 3517.10, 3517.107, 3517.108, 2473
3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the Revised 2474

Code or if the statement, addendum, amendment, other correction, 2475
or amended statement fails to disclose at least ninety per cent 2476
of the total contributions, gifts, or donations received or 2477
deposits made or of the total expenditures or disbursements made 2478
during the reporting period. 2479

(D) No certificate of nomination or election shall be 2480
issued to a person, and no person elected to an office shall 2481
enter upon the performance of the duties of that office, until 2482
that person or that person's campaign committee, as appropriate, 2483
has fully complied with this section and sections 3517.08, 2484
3517.081, 3517.10, and 3517.13 of the Revised Code. 2485

Sec. 3791.12. (A) As used in this section and section 2486
3791.13 of the Revised Code: 2487

(1) "Service station" means any facility designed and 2488
constructed primarily for use in the retail sale of gasoline, 2489
other petroleum products, and related accessories; except that 2490
"service station" does not include any such facility that has 2491
been converted for use for another bona fide business purpose, 2492
on and after the date of commencement of such other use. 2493

(2) "Abandoned service station" means any service station 2494
that has not been used for the retail sale of gasoline, other 2495
petroleum products, and related accessories for a continuous 2496
period of six months, whenever failure to reasonably secure 2497
station buildings from ready access by unauthorized persons and 2498
to reasonably maintain the station's premises has resulted in 2499
conditions that endanger the public health, welfare, safety, or 2500
morals; provided, that such conditions include, but are not 2501
limited to, the presence of defective or deteriorated electrical 2502
wiring, heating apparatus, and gas connections, or of 2503
unprotected gasoline storage tanks, piping, and valves, or any 2504

combination of the foregoing; and provided further that the 2505
casual and intermittent use of a service station for the retail 2506
sale of any item described in division (A) (1) of this section 2507
during such six-month period shall not be held to prevent the 2508
station from being determined an abandoned service station if it 2509
meets the other qualifications of this division. 2510

(3) "Internet identifier of record" has the same meaning 2511
as in section 9.312 of the Revised Code. 2512

(B) The executive authority of each municipal corporation 2513
and the board of county commissioners of each county shall 2514
designate a suitable person to make inspections, within their 2515
respective territorial jurisdictions, of any service stations 2516
that are, or appear to be, no longer in use for the purposes 2517
described in division (A) (1) of this section, or for any other 2518
bona fide business purpose. Inspections of service stations 2519
under this section shall be made at the order of the executive 2520
authority or board, or upon the complaint of any person claiming 2521
to be adversely affected by the condition of a service station. 2522
Any inspector designated under this section shall have the right 2523
to enter upon and inspect any service station that is, or 2524
appears to be, no longer in use as described in this section. No 2525
inspector, while in the lawful pursuit of official duties for 2526
such purpose, shall be subject to arrest for trespass while so 2527
engaged or for such cause thereafter. 2528

(C) Whenever an inspector, upon inspecting a service 2529
station as provided in this section, has reasonable cause to 2530
believe that it qualifies as an abandoned service station, the 2531
inspector shall prepare a written report of the condition of the 2532
station's buildings and premises. The report shall be filed 2533
immediately with the executive authority or board. Upon receipt 2534

of the report, the executive authority or board shall fix a 2535
place and time, not less than thirty days nor more than sixty 2536
days after receipt of the report, for a hearing to determine 2537
whether the service station is an abandoned service station. The 2538
executive authority or board shall send written notice of the 2539
place and date of the hearing, together with a copy of the 2540
inspector's report and information that the service station may 2541
be ordered repaired or removed if determined to be abandoned, to 2542
all persons listed in the records of the county recorder as an 2543
owner of the affected property, and to all persons listed in the 2544
records of the county recorder or county clerk of courts as 2545
holding a lien on the affected property. Such notice shall be 2546
sent either by certified mail to the address shown on such 2547
records or, if the executive authority or board has record of a 2548
person's internet identifier of record, by ordinary mail to the 2549
address shown on such records and by that internet identifier of 2550
record. 2551

(D) In hearing the matter and deciding the issue, the 2552
executive authority or board shall consider the testimony of any 2553
persons appearing pursuant to the notice or their authorized 2554
representatives, the testimony of any witnesses appearing on 2555
behalf of such persons, the inspector's report or testimony, or 2556
both, and any other evidence pertinent to the matter. If the 2557
executive authority or board thereupon determines that the 2558
service station is an abandoned service station in such 2559
condition as to constitute a danger to the public health, 2560
welfare, safety, or morals, it shall order the satisfactory 2561
repair, or removal, of the service station and its 2562
appurtenances, and restoration of the property, within such 2563
period of time, not less than thirty days, as the executive 2564
authority or board thereupon determines reasonable. Notice of 2565

the findings and order shall be sent to all persons required to 2566
be notified by division (C) of this section in the same manner 2567
as provided in that division. 2568

(E) If an abandoned service station is not satisfactorily 2569
repaired or removed within the period of time provided in an 2570
order made under division (D) of this section, the municipal 2571
corporation or county may enter the land and complete the 2572
repair, if repair was ordered, or remove the service station and 2573
its appurtenances, if removal was ordered, and restore the 2574
property. 2575

(F) Any person aggrieved by an order of an executive 2576
authority or board made under division (D) of this section, may 2577
appeal as provided in Chapter 2506. of the Revised Code within 2578
thirty days of the mailing of notice of the order. 2579

(G) In the event that no persons notified as provided in 2580
division (C) of this section, or their authorized 2581
representatives, appear at the hearing, respond to an order of 2582
the executive authority or board, or appeal within thirty days 2583
of the mailing of notice of the order as provided in division 2584
(F) of this section, the municipal corporation or county may 2585
proceed as provided in division (E) of this section. 2586

Sec. 4301.39. (A) When the board of elections of any 2587
county determines that a petition for a local option election 2588
presented pursuant to section 4301.33, 4301.331, 4301.332, 2589
4301.333, 4303.29, or 4305.14 of the Revised Code is sufficient, 2590
it shall forthwith, by mail, notify the division of liquor 2591
control of the fact that the petition has been filed and 2592
approved by it. Upon the determination of the results of any 2593
such election, the board shall forthwith notify the division by 2594
mail of the result and shall forward with the notice a plat of 2595

the precinct in which the election was held and, if applicable, 2596
shall separately identify the portion of the precinct affected 2597
by the election. 2598

(B) On the plat of a precinct forwarded with the results 2599
of an election that was held under section 4301.35, 4301.351, 2600
4301.353, 4301.354, or 4303.29 of the Revised Code, the board 2601
shall show and designate all of the streets and highways in the 2602
precinct or relevant portion of the precinct. 2603

(C) On the plat of a precinct forwarded with the results 2604
of an election that was held under section 4301.352 of the 2605
Revised Code, the board shall show and designate all of the 2606
following: 2607

(1) All of the streets and highways in the precinct; 2608

(2) The permit premises designated in the petition that 2609
was filed under section 4301.331 of the Revised Code; 2610

(3) A class C or D permit holder's personal or corporate 2611
name and, if it is different from the permit holder's personal 2612
or corporate name, the name of the business conducted by the 2613
permit holder on the designated premises; 2614

(4) The address of the designated premises. 2615

(D) On the plat of a precinct forwarded with the results 2616
of an election that was held under section 4301.355 of the 2617
Revised Code, the board shall show and designate all of the 2618
following: 2619

(1) All streets and highways in the precinct; 2620

(2) The address of the particular location within the 2621
precinct to which the election results will apply as designated 2622
in the petition that was filed under section 4301.333 of the 2623

Revised Code; 2624

(3) The name of the applicant for the issuance or transfer 2625
of the liquor permit, of the holder of the liquor permit, or of 2626
the liquor agency store, including any trade or fictitious names 2627
under which the applicant, holder, or operator intends to, or 2628
does, do business at the particular location, as designated in 2629
the petition that was filed under section 4301.333 of the 2630
Revised Code. 2631

(E) With the results of an election that was held under 2632
section 4301.356 of the Revised Code, the board shall designate 2633
both of the following: 2634

(1) Each permit premises designated in the petition; 2635

(2) Each class C or D permit holder's personal or 2636
corporate name and, if it is different from the personal or 2637
corporate name, the name of the business conducted by the permit 2638
holder on the designated premises. 2639

(F) If an application for recount is filed with the board 2640
pursuant to section 3515.02 of the Revised Code or if an 2641
election contest is commenced pursuant to section 3515.09 of the 2642
Revised Code, the board shall send written notice of the recount 2643
or contest, ~~by certified mail,~~ to the superintendent of liquor 2644
control within two days from the date of the filing of the 2645
application for recount or the commencement of an election 2646
contest either by certified mail or, if the board has record of 2647
an internet identifier of record associated with the 2648
superintendent, by ordinary mail and by that internet identifier 2649
of record. Upon the final determination of an election recount 2650
or contest, the board shall send notice of the final 2651
determination, ~~by certified mail,~~ to the superintendent and the 2652

liquor control commission either by certified mail or, if the 2653
board has record of an internet identifier of record associated 2654
with the superintendent or commission, by ordinary mail and an 2655
internet identifier of record associated with the superintendent 2656
or commission. 2657

(G) If, as the result of a local option election held 2658
pursuant to section 4301.35, 4301.351, 4301.353, 4301.354, 2659
4303.29, or 4305.14 of the Revised Code, the use of a permit is 2660
made partially unlawful, the division shall, within thirty days 2661
after receipt of the final notice of the result of the election, 2662
pick up the permit, amend it by inserting appropriate 2663
restrictions on it, and forthwith reissue it without charge or 2664
refund to the permit holder, unless, prior to thirty days after 2665
receipt of the final notice of the result of the election, both 2666
of the following occur: 2667

(1) A petition is filed with the board pursuant to section 2668
4301.333 of the Revised Code; 2669

(2) A copy of the petition filed with the board pursuant 2670
to section 4301.333 of the Revised Code, bearing the file stamp 2671
of the board, is filed with the superintendent of liquor 2672
control. 2673

If both of those conditions are met, the results of the 2674
election held pursuant to section 4301.35, 4301.351, 4301.353, 2675
4301.354, 4303.29, or 4305.14 of the Revised Code shall not take 2676
effect as to the liquor permit holder specified in the petition 2677
filed pursuant to section 4301.333 of the Revised Code until the 2678
earlier of a determination by the board and receipt of 2679
notification by the superintendent of liquor control of notice 2680
that the petition is invalid or receipt by the superintendent of 2681
final notice of the result of an election held pursuant to 2682

section 4301.355 of the Revised Code concerning the holder of 2683
the liquor permit that resulted in a majority "no" vote. 2684

(H) If, as the result of a local option election, except a 2685
local option election held pursuant to section 4301.352 of the 2686
Revised Code, the use of a permit is made wholly unlawful, the 2687
permit holder may, within thirty days after the certification of 2688
that final result by the board to the division, deliver the 2689
permit holder's permit to the division for safekeeping as 2690
provided in section 4303.272 of the Revised Code, or the permit 2691
holder may avail itself of the remedy set forth in divisions (G) 2692
(1) and (2) of this section. In such event, the results of the 2693
election shall not take effect as to the liquor permit holder 2694
specified in the petition pursuant to section 4301.333 of the 2695
Revised Code until the earlier of a determination by the board 2696
and receipt by the superintendent of liquor control of notice 2697
that the petition is invalid or receipt by the superintendent of 2698
the final notice of the result of an election held pursuant to 2699
section 4301.355 of the Revised Code concerning the holder of 2700
the liquor permit that resulted in a majority "no" vote. 2701

(I) As used in this section, "internet identifier of 2702
record" has the same meaning as in section 9.312 of the Revised 2703
Code. 2704

Sec. 5713.082. (A) Whenever the county auditor reenters an 2705
item of property to the tax list as provided in section 5713.08 2706
of the Revised Code and there has been no conveyance of the 2707
property between separate entities, the auditor shall send 2708
notice ~~by certified mail~~ to the owner of the property either by 2709
certified mail or, if the auditor has record of an internet 2710
identifier of record associated with the owner, by ordinary mail 2711
and by that internet identifier of record as defined in section 2712

9.312 of the Revised Code that it is now subject to property 2713
taxation as a result of such action. The auditor shall send the 2714
notice at the same time the auditor certifies the real property 2715
tax duplicate to the county treasurer. The notice shall describe 2716
the property and indicate that the owner may reapply for tax 2717
exemption by filing an application for exemption as provided in 2718
section 5715.27 of the Revised Code, and that failure to file 2719
such an application within the proper time period will result in 2720
the owner having to pay the taxes even if the property continued 2721
to be used for an exempt purpose. 2722

(B) If the auditor failed to send the notice required by 2723
this section, and if the owner of the property subsequently 2724
files an application for tax exemption for the property for the 2725
current tax year, the tax commissioner or county auditor may 2726
grant exemption to the property, and the commissioner or auditor 2727
shall remit all taxes and penalties for each prior year since 2728
the property was reentered on the tax list, notwithstanding 2729
division (A) of section 5713.081 of the Revised Code. 2730

Sec. 5715.12. The county board of revision shall not 2731
increase any valuation without giving notice to the person in 2732
whose name the property affected thereby is listed and affording 2733
~~him~~ the person an opportunity to be heard. Such notice shall 2734
describe the real property, the tax value of which is to be 2735
acted upon, by the description thereof as carried on the tax 2736
list of the current year, and shall state the name in which it 2737
is listed; such notice shall be served by delivering a copy 2738
thereof to the person interested, by leaving a copy at the usual 2739
place of residence or business of such person, ~~or~~ by sending the 2740
same by registered letter mailed to the address of such person, 2741
or, if the board has record of an internet identifier of record 2742
associated with the person, by ordinary mail and by that 2743

internet identifier of record as defined in section 9.312 of the 2744
Revised Code. If no such place of residence or business is found 2745
in the county, then such copies shall be delivered or mailed to 2746
the agent in charge of such property. If no such agent is found 2747
in the county, such notice shall be served by an advertisement 2748
thereof inserted once in a newspaper of general circulation in 2749
the county in which the property is situated. Notices to the 2750
respective persons interested in different properties may be 2751
united in one advertisement under the same general heading. 2752
Notices served in accordance with this section shall be 2753
sufficient. 2754

Sec. 5715.19. (A) As used in this section, "member" has 2755
the same meaning as in section 1705.01 of the Revised Code, and 2756
"internet identifier of record" has the same meaning as in 2757
section 9.312 of the Revised Code. 2758

(1) Subject to division (A) (2) of this section, a 2759
complaint against any of the following determinations for the 2760
current tax year shall be filed with the county auditor on or 2761
before the thirty-first day of March of the ensuing tax year or 2762
the date of closing of the collection for the first half of real 2763
and public utility property taxes for the current tax year, 2764
whichever is later: 2765

(a) Any classification made under section 5713.041 of the 2766
Revised Code; 2767

(b) Any determination made under section 5713.32 or 2768
5713.35 of the Revised Code; 2769

(c) Any recoupment charge levied under section 5713.35 of 2770
the Revised Code; 2771

(d) The determination of the total valuation or assessment 2772

of any parcel that appears on the tax list, except parcels 2773
assessed by the tax commissioner pursuant to section 5727.06 of 2774
the Revised Code; 2775

(e) The determination of the total valuation of any parcel 2776
that appears on the agricultural land tax list, except parcels 2777
assessed by the tax commissioner pursuant to section 5727.06 of 2778
the Revised Code; 2779

(f) Any determination made under division (A) of section 2780
319.302 of the Revised Code. 2781

If such a complaint is filed by mail or certified mail, 2782
the date of the United States postmark placed on the envelope or 2783
sender's receipt by the postal service shall be treated as the 2784
date of filing. A private meter postmark on an envelope is not a 2785
valid postmark for purposes of establishing the filing date. 2786

Any person owning taxable real property in the county or 2787
in a taxing district with territory in the county; such a 2788
person's spouse; an individual who is retained by such a person 2789
and who holds a designation from a professional assessment 2790
organization, such as the institute for professionals in 2791
taxation, the national council of property taxation, or the 2792
international association of assessing officers; a public 2793
accountant who holds a permit under section 4701.10 of the 2794
Revised Code, a general or residential real estate appraiser 2795
licensed or certified under Chapter 4763. of the Revised Code, 2796
or a real estate broker licensed under Chapter 4735. of the 2797
Revised Code, who is retained by such a person; if the person is 2798
a firm, company, association, partnership, limited liability 2799
company, or corporation, an officer, a salaried employee, a 2800
partner, or a member of that person; if the person is a trust, a 2801
trustee of the trust; the board of county commissioners; the 2802

prosecuting attorney or treasurer of the county; the board of 2803
township trustees of any township with territory within the 2804
county; the board of education of any school district with any 2805
territory in the county; or the mayor or legislative authority 2806
of any municipal corporation with any territory in the county 2807
may file such a complaint regarding any such determination 2808
affecting any real property in the county, except that a person 2809
owning taxable real property in another county may file such a 2810
complaint only with regard to any such determination affecting 2811
real property in the county that is located in the same taxing 2812
district as that person's real property is located. The county 2813
auditor shall present to the county board of revision all 2814
complaints filed with the auditor. 2815

(2) As used in division (A)(2) of this section, "interim 2816
period" means, for each county, the tax year to which section 2817
5715.24 of the Revised Code applies and each subsequent tax year 2818
until the tax year in which that section applies again. 2819

No person, board, or officer shall file a complaint 2820
against the valuation or assessment of any parcel that appears 2821
on the tax list if it filed a complaint against the valuation or 2822
assessment of that parcel for any prior tax year in the same 2823
interim period, unless the person, board, or officer alleges 2824
that the valuation or assessment should be changed due to one or 2825
more of the following circumstances that occurred after the tax 2826
lien date for the tax year for which the prior complaint was 2827
filed and that the circumstances were not taken into 2828
consideration with respect to the prior complaint: 2829

(a) The property was sold in an arm's length transaction, 2830
as described in section 5713.03 of the Revised Code; 2831

(b) The property lost value due to some casualty; 2832

(c) Substantial improvement was added to the property;	2833
(d) An increase or decrease of at least fifteen per cent	2834
in the property's occupancy has had a substantial economic	2835
impact on the property.	2836
(3) If a county board of revision, the board of tax	2837
appeals, or any court dismisses a complaint filed under this	2838
section or section 5715.13 of the Revised Code for the reason	2839
that the act of filing the complaint was the unauthorized	2840
practice of law or the person filing the complaint was engaged	2841
in the unauthorized practice of law, the party affected by a	2842
decrease in valuation or the party's agent, or the person owning	2843
taxable real property in the county or in a taxing district with	2844
territory in the county, may refile the complaint,	2845
notwithstanding division (A) (2) of this section.	2846
(4) Notwithstanding division (A) (2) of this section, a	2847
person, board, or officer may file a complaint against the	2848
valuation or assessment of any parcel that appears on the tax	2849
list if it filed a complaint against the valuation or assessment	2850
of that parcel for any prior tax year in the same interim period	2851
if the person, board, or officer withdrew the complaint before	2852
the complaint was heard by the board.	2853
(B) Within thirty days after the last date such complaints	2854
may be filed, the auditor shall give notice of each complaint in	2855
which the stated amount of overvaluation, undervaluation,	2856
discriminatory valuation, illegal valuation, or incorrect	2857
determination is at least seventeen thousand five hundred	2858
dollars to each property owner whose property is the subject of	2859
the complaint, if the complaint was not filed by the owner or	2860
the owner's spouse, and to each board of education whose school	2861
district may be affected by the complaint. Within thirty days	2862

after receiving such notice, a board of education; a property 2863
owner; the owner's spouse; an individual who is retained by such 2864
an owner and who holds a designation from a professional 2865
assessment organization, such as the institute for professionals 2866
in taxation, the national council of property taxation, or the 2867
international association of assessing officers; a public 2868
accountant who holds a permit under section 4701.10 of the 2869
Revised Code, a general or residential real estate appraiser 2870
licensed or certified under Chapter 4763. of the Revised Code, 2871
or a real estate broker licensed under Chapter 4735. of the 2872
Revised Code, who is retained by such a person; or, if the 2873
property owner is a firm, company, association, partnership, 2874
limited liability company, corporation, or trust, an officer, a 2875
salaried employee, a partner, a member, or trustee of that 2876
property owner, may file a complaint in support of or objecting 2877
to the amount of alleged overvaluation, undervaluation, 2878
discriminatory valuation, illegal valuation, or incorrect 2879
determination stated in a previously filed complaint or 2880
objecting to the current valuation. Upon the filing of a 2881
complaint under this division, the board of education or the 2882
property owner shall be made a party to the action. 2883

(C) Each board of revision shall notify any complainant 2884
and also the property owner, if the property owner's address is 2885
known, when a complaint is filed by one other than the property 2886
owner, ~~by certified mail,~~ not less than ten days prior to the 2887
hearing, by either certified mail or, if the board has record of 2888
an internet identifier of record associated with the owner, by 2889
ordinary mail and by that internet identifier of record of the 2890
time and place the same will be heard. The board of revision 2891
shall hear and render its decision on a complaint within ninety 2892
days after the filing thereof with the board, except that if a 2893

complaint is filed within thirty days after receiving notice 2894
from the auditor as provided in division (B) of this section, 2895
the board shall hear and render its decision within ninety days 2896
after such filing. 2897

(D) The determination of any such complaint shall relate 2898
back to the date when the lien for taxes or recoupment charges 2899
for the current year attached or the date as of which liability 2900
for such year was determined. Liability for taxes and recoupment 2901
charges for such year and each succeeding year until the 2902
complaint is finally determined and for any penalty and interest 2903
for nonpayment thereof within the time required by law shall be 2904
based upon the determination, valuation, or assessment as 2905
finally determined. Each complaint shall state the amount of 2906
overvaluation, undervaluation, discriminatory valuation, illegal 2907
valuation, or incorrect classification or determination upon 2908
which the complaint is based. The treasurer shall accept any 2909
amount tendered as taxes or recoupment charge upon property 2910
concerning which a complaint is then pending, computed upon the 2911
claimed valuation as set forth in the complaint. If a complaint 2912
filed under this section for the current year is not determined 2913
by the board within the time prescribed for such determination, 2914
the complaint and any proceedings in relation thereto shall be 2915
continued by the board as a valid complaint for any ensuing year 2916
until such complaint is finally determined by the board or upon 2917
any appeal from a decision of the board. In such case, the 2918
original complaint shall continue in effect without further 2919
filing by the original taxpayer, the original taxpayer's 2920
assignee, or any other person or entity authorized to file a 2921
complaint under this section. 2922

(E) If a taxpayer files a complaint as to the 2923
classification, valuation, assessment, or any determination 2924

affecting the taxpayer's own property and tenders less than the 2925
full amount of taxes or recoupment charges as finally 2926
determined, an interest charge shall accrue as follows: 2927

(1) If the amount finally determined is less than the 2928
amount billed but more than the amount tendered, the taxpayer 2929
shall pay interest at the rate per annum prescribed by section 2930
5703.47 of the Revised Code, computed from the date that the 2931
taxes were due on the difference between the amount finally 2932
determined and the amount tendered. This interest charge shall 2933
be in lieu of any penalty or interest charge under section 2934
323.121 of the Revised Code unless the taxpayer failed to file a 2935
complaint and tender an amount as taxes or recoupment charges 2936
within the time required by this section, in which case section 2937
323.121 of the Revised Code applies. 2938

(2) If the amount of taxes finally determined is equal to 2939
or greater than the amount billed and more than the amount 2940
tendered, the taxpayer shall pay interest at the rate prescribed 2941
by section 5703.47 of the Revised Code from the date the taxes 2942
were due on the difference between the amount finally determined 2943
and the amount tendered, such interest to be in lieu of any 2944
interest charge but in addition to any penalty prescribed by 2945
section 323.121 of the Revised Code. 2946

(F) Upon request of a complainant, the tax commissioner 2947
shall determine the common level of assessment of real property 2948
in the county for the year stated in the request that is not 2949
valued under section 5713.31 of the Revised Code, which common 2950
level of assessment shall be expressed as a percentage of true 2951
value and the common level of assessment of lands valued under 2952
such section, which common level of assessment shall also be 2953
expressed as a percentage of the current agricultural use value 2954

of such lands. Such determination shall be made on the basis of 2955
the most recent available sales ratio studies of the 2956
commissioner and such other factual data as the commissioner 2957
deems pertinent. 2958

(G) A complainant shall provide to the board of revision 2959
all information or evidence within the complainant's knowledge 2960
or possession that affects the real property that is the subject 2961
of the complaint. A complainant who fails to provide such 2962
information or evidence is precluded from introducing it on 2963
appeal to the board of tax appeals or the court of common pleas, 2964
except that the board of tax appeals or court may admit and 2965
consider the evidence if the complainant shows good cause for 2966
the complainant's failure to provide the information or evidence 2967
to the board of revision. 2968

(H) In case of the pendency of any proceeding in court 2969
based upon an alleged excessive, discriminatory, or illegal 2970
valuation or incorrect classification or determination, the 2971
taxpayer may tender to the treasurer an amount as taxes upon 2972
property computed upon the claimed valuation as set forth in the 2973
complaint to the court. The treasurer may accept the tender. If 2974
the tender is not accepted, no penalty shall be assessed because 2975
of the nonpayment of the full taxes assessed. 2976

Sec. 5715.20. (A) Whenever a county board of revision 2977
renders a decision on a complaint filed under section 5715.19 of 2978
the Revised Code, it shall ~~certify-give notice of its action by-~~ 2979
~~certified mail-~~ to the person in whose name the property is 2980
listed or sought to be listed and to the complainant if the 2981
complainant is not the person in whose name the property is 2982
listed or sought to be listed. The notice shall be given by 2983
certified mail or, if the board has record of an internet 2984

identifier of record associated with a person, by ordinary mail 2985
and by that internet identifier of record as defined in section 2986
9.312 of the Revised Code. A person's time to file an appeal 2987
under section 5717.01 of the Revised Code commences with the 2988
mailing of notice of the decision to that person as provided in 2989
this section. The tax commissioner's time to file an appeal 2990
under section 5717.01 of the Revised Code commences with the 2991
last mailing to a person required to be mailed notice of the 2992
decision as provided in this division. 2993

(B) The tax commissioner may order the county auditor to 2994
send to the commissioner the decisions of the board of revision 2995
rendered on complaints filed under section 5715.19 of the 2996
Revised Code in the manner and for the time period that the 2997
commissioner prescribes. Nothing in this division extends the 2998
commissioner's time to file an appeal under section 5717.01 of 2999
the Revised Code. 3000

Sec. 5717.01. An appeal from a decision of a county board 3001
of revision may be taken to the board of tax appeals within 3002
thirty days after notice of the decision of the county board of 3003
revision is mailed as provided in division (A) of section 3004
5715.20 of the Revised Code. Such an appeal may be taken by the 3005
county auditor, the tax commissioner, or any board, legislative 3006
authority, public official, or taxpayer authorized by section 3007
5715.19 of the Revised Code to file complaints against 3008
valuations or assessments with the auditor. Such appeal shall be 3009
taken by the filing of a notice of appeal, in person or by 3010
certified mail, express mail, facsimile transmission, electronic 3011
transmission, or by authorized delivery service, with the board 3012
of tax appeals and with the county board of revision. If notice 3013
of appeal is filed by certified mail, express mail, or 3014
authorized delivery service as provided in section 5703.056 of 3015

the Revised Code, the date of the United States postmark placed 3016
on the sender's receipt by the postal service or the date of 3017
receipt recorded by the authorized delivery service shall be 3018
treated as the date of filing. If notice of appeal is filed by 3019
facsimile transmission or electronic transmission, the date and 3020
time the notice is received by the board shall be the date and 3021
time reflected on a timestamp provided by the board's electronic 3022
system, and the appeal shall be considered filed with the board 3023
on the date reflected on that timestamp. Any timestamp provided 3024
by another computer system or electronic submission device shall 3025
not affect the time and date the notice is received by the 3026
board. Upon receipt of such notice of appeal such county board 3027
of revision shall ~~by certified mail~~ notify all persons thereof 3028
who were parties to the proceeding before such county board of 3029
revision by either certified mail or, if the board has record of 3030
an internet identifier of record associated with such a person, 3031
by ordinary mail and by that internet identifier of record, and 3032
shall file proof of such notice or, in the case of ordinary 3033
mail, an affidavit attesting that the board sent the notice with 3034
the board of tax appeals. The county board of revision shall 3035
thereupon certify to the board of tax appeals a transcript of 3036
the record of the proceedings of the county board of revision 3037
pertaining to the original complaint, and all evidence offered 3038
in connection therewith. Such appeal may be heard by the board 3039
of tax appeals at its offices in Columbus or in the county where 3040
the property is listed for taxation, or the board of tax appeals 3041
may cause its examiners to conduct such hearing and to report to 3042
it their findings for affirmation or rejection. An appeal may 3043
proceed pursuant to section 5703.021 of the Revised Code on the 3044
small claims docket if the appeal qualifies under that section. 3045

The board of tax appeals may order the appeal to be heard 3046

on the record and the evidence certified to it by the county 3047
board of revision, or it may order the hearing of additional 3048
evidence, and it may make such investigation concerning the 3049
appeal as it deems proper. 3050

As used in this section, "internet identifier of record" 3051
has the same meaning as in section 9.312 of the Revised Code. 3052

Sec. 5721.30. As used in sections 5721.30 to 5721.43 of 3053
the Revised Code: 3054

(A) "Tax certificate," "certificate," or "duplicate 3055
certificate" means a document that may be issued as a physical 3056
certificate, in book-entry form, or through an electronic 3057
medium, at the discretion of the county treasurer. Such document 3058
shall contain the information required by section 5721.31 of the 3059
Revised Code and shall be prepared, transferred, or redeemed in 3060
the manner prescribed by sections 5721.30 to 5721.43 of the 3061
Revised Code. As used in those sections, "tax certificate," 3062
"certificate," and "duplicate certificate" do not refer to the 3063
delinquent land tax certificate or the delinquent vacant land 3064
tax certificate issued under section 5721.13 of the Revised 3065
Code. 3066

(B) "Certificate parcel" means the parcel of delinquent 3067
land that is the subject of and is described in a tax 3068
certificate. 3069

(C) "Certificate holder" means a person, including a 3070
county land reutilization corporation, that purchases or 3071
otherwise acquires a tax certificate under section 5721.32, 3072
5721.33, or 5721.42 of the Revised Code, or a person to whom a 3073
tax certificate has been transferred pursuant to section 5721.36 3074
of the Revised Code. 3075

(D) "Certificate purchase price" means, with respect to 3076
the sale of tax certificates under sections 5721.32, 5721.33, 3077
and 5721.42 of the Revised Code, the amount equal to delinquent 3078
taxes charged against a certificate parcel at the time the tax 3079
certificate respecting that parcel is sold or transferred, not 3080
including any delinquent taxes the lien for which has been 3081
conveyed to a certificate holder through a prior sale of a tax 3082
certificate respecting that parcel. Payment of the certificate 3083
purchase price in a sale under section 5721.33 of the Revised 3084
Code may be made wholly in cash or partially in cash and 3085
partially by noncash consideration acceptable to the county 3086
treasurer from the purchaser, and, in the case of a county land 3087
reutilization corporation, with notes. In the event that any 3088
such noncash consideration is delivered to pay a portion of the 3089
certificate purchase price, such noncash consideration may be 3090
subordinate to the rights of the holders of other obligations 3091
whose proceeds paid the cash portion of the certificate purchase 3092
price. 3093

"Certificate purchase price" also includes the amount of 3094
the fee charged by the county treasurer to the purchaser of the 3095
certificate under division (H) of section 5721.32 of the Revised 3096
Code. 3097

(E) (1) With respect to a sale of tax certificates under 3098
section 5721.32 of the Revised Code, and except as provided in 3099
division (E) (2) of this section, "certificate redemption price" 3100
means the certificate purchase price plus the greater of the 3101
following: 3102

(a) Simple interest, at the certificate rate of interest, 3103
accruing during the certificate interest period on the 3104
certificate purchase price, calculated in accordance with 3105

section 5721.41 of the Revised Code; 3106

(b) Six per cent of the certificate purchase price. 3107

(2) If the certificate rate of interest equals zero, the 3108
certificate redemption price equals the certificate purchase 3109
price plus the fee charged by the county treasurer to the 3110
purchaser of the certificate under division (H) of section 3111
5721.32 of the Revised Code. 3112

(F) With respect to a sale or transfer of tax certificates 3113
under section 5721.33 of the Revised Code, "certificate 3114
redemption price" means the amount equal to the sum of the 3115
following: 3116

(1) The certificate purchase price; 3117

(2) Interest accrued on the certificate purchase price at 3118
the certificate rate of interest from the date on which a tax 3119
certificate is delivered through and including the day 3120
immediately preceding the day on which the certificate 3121
redemption price is paid; 3122

(3) The fee, if any, charged by the county treasurer to 3123
the purchaser of the certificate under division (J) of section 3124
5721.33 of the Revised Code; 3125

(4) Any other fees charged by any county office in 3126
connection with the recording of tax certificates. 3127

(G) "Certificate rate of interest" means the rate of 3128
simple interest per year bid by the winning bidder in an auction 3129
of a tax certificate held under section 5721.32 of the Revised 3130
Code, or the rate of simple interest per year not to exceed 3131
eighteen per cent per year fixed pursuant to section 5721.42 of 3132
the Revised Code or by the county treasurer with respect to any 3133

tax certificate sold or transferred pursuant to a negotiated 3134
sale under section 5721.33 of the Revised Code. The certificate 3135
rate of interest shall not be less than zero per cent per year. 3136

(H) "Cash" means United States currency, certified checks, 3137
money orders, bank drafts, electronic transfer of funds, or 3138
other forms of payment authorized by the county treasurer, and 3139
excludes any other form of payment not so authorized. 3140

(I) "The date on which a tax certificate is sold or 3141
transferred," "the date the certificate was sold or 3142
transferred," "the date the certificate is purchased," and any 3143
other phrase of similar content mean, with respect to a sale 3144
pursuant to an auction under section 5721.32 of the Revised 3145
Code, the date designated by the county treasurer for the 3146
submission of bids and, with respect to a negotiated sale or 3147
transfer under section 5721.33 of the Revised Code, the date of 3148
delivery of the tax certificates to the purchasers thereof 3149
pursuant to a tax certificate sale/purchase agreement. 3150

(J) "Certificate interest period" means, with respect to a 3151
tax certificate sold under section 5721.32 or 5721.42 of the 3152
Revised Code and for the purpose of accruing interest under 3153
section 5721.41 of the Revised Code, the period beginning on the 3154
date on which the certificate is purchased and, with respect to 3155
a tax certificate sold or transferred under section 5721.33 of 3156
the Revised Code, the period beginning on the date of delivery 3157
of the tax certificate, and in either case ending on one of the 3158
following dates: 3159

(1) The date the certificate holder files a request for 3160
foreclosure or notice of intent to foreclose under division (A) 3161
of section 5721.37 of the Revised Code and submits the payment 3162
required under division (B) of that section; 3163

(2) The date the owner of record of the certificate 3164
parcel, or any other person entitled to redeem that parcel, 3165
redeems the certificate parcel under division (A) or (C) of 3166
section 5721.38 of the Revised Code or redeems the certificate 3167
under section 5721.381 of the Revised Code. 3168

(K) "Qualified trustee" means a trust company within the 3169
state or a bank having the power of a trust company within the 3170
state with a combined capital stock, surplus, and undivided 3171
profits of at least one hundred million dollars. 3172

(L) "Tax certificate sale/purchase agreement" means the 3173
purchase and sale agreement described in division (C) of section 3174
5721.33 of the Revised Code setting forth the certificate 3175
purchase price, plus any applicable premium or less any 3176
applicable discount, including, without limitation, the amount 3177
to be paid in cash and the amount and nature of any noncash 3178
consideration, the date of delivery of the tax certificates, and 3179
the other terms and conditions of the sale, including, without 3180
limitation, the rate of interest that the tax certificates shall 3181
bear. 3182

(M) "Noncash consideration" means any form of 3183
consideration other than cash, including, but not limited to, 3184
promissory notes whether subordinate or otherwise. 3185

(N) "Private attorney" means any attorney licensed to 3186
practice law in this state whose license has not been revoked 3187
and is not currently suspended, and who is retained to bring 3188
foreclosure proceedings pursuant to section 5721.37 of the 3189
Revised Code on behalf of a certificate holder. 3190

(O) "Related certificate parcel" means, with respect to a 3191
certificate holder, the certificate parcel with respect to which 3192

the certificate holder has purchased and holds a tax certificate 3193
pursuant to sections 5721.30 to 5721.43 of the Revised Code and, 3194
with respect to a tax certificate, the certificate parcel 3195
against which the tax certificate has been sold pursuant to 3196
those sections. 3197

(P) "Delinquent taxes" means delinquent taxes as defined 3198
in section 323.01 of the Revised Code and includes assessments 3199
and charges, and penalties and interest computed under section 3200
323.121 of the Revised Code. 3201

(Q) "Certificate period" means the period of time after 3202
the sale or delivery of a tax certificate within which a 3203
certificate holder must initiate an action to foreclose the tax 3204
lien represented by the certificate as specified under division 3205
(A) of section 5721.32 of the Revised Code or as negotiated 3206
under section 5721.33 of the Revised Code. 3207

(R) "Internet identifier of record" has the same meaning 3208
as in section 9.312 of the Revised Code. 3209

Sec. 5721.31. (A) (1) After receipt of a duplicate of the 3210
delinquent land list compiled under section 5721.011 of the 3211
Revised Code, or a delinquent land list compiled previously 3212
under that section, the county treasurer may select from the 3213
list parcels of delinquent land the lien against which the 3214
county treasurer may attempt to transfer by the sale of tax 3215
certificates under sections 5721.30 to 5721.43 of the Revised 3216
Code. None of the following parcels may be selected for a tax 3217
certificate sale: 3218

(a) A parcel for which the full amount of taxes, 3219
assessments, penalties, interest, and charges have been paid; 3220

(b) A parcel for which a valid contract under section 3221

323.122, 323.31, or 5713.20 of the Revised Code is in force; 3222

(c) A parcel the owner of which has filed a petition in 3223
bankruptcy, so long as the parcel is property of the bankruptcy 3224
estate. 3225

(2) The county treasurer shall compile a separate list of 3226
parcels selected for tax certificate sales, including the same 3227
information as is required to be included in the delinquent land 3228
list. 3229

Upon compiling the list of parcels selected for tax 3230
certificate sales, the county treasurer may conduct a title 3231
search for any parcel on the list. 3232

(B) (1) Except as otherwise provided in division (B) (3) of 3233
this section, when tax certificates are to be sold under section 3234
5721.32 of the Revised Code with respect to parcels, the county 3235
treasurer shall send written notice ~~by certified mail~~ to either 3236
the owner of record or all interested parties discoverable 3237
through a title search, or both, of each parcel on the list 3238
either by certified mail or, if the treasurer has record of an 3239
internet identifier of record associated with the owner or 3240
interested party, by ordinary mail and by that internet 3241
identifier of record. A mailed notice to an owner shall be sent 3242
to the owner's last known tax-mailing address. The notice shall 3243
inform the owner or interested parties that a tax certificate 3244
will be offered for sale on the parcel, and that the owner or 3245
interested parties may incur additional expenses as a result of 3246
the sale. 3247

(2) Except as otherwise provided in division (B) (3) of 3248
this section, when tax certificates are to be sold or 3249
transferred under section 5721.33 of the Revised Code with 3250

respect to parcels, the county treasurer, at least thirty days 3251
prior to the date of sale or transfer of such tax certificates, 3252
shall send written notice of the sale or transfer by certified 3253
mail to the last known tax-mailing address of the record owner 3254
of the property or parcel and may send such notice to all 3255
parties with an interest in the property that has been recorded 3256
in the property records of the county pursuant to section 317.08 3257
of the Revised Code. The notice shall state that a tax 3258
certificate will be offered for sale or transfer on the parcel, 3259
and that the owner or interested parties may incur additional 3260
expenses as a result of the sale or transfer. 3261

(3) The county treasurer is not required to send a notice 3262
under division (B) (1) or (B) (2) of this section if the treasurer 3263
previously has attempted to send such notice to the owner of the 3264
parcel and the notice has been returned by the post office as 3265
undeliverable. The absence of a valid tax-mailing address for 3266
the owner of a parcel does not preclude the county treasurer 3267
from selling or transferring a tax certificate for the parcel. 3268

(C) The county treasurer shall advertise the sale of tax 3269
certificates under section 5721.32 of the Revised Code in a 3270
newspaper of general circulation in the county once a week for 3271
two consecutive weeks. The newspaper shall meet the requirements 3272
of section 7.12 of the Revised Code. The advertisement shall 3273
include the date, the time, and the place of the public auction, 3274
abbreviated legal descriptions of the parcels, and the names of 3275
the owners of record of the parcels. The advertisement also 3276
shall include the certificate purchase prices of the parcels or 3277
the total purchase price of tax certificates for sale in blocks 3278
of tax certificates. 3279

(D) After the county treasurer has compiled the list of 3280

parcels selected for tax certificate sales but before a tax 3281
certificate respecting a parcel is sold or transferred, if the 3282
owner of record of the parcel pays to the county treasurer in 3283
cash the delinquent taxes respecting the parcel or otherwise 3284
acts so that any condition in division (A)(1)(a), (b), or (c) of 3285
this section applies to the parcel, the owner of record of the 3286
parcel also shall pay a fee in an amount prescribed by the 3287
treasurer to cover the administrative costs of the treasurer 3288
under this section respecting the parcel. The fee shall be 3289
deposited in the county treasury to the credit of the tax 3290
certificate administration fund. 3291

(E) A tax certificate administration fund shall be created 3292
in the county treasury of each county selling tax certificates 3293
under sections 5721.30 to 5721.43 of the Revised Code. The fund 3294
shall be administered by the county treasurer, and used solely 3295
for the purposes of sections 5721.30 to 5721.43 of the Revised 3296
Code or as otherwise permitted in this division. Any fee 3297
received by the treasurer under sections 5721.30 to 5721.43 of 3298
the Revised Code shall be credited to the fund, except the 3299
bidder registration fee under division (B) of section 5721.32 of 3300
the Revised Code and the county prosecuting attorney's fee under 3301
division (B)(3) of section 5721.37 of the Revised Code. To the 3302
extent there is a surplus in the fund from time to time, the 3303
surplus may, with the approval of the county treasurer, be 3304
utilized for the purposes of a county land reutilization 3305
corporation operating in the county. 3306

(F) The county treasurers of more than one county may 3307
jointly conduct a regional sale of tax certificates under 3308
section 5721.32 of the Revised Code. A regional sale shall be 3309
held at a single location in one county, where the tax 3310
certificates from each of the participating counties shall be 3311

offered for sale at public auction. Before the regional sale, 3312
each county treasurer shall advertise the sale for the parcels 3313
in the treasurer's county as required by division (C) of this 3314
section. At the regional sale, tax certificates shall be sold on 3315
parcels from one county at a time, with all of the certificates 3316
for one county offered for sale before any certificates for the 3317
next county are offered for sale. 3318

(G) The tax commissioner shall prescribe the form of the 3319
tax certificate under this section, and county treasurers shall 3320
use the form so prescribed. 3321

Sec. 5721.32. (A) The sale of tax certificates by public 3322
auction may be conducted at any time after completion of the 3323
advertising of the sale under section 5721.31 of the Revised 3324
Code, on the date and at the time and place designated in the 3325
advertisements, and may be continued from time to time as the 3326
county treasurer directs. The county treasurer may offer the tax 3327
certificates for sale in blocks of tax certificates, consisting 3328
of any number of tax certificates as determined by the county 3329
treasurer, and may specify a certificate period of not less than 3330
three years and not more than six years. 3331

(B) (1) The sale of tax certificates under this section 3332
shall be conducted at a public auction by the county treasurer 3333
or a designee of the county treasurer. 3334

(2) No person shall be permitted to bid without completing 3335
a bidder registration form, in the form prescribed by the tax 3336
commissioner, and without filing the form with the county 3337
treasurer prior to the start of the auction, together with 3338
remittance of a registration fee, in cash, of five hundred 3339
dollars. The bidder registration form shall include a tax 3340
identification number of the registrant. The registration fee is 3341

refundable at the end of bidding on the day of the auction, 3342
unless the registrant is the winning bidder for one or more tax 3343
certificates or one or more blocks of tax certificates, in which 3344
case the fee may be applied toward the deposit required by this 3345
section. 3346

(3) The county treasurer may require a person who wishes 3347
to bid on one or more parcels to submit a letter from a 3348
financial institution stating that the bidder has sufficient 3349
funds available to pay the purchase price of the parcels and a 3350
written authorization for the treasurer to verify such 3351
information with the financial institution. The county treasurer 3352
may require submission of the letter and authorization 3353
sufficiently in advance of the auction to allow for 3354
verification. No person who fails to submit the required letter 3355
and authorization, or whose financial institution fails to 3356
provide the requested verification, shall be permitted to bid. 3357

(C) At the public auction, the county treasurer or the 3358
treasurer's designee or agent shall begin the bidding at 3359
eighteen per cent per year simple interest, and accept lower 3360
bids in even increments of one-fourth of one per cent to the 3361
rate of zero per cent. The county treasurer, designee, or agent 3362
shall award the tax certificate to the person bidding the lowest 3363
certificate rate of interest. The county treasurer shall decide 3364
which person is the winning bidder in the event of a tie for the 3365
lowest bid offered, or if a person contests the lowest bid 3366
offered. The county treasurer's decision is not appealable. 3367

(D) (1) The winning bidder shall pay the county treasurer a 3368
cash deposit of at least ten per cent of the certificate 3369
purchase price not later than the close of business on the day 3370
of the sale. The winning bidder shall pay the balance and the 3371

fee required under division (H) of this section not later than 3372
five business days after the day on which the certificate is 3373
sold. Except as provided under division (D) (2) of this section, 3374
if the winning bidder fails to pay the balance and fee within 3375
the prescribed time, the bidder forfeits the deposit, and the 3376
county treasurer shall retain the tax certificate and may 3377
attempt to sell it at any auction conducted at a later date. 3378

(2) At the request of a winning bidder, the county 3379
treasurer may release the bidder from the bidder's tax 3380
certificate purchase obligation. The county treasurer may retain 3381
all or any portion of the deposit of a bidder granted a release. 3382
After granting a release under this division, the county 3383
treasurer may award the tax certificate to the person that 3384
submitted the second lowest bid at the auction. 3385

(3) The county treasurer shall deposit the deposit 3386
forfeited or retained under ~~divisions~~division (D) (1) or (2) of 3387
this section in the county treasury to the credit of the tax 3388
certificate administration fund. 3389

(E) Upon receipt of the full payment of the certificate 3390
purchase price from the purchaser, the county treasurer shall 3391
issue the tax certificate and record the tax certificate sale by 3392
entering into a tax certificate register the certificate 3393
purchase price, the certificate rate of interest, the date the 3394
certificate was sold, the certificate period, the name and 3395
address of the certificate holder, and any other information the 3396
county treasurer considers necessary. The county treasurer may 3397
keep the tax certificate register in a hard-copy format or in an 3398
electronic format. The name and address of the certificate 3399
holder may be, upon receipt of instructions from the purchaser, 3400
that of the secured party of the actual purchaser, or an agent 3401

or custodian for the purchaser or secured party. The county 3402
treasurer also shall transfer the tax certificate to the 3403
certificate holder. The county treasurer shall apportion the 3404
part of the proceeds from the sale representing taxes, 3405
penalties, and interest among the several taxing districts in 3406
the same proportion that the amount of taxes levied by each 3407
district against the certificate parcel in the preceding tax 3408
year bears to the taxes levied by all such districts against the 3409
certificate parcel in the preceding tax year, and credit the 3410
part of the proceeds representing assessments and other charges 3411
to the items of assessments and charges in the order in which 3412
those items became due. Upon issuing a tax certificate, the 3413
delinquent taxes that make up the certificate purchase price are 3414
transferred, and the superior lien of the state and its taxing 3415
districts for those delinquent taxes is conveyed intact to the 3416
certificate holder. 3417

(F) If a tax certificate is offered for sale under this 3418
section but is not sold, the county treasurer may sell the 3419
certificate in a negotiated sale authorized under section 3420
5721.33 of the Revised Code, or may strike the corresponding 3421
certificate parcel from the list of parcels selected for tax 3422
certificate sales. The lien for taxes, assessments, charges, 3423
penalties, and interest against a parcel stricken from the list 3424
thereafter may be foreclosed in the manner prescribed by section 3425
323.25, sections 323.65 to 323.79, or section 5721.14 or 5721.18 3426
of the Revised Code unless, prior to the institution of such 3427
proceedings against the parcel, the county treasurer restores 3428
the parcel to the list of parcels selected for tax certificate 3429
sales. 3430

(G) A certificate holder shall not be liable for damages 3431
arising from a violation of sections 3737.87 to 3737.891 or 3432

Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., 3433
or 6111. of the Revised Code, or a rule adopted or order, 3434
permit, license, variance, or plan approval issued under any of 3435
those chapters, that is or was committed by another person in 3436
connection with the parcel for which the tax certificate is 3437
held. 3438

(H) When selling a tax certificate under this section, the 3439
county treasurer shall charge a fee to the purchaser of the 3440
certificate. The county treasurer shall set the fee at a 3441
reasonable amount that covers the treasurer's costs of 3442
administering the sale of the tax certificate. The county 3443
treasurer shall deposit the fee in the county treasury to the 3444
credit of the tax certificate administration fund. 3445

(I) After selling a tax certificate under this section, 3446
the county treasurer shall send written notice ~~by certified mail~~ 3447
to the owner of the certificate parcel ~~at~~ by certified mail or, 3448
if the treasurer has record of an internet identifier of record 3449
associated with the owner, by ordinary mail and by that internet 3450
identifier of record. A mailed notice shall be sent to the 3451
owner's last known tax-mailing address. The notice shall inform 3452
the owner that the tax certificate was sold, shall describe the 3453
owner's options to redeem the parcel, including entering into a 3454
redemption payment plan under division (C)(1) of section 5721.38 3455
of the Revised Code, and shall name the certificate holder and 3456
its secured party, if any. However, the county treasurer is not 3457
required to send a notice under this division if the treasurer 3458
previously has attempted to send a notice to the owner of the 3459
parcel at the owner's last known tax-mailing address, and the 3460
postal service has returned the notice as undeliverable. 3461

(J) A tax certificate shall not be sold to the owner of 3462

the certificate parcel. 3463

Sec. 5721.33. (A) A county treasurer may, in the 3464
treasurer's discretion, negotiate the sale or transfer of any 3465
number of tax certificates with one or more persons, including a 3466
county land reutilization corporation. Terms that may be 3467
negotiated include, without limitation, any of the following: 3468

(1) A premium to be added to or discount to be subtracted 3469
from the certificate purchase price for the tax certificates; 3470

(2) Different time frames under which the certificate 3471
holder may initiate a foreclosure action than are otherwise 3472
allowed under sections 5721.30 to 5721.43 of the Revised Code, 3473
not to exceed six years after the date the tax certificate was 3474
sold or transferred; 3475

(3) The amount to be paid in private attorney's fees 3476
related to tax certificate foreclosures, subject to section 3477
5721.371 of the Revised Code; 3478

(4) Any other terms of the sale or transfer that the 3479
county treasurer, in the treasurer's discretion, determines 3480
appropriate or necessary for the sale or transfer. 3481

(B) The sale or transfer of tax certificates under this 3482
section shall be governed by the criteria established by the 3483
county treasurer pursuant to division (E) of this section. 3484

(C) The county treasurer may execute a tax certificate 3485
sale/purchase agreement and other necessary agreements with a 3486
designated purchaser or purchasers to complete a negotiated sale 3487
or transfer of tax certificates. 3488

(D) The tax certificate may be sold at a premium to or 3489
discount from the certificate purchase price. The county 3490

treasurer may establish as one of the terms of the negotiated 3491
sale the portion of the certificate purchase price, plus any 3492
applicable premium or less any applicable discount, that the 3493
purchaser or purchasers shall pay in cash on the date the tax 3494
certificates are sold and the portion, if any, of the 3495
certificate purchase price, plus any applicable premium or less 3496
any applicable discount, that the purchaser or purchasers shall 3497
pay in noncash consideration and the nature of that 3498
consideration. 3499

The county treasurer shall sell such tax certificates at a 3500
certificate purchase price, plus any applicable premium and less 3501
any applicable discount, and at a certificate rate of interest 3502
that, in the treasurer's determination, are in the best 3503
interests of the county. 3504

(E) (1) The county treasurer shall adopt rules governing 3505
the eligibility of persons to purchase tax certificates or to 3506
otherwise participate in a negotiated sale under this section. 3507
The rules may provide for precertification of such persons, 3508
including a requirement for disclosure of income, assets, and 3509
any other financial information the county treasurer determines 3510
appropriate. The rules also may prohibit any person that is 3511
delinquent in the payment of any tax to the county or to the 3512
state, or that is in default in or on any other obligation to 3513
the county or to the state, from purchasing a tax certificate or 3514
otherwise participating in a negotiated sale of tax certificates 3515
under this section. The rules may also authorize the purchase of 3516
certificates by a county land reutilization corporation, and 3517
authorize the county treasurer to receive notes in lieu of cash, 3518
with such notes being payable to the treasurer upon the receipt 3519
or enforcement of such taxes, assessments, charges, costs, 3520
penalties, and interest, and as otherwise further agreed between 3521

the corporation and the treasurer. The eligibility information 3522
required shall include the tax identification number of the 3523
purchaser and may include the tax identification number of the 3524
participant. The county treasurer, upon request, shall provide a 3525
copy of the rules adopted under this section. 3526

(2) Any person that intends to purchase a tax certificate 3527
in a negotiated sale shall submit an affidavit to the county 3528
treasurer that establishes compliance with the applicable 3529
eligibility criteria and includes any other information required 3530
by the treasurer. Any person that fails to submit such an 3531
affidavit is ineligible to purchase a tax certificate. Any 3532
person that knowingly submits a false or misleading affidavit 3533
shall forfeit any tax certificate or certificates purchased by 3534
the person at a sale for which the affidavit was submitted, 3535
shall be liable for payment of the full certificate purchase 3536
price, plus any applicable premium and less any applicable 3537
discount, of the tax certificate or certificates, and shall be 3538
disqualified from participating in any tax certificate sale 3539
conducted in the county during the next five years. 3540

(3) A tax certificate shall not be sold to the owner of 3541
the certificate parcel or to any corporation, partnership, or 3542
association in which such owner has an interest. No person that 3543
purchases a tax certificate in a negotiated sale shall assign or 3544
transfer the tax certificate to the owner of the certificate 3545
parcel or to any corporation, partnership, or association in 3546
which the owner has an interest. Any person that knowingly or 3547
negligently transfers or assigns a tax certificate to the owner 3548
of the certificate parcel or to any corporation, partnership, or 3549
association in which such owner has an interest shall be liable 3550
for payment of the full certificate purchase price, plus any 3551
applicable premium and less any applicable discount, and shall 3552

not be entitled to a refund of any amount paid. Such tax 3553
certificate shall be deemed void and the tax lien sold under the 3554
tax certificate shall revert to the county as if no sale of the 3555
tax certificate had occurred. 3556

(F) The purchaser in a negotiated sale under this section 3557
shall deliver the certificate purchase price or other 3558
consideration, plus any applicable premium and less any 3559
applicable discount and including any noncash consideration, to 3560
the county treasurer not later than the close of business on the 3561
date the tax certificates are delivered to the purchaser. The 3562
certificate purchase price, less any applicable discount, or 3563
portion of the price, that is paid in cash shall be deposited in 3564
the county's general fund to the credit of the account to which 3565
ad valorem real property taxes are credited and further credited 3566
as provided in division (G) of this section. Any applicable 3567
premium that is paid shall be, at the discretion of the county 3568
treasurer, apportioned to and deposited in any authorized county 3569
fund. The purchaser also shall pay on the date the tax 3570
certificates are delivered to the purchaser the fee, if any, 3571
negotiated under division (J) of this section. If the purchaser 3572
fails to pay the certificate purchase price, plus any applicable 3573
premium and less any applicable discount, and any such fee, 3574
within the time periods required by this section, the county 3575
treasurer shall retain the tax certificate and may attempt to 3576
sell it at any auction or negotiated sale conducted at a later 3577
date. 3578

(G) Upon receipt of the full payment from the purchaser of 3579
the certificate purchase price or other agreed-upon 3580
consideration, plus any applicable premium and less any 3581
applicable discount, and the negotiated fee, if any, the county 3582
treasurer, or a qualified trustee whom the treasurer has engaged 3583

for such purpose, shall issue the tax certificate and record the 3584
tax certificate sale by entering into a tax certificate register 3585
the certificate purchase price, any premium paid or discount 3586
taken, the certificate rate of interest, the date the 3587
certificates were sold, the name and address of the certificate 3588
holder or, in the case of issuance of the tax certificates in a 3589
book-entry system, the name and address of the nominee, and any 3590
other information the county treasurer considers necessary. The 3591
county treasurer may keep the tax certificate register in a 3592
hard-copy format or an electronic format. The name and address 3593
of the certificate holder or nominee may be, upon receipt of 3594
instructions from the purchaser, that of the secured party of 3595
the actual purchaser, or an agent or custodian for the purchaser 3596
or secured party. The county treasurer also shall transfer the 3597
tax certificates to the certificate holder. The county treasurer 3598
shall apportion the part of the cash proceeds from the sale 3599
representing taxes, penalties, and interest among the several 3600
taxing districts in the same proportion that the amount of taxes 3601
levied by each district against the certificate parcels in the 3602
preceding tax year bears to the taxes levied by all such 3603
districts against the certificate parcels in the preceding tax 3604
year, and credit the part of the proceeds representing 3605
assessments and other charges to the items of assessments and 3606
charges in the order in which those items became due. If the 3607
cash proceeds from the sale are not sufficient to fully satisfy 3608
the items of taxes, assessments, penalties, interest, and 3609
charges on the certificate parcels against which tax 3610
certificates were sold, the county treasurer shall credit the 3611
cash proceeds to such items pro rata based upon the proportion 3612
that each item of taxes, assessments, penalties, interest, and 3613
charges bears to the aggregate of all such items, or by any 3614
other method that the county treasurer, in the treasurer's sole 3615

discretion, determines is equitable. Upon issuing the tax 3616
certificates, the delinquent taxes that make up the certificate 3617
purchase price are transferred, and the superior lien of the 3618
state and its taxing districts for those delinquent taxes is 3619
conveyed intact to the certificate holder or holders. 3620

(H) If a tax certificate is offered for sale under this 3621
section but is not sold, the county treasurer may strike the 3622
corresponding certificate parcel from the list of parcels 3623
selected for tax certificate sales. The lien for taxes, 3624
assessments, charges, penalties, and interest against a parcel 3625
stricken from the list thereafter may be foreclosed in the 3626
manner prescribed by section 323.25, 5721.14, or 5721.18 of the 3627
Revised Code unless, prior to the institution of such 3628
proceedings against the parcel, the county treasurer restores 3629
the parcel to the list of parcels selected for tax certificate 3630
sales. 3631

(I) Neither a certificate holder nor its secured party, if 3632
any, shall be liable for damages arising from a violation of 3633
sections 3737.87 to 3737.891 or Chapter 3704., 3734., 3745., 3634
3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, 3635
or a rule adopted or order, permit, license, variance, or plan 3636
approval issued under any of those chapters, that is or was 3637
committed by another person in connection with the parcel for 3638
which the tax certificate is held. 3639

(J) When selling or transferring a tax certificate under 3640
this section, the county treasurer may negotiate with the 3641
purchaser of the certificate for fees paid by the purchaser to 3642
the county treasurer to reimburse the treasurer for any part or 3643
all of the treasurer's costs of preparing for and administering 3644
the sale of the tax certificate and any fees set forth by the 3645

county treasurer in the tax certificate sale/purchase agreement. 3646
Such fees, if any, shall be added to the certificate purchase 3647
price and shall be paid by the purchaser on the date of delivery 3648
of the tax certificate. The county treasurer shall deposit the 3649
fees in the county treasury to the credit of the tax certificate 3650
administration fund. 3651

(K) After selling tax certificates under this section, the 3652
county treasurer shall send written notice ~~by certified mail to~~ 3653
~~the last known tax mailing address of~~ the owner of the 3654
certificate parcel by either certified mail or, if the treasurer 3655
has record of an internet identifier of record associated with 3656
the owner, by ordinary mail and by that internet identifier of 3657
record. A mailed notice shall be sent to the owner's last known 3658
tax-mailing address. The notice shall inform the owner that a 3659
tax certificate with respect to such owner's parcel was sold or 3660
transferred and shall describe the owner's options to redeem the 3661
parcel, including entering into a redemption payment plan under 3662
division (C) (2) of section 5721.38 of the Revised Code. However, 3663
the county treasurer is not required to send a notice under this 3664
division if the treasurer previously has attempted to send a 3665
notice to the owner of the parcel at the owner's last known tax- 3666
mailing address and the postal service has returned the notice 3667
as undeliverable. 3668

Sec. 5727.75. (A) For purposes of this section: 3669

(1) "Qualified energy project" means an energy project 3670
certified by the director of development services pursuant to 3671
this section. 3672

(2) "Energy project" means a project to provide electric 3673
power through the construction, installation, and use of an 3674
energy facility. 3675

(3) "Alternative energy zone" means a county declared as 3676
such by the board of county commissioners under division (E) (1) 3677
(b) or (c) of this section. 3678

(4) "Full-time equivalent employee" means the total number 3679
of employee-hours for which compensation was paid to individuals 3680
employed at a qualified energy project for services performed at 3681
the project during the calendar year divided by two thousand 3682
eighty hours. 3683

(5) "Solar energy project" means an energy project 3684
composed of an energy facility using solar panels to generate 3685
electricity. 3686

(6) "Internet identifier of record" has the same meaning 3687
as in section 9.312 of the Revised Code. 3688

(B) (1) Tangible personal property of a qualified energy 3689
project using renewable energy resources is exempt from taxation 3690
for tax years 2011 through 2021 if all of the following 3691
conditions are satisfied: 3692

(a) On or before December 31, 2020, the owner or a lessee 3693
pursuant to a sale and leaseback transaction of the project 3694
submits an application to the power siting board for a 3695
certificate under section 4906.20 of the Revised Code, or if 3696
that section does not apply, submits an application for any 3697
approval, consent, permit, or certificate or satisfies any 3698
condition required by a public agency or political subdivision 3699
of this state for the construction or initial operation of an 3700
energy project. 3701

(b) Construction or installation of the energy facility 3702
begins on or after January 1, 2009, and before January 1, 2021. 3703
For the purposes of this division, construction begins on the 3704

earlier of the date of application for a certificate or other 3705
approval or permit described in division (B) (1) (a) of this 3706
section, or the date the contract for the construction or 3707
installation of the energy facility is entered into. 3708

(c) For a qualified energy project with a nameplate 3709
capacity of five megawatts or greater, a board of county 3710
commissioners of a county in which property of the project is 3711
located has adopted a resolution under division (E) (1) (b) or (c) 3712
of this section to approve the application submitted under 3713
division (E) of this section to exempt the property located in 3714
that county from taxation. A board's adoption of a resolution 3715
rejecting an application or its failure to adopt a resolution 3716
approving the application does not affect the tax-exempt status 3717
of the qualified energy project's property that is located in 3718
another county. 3719

(2) If tangible personal property of a qualified energy 3720
project using renewable energy resources was exempt from 3721
taxation under this section beginning in any of tax years 2011 3722
through 2021, and the certification under division (E) (2) of 3723
this section has not been revoked, the tangible personal 3724
property of the qualified energy project is exempt from taxation 3725
for tax year 2022 and all ensuing tax years if the property was 3726
placed into service before January 1, 2022, as certified in the 3727
construction progress report required under division (F) (2) of 3728
this section. Tangible personal property that has not been 3729
placed into service before that date is taxable property subject 3730
to taxation. An energy project for which certification has been 3731
revoked is ineligible for further exemption under this section. 3732
Revocation does not affect the tax-exempt status of the 3733
project's tangible personal property for the tax year in which 3734
revocation occurs or any prior tax year. 3735

(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, 2021. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation.

(2) For such a qualified energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting the application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(3) The certification for the qualified energy project issued under division (E)(2) of this section has not been revoked. An energy project for which certification has been revoked is ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(D) Except as otherwise provided in this section, real property of a qualified energy project is exempt from taxation

for any tax year for which the tangible personal property of the 3766
qualified energy project is exempted under this section. 3767

(E) (1) (a) A person may apply to the director of 3768
development services for certification of an energy project as a 3769
qualified energy project on or before the following dates: 3770

(i) December 31, 2020, for an energy project using 3771
renewable energy resources; 3772

(ii) December 31, 2017, for an energy project using clean 3773
coal technology, advanced nuclear technology, or cogeneration 3774
technology. 3775

(b) The director shall forward a copy of each application 3776
for certification of an energy project with a nameplate capacity 3777
of five megawatts or greater to the board of county 3778
commissioners of each county in which the project is located and 3779
to each taxing unit with territory located in each of the 3780
affected counties. Any board that receives from the director a 3781
copy of an application submitted under this division shall adopt 3782
a resolution approving or rejecting the application unless it 3783
has adopted a resolution under division (E) (1) (c) of this 3784
section. A resolution adopted under division (E) (1) (b) or (c) of 3785
this section may require an annual service payment to be made in 3786
addition to the service payment required under division (G) of 3787
this section. The sum of the service payment required in the 3788
resolution and the service payment required under division (G) 3789
of this section shall not exceed nine thousand dollars per 3790
megawatt of nameplate capacity located in the county. The 3791
resolution shall specify the time and manner in which the 3792
payments required by the resolution shall be paid to the county 3793
treasurer. The county treasurer shall deposit the payment to the 3794
credit of the county's general fund to be used for any purpose 3795

for which money credited to that fund may be used. 3796

The board shall send copies of the resolution ~~by certified~~ 3797
~~mail~~ to the owner of the facility and the director by certified 3798
mail or, if the board has record of an internet identifier of 3799
record associated with the owner or director, by ordinary mail 3800
and by that internet identifier of record. The board shall send 3801
such notice within thirty days after receipt of the application, 3802
or a longer period of time if authorized by the director. 3803

(c) A board of county commissioners may adopt a resolution 3804
declaring the county to be an alternative energy zone and 3805
declaring all applications submitted to the director of 3806
development services under this division after the adoption of 3807
the resolution, and prior to its repeal, to be approved by the 3808
board. 3809

All tangible personal property and real property of an 3810
energy project with a nameplate capacity of five megawatts or 3811
greater is taxable if it is located in a county in which the 3812
board of county commissioners adopted a resolution rejecting the 3813
application submitted under this division or failed to adopt a 3814
resolution approving the application under division (E) (1) (b) or 3815
(c) of this section. 3816

(2) The director shall certify an energy project if all of 3817
the following circumstances exist: 3818

(a) The application was timely submitted. 3819

(b) For an energy project with a nameplate capacity of 3820
five megawatts or greater, a board of county commissioners of at 3821
least one county in which the project is located has adopted a 3822
resolution approving the application under division (E) (1) (b) or 3823
(c) of this section. 3824

(c) No portion of the project's facility was used to 3825
supply electricity before December 31, 2009. 3826

(3) The director shall deny a certification application if 3827
the director determines the person has failed to comply with any 3828
requirement under this section. The director may revoke a 3829
certification if the director determines the person, or 3830
subsequent owner or lessee pursuant to a sale and leaseback 3831
transaction of the qualified energy project, has failed to 3832
comply with any requirement under this section. Upon 3833
certification or revocation, the director shall notify the 3834
person, owner, or lessee, the tax commissioner, and the county 3835
auditor of a county in which the project is located of the 3836
certification or revocation. Notice shall be provided in a 3837
manner convenient to the director. 3838

(F) The owner or a lessee pursuant to a sale and leaseback 3839
transaction of a qualified energy project shall do each of the 3840
following: 3841

(1) Comply with all applicable regulations; 3842

(2) File with the director of development services a 3843
certified construction progress report before the first day of 3844
March of each year during the energy facility's construction or 3845
installation indicating the percentage of the project completed, 3846
and the project's nameplate capacity, as of the preceding 3847
thirty-first day of December. Unless otherwise instructed by the 3848
director of development services, the owner or lessee of an 3849
energy project shall file a report with the director on or 3850
before the first day of March each year after completion of the 3851
energy facility's construction or installation indicating the 3852
project's nameplate capacity as of the preceding thirty-first 3853
day of December. Not later than sixty days after June 17, 2010, 3854

the owner or lessee of an energy project, the construction of 3855
which was completed before June 17, 2010, shall file a 3856
certificate indicating the project's nameplate capacity. 3857

(3) File with the director of development services, in a 3858
manner prescribed by the director, a report of the total number 3859
of full-time equivalent employees, and the total number of full- 3860
time equivalent employees domiciled in Ohio, who are employed in 3861
the construction or installation of the energy facility; 3862

(4) For energy projects with a nameplate capacity of five 3863
megawatts or greater, repair all roads, bridges, and culverts 3864
affected by construction as reasonably required to restore them 3865
to their preconstruction condition, as determined by the county 3866
engineer in consultation with the local jurisdiction responsible 3867
for the roads, bridges, and culverts. In the event that the 3868
county engineer deems any road, bridge, or culvert to be 3869
inadequate to support the construction or decommissioning of the 3870
energy facility, the road, bridge, or culvert shall be rebuilt 3871
or reinforced to the specifications established by the county 3872
engineer prior to the construction or decommissioning of the 3873
facility. The owner or lessee of the facility shall post a bond 3874
in an amount established by the county engineer and to be held 3875
by the board of county commissioners to ensure funding for 3876
repairs of roads, bridges, and culverts affected during the 3877
construction. The bond shall be released by the board not later 3878
than one year after the date the repairs are completed. The 3879
energy facility owner or lessee pursuant to a sale and leaseback 3880
transaction shall post a bond, as may be required by the Ohio 3881
power siting board in the certificate authorizing commencement 3882
of construction issued pursuant to section 4906.10 of the 3883
Revised Code, to ensure funding for repairs to roads, bridges, 3884
and culverts resulting from decommissioning of the facility. The 3885

energy facility owner or lessee and the county engineer may 3886
enter into an agreement regarding specific transportation plans, 3887
reinforcements, modifications, use and repair of roads, 3888
financial security to be provided, and any other relevant issue. 3889

(5) Provide or facilitate training for fire and emergency 3890
responders for response to emergency situations related to the 3891
energy project and, for energy projects with a nameplate 3892
capacity of five megawatts or greater, at the person's expense, 3893
equip the fire and emergency responders with proper equipment as 3894
reasonably required to enable them to respond to such emergency 3895
situations; 3896

(6) Maintain a ratio of Ohio-domiciled full-time 3897
equivalent employees employed in the construction or 3898
installation of the energy project to total full-time equivalent 3899
employees employed in the construction or installation of the 3900
energy project of not less than eighty per cent in the case of a 3901
solar energy project, and not less than fifty per cent in the 3902
case of any other energy project. In the case of an energy 3903
project for which certification from the power siting board is 3904
required under section 4906.20 of the Revised Code, the number 3905
of full-time equivalent employees employed in the construction 3906
or installation of the energy project equals the number actually 3907
employed or the number projected to be employed in the 3908
certificate application, if such projection is required under 3909
regulations adopted pursuant to section 4906.03 of the Revised 3910
Code, whichever is greater. For all other energy projects, the 3911
number of full-time equivalent employees employed in the 3912
construction or installation of the energy project equals the 3913
number actually employed or the number projected to be employed 3914
by the director of development services, whichever is greater. 3915
To estimate the number of employees to be employed in the 3916

construction or installation of an energy project, the director 3917
shall use a generally accepted job-estimating model in use for 3918
renewable energy projects, including but not limited to the job 3919
and economic development impact model. The director may adjust 3920
an estimate produced by a model to account for variables not 3921
accounted for by the model. 3922

(7) For energy projects with a nameplate capacity in 3923
excess of two megawatts, establish a relationship with a member 3924
of the university system of Ohio as defined in section 3345.011 3925
of the Revised Code or with a person offering an apprenticeship 3926
program registered with the employment and training 3927
administration within the United States department of labor or 3928
with the apprenticeship council created by section 4139.02 of 3929
the Revised Code, to educate and train individuals for careers 3930
in the wind or solar energy industry. The relationship may 3931
include endowments, cooperative programs, internships, 3932
apprenticeships, research and development projects, and 3933
curriculum development. 3934

(8) Offer to sell power or renewable energy credits from 3935
the energy project to electric distribution utilities or 3936
electric service companies subject to renewable energy resource 3937
requirements under section 4928.64 of the Revised Code that have 3938
issued requests for proposal for such power or renewable energy 3939
credits. If no electric distribution utility or electric service 3940
company issues a request for proposal on or before December 31, 3941
2010, or accepts an offer for power or renewable energy credits 3942
within forty-five days after the offer is submitted, power or 3943
renewable energy credits from the energy project may be sold to 3944
other persons. Division (F) (8) of this section does not apply 3945
if: 3946

(a) The owner or lessee is a rural electric company or a municipal power agency as defined in section 3734.058 of the Revised Code.

(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or renewable energy credits with a rural electric company or a municipal power agency.

(c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before June 17, 2010.

(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy project is exempt from taxation under this section. The county treasurer shall allocate the payment on the basis of the project's physical location. Upon receipt of a payment, or if timely payment has not been received, the county treasurer shall certify such receipt or non-receipt to the director of development services and tax commissioner in a form determined by the director and commissioner, respectively. Each payment shall be in the following amount:

(1) In the case of a solar energy project, seven thousand

dollars per megawatt of nameplate capacity located in the county 3976
as of December 31, 2010, for tax year 2011, as of December 31, 3977
2011, for tax year 2012, as of December 31, 2012, for tax year 3978
2013, as of December 31, 2013, for tax year 2014, as of December 3979
31, 2014, for tax year 2015, as of December 31, 2015, for tax 3980
year 2016, and as of December 31, 2016, for tax year 2017 and 3981
each tax year thereafter; 3982

(2) In the case of any other energy project using 3983
renewable energy resources, the following: 3984

(a) If the project maintains during the construction or 3985
installation of the energy facility a ratio of Ohio-domiciled 3986
full-time equivalent employees to total full-time equivalent 3987
employees of not less than seventy-five per cent, six thousand 3988
dollars per megawatt of nameplate capacity located in the county 3989
as of the thirty-first day of December of the preceding tax 3990
year; 3991

(b) If the project maintains during the construction or 3992
installation of the energy facility a ratio of Ohio-domiciled 3993
full-time equivalent employees to total full-time equivalent 3994
employees of less than seventy-five per cent but not less than 3995
sixty per cent, seven thousand dollars per megawatt of nameplate 3996
capacity located in the county as of the thirty-first day of 3997
December of the preceding tax year; 3998

(c) If the project maintains during the construction or 3999
installation of the energy facility a ratio of Ohio-domiciled 4000
full-time equivalent employees to total full-time equivalent 4001
employees of less than sixty per cent but not less than fifty 4002
per cent, eight thousand dollars per megawatt of nameplate 4003
capacity located in the county as of the thirty-first day of 4004
December of the preceding tax year. 4005

(3) In the case of an energy project using clean coal 4006
technology, advanced nuclear technology, or cogeneration 4007
technology, the following: 4008

(a) If the project maintains during the construction or 4009
installation of the energy facility a ratio of Ohio-domiciled 4010
full-time equivalent employees to total full-time equivalent 4011
employees of not less than seventy-five per cent, six thousand 4012
dollars per megawatt of nameplate capacity located in the county 4013
as of the thirty-first day of December of the preceding tax 4014
year; 4015

(b) If the project maintains during the construction or 4016
installation of the energy facility a ratio of Ohio-domiciled 4017
full-time equivalent employees to total full-time equivalent 4018
employees of less than seventy-five per cent but not less than 4019
sixty per cent, seven thousand dollars per megawatt of nameplate 4020
capacity located in the county as of the thirty-first day of 4021
December of the preceding tax year; 4022

(c) If the project maintains during the construction or 4023
installation of the energy facility a ratio of Ohio-domiciled 4024
full-time equivalent employees to total full-time equivalent 4025
employees of less than sixty per cent but not less than fifty 4026
per cent, eight thousand dollars per megawatt of nameplate 4027
capacity located in the county as of the thirty-first day of 4028
December of the preceding tax year. 4029

(H) The director of development services in consultation 4030
with the tax commissioner shall adopt rules pursuant to Chapter 4031
119. of the Revised Code to implement and enforce this section. 4032

Section 2. That existing sections 9.312, 124.327, 128.07, 4033
149.30, 303.14, 307.204, 307.699, 340.02, 343.01, 505.109, 4034

505.391, 505.511, 902.04, 931.03, 940.20, 3517.01, 3517.11, 4035
3791.12, 4301.39, 5713.082, 5715.12, 5715.19, 5715.20, 5717.01, 4036
5721.30, 5721.31, 5721.32, 5721.33, and 5727.75 of the Revised 4037
Code are hereby repealed. 4038