

**As Passed by the Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 271**

**Senator Gentile**

**Cosponsors: Senators Yuko, Jones, Schiavoni, Cafaro, Skindell, Tavares, Thomas, LaRose, Gardner, Hite, Hackett, Brown, Burke, Coley, Eklund, Faber, Hottinger, Hughes, Manning, Obhof, Oelslager, Patton, Peterson, Uecker**

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**A BILL**

To amend sections 9.62 and 721.15 of the Revised Code to authorize a law enforcement officer to purchase a police dog or horse for fair market value when the officer retires in good standing from a law enforcement agency and certain conditions are met, and to declare an emergency. 1  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 9.62 and 721.15 of the Revised Code be amended to read as follows: 7  
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**Sec. 9.62.** (A) As used in this section: 9

(1) "Police dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties. 10  
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(2) "Law enforcement agency" means an organization or unit made up of law enforcement officers as defined in section 2901.01 of the Revised Code. 13  
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(B) Upon the disbanding of the canine or equine unit of a 16

law enforcement agency, the agency shall give the law 17  
enforcement officer to whom a police dog or horse is assigned 18  
the first chance to purchase the animal, for one dollar. An 19  
officer who purchases an animal under this section shall assume 20  
all responsibility for the animal thereafter. 21

(C) If a police dog or horse is injured in the line of 22  
duty, becomes disabled and is unfit for duty, or grows too old 23  
to be fit for duty, the law enforcement officer to whom the 24  
animal is assigned may purchase the animal, for one dollar. If 25  
an officer chooses not to purchase an animal as authorized by 26  
this division or division (B) of this section, the disposition 27  
of the animal shall be as otherwise provided by law. 28

(D) Except as provided in division (E) of this section, 29  
a law enforcement officer who leaves an equine or canine unit of 30  
a law enforcement agency while the police dog or horse assigned 31  
to the officer is still fit for duty forfeits the right to 32  
purchase the animal under this section. 33

(E) Notwithstanding section 721.15 of the Revised Code or 34  
any other provisions of law to the contrary, a law enforcement 35  
officer who retires from an equine or canine unit of a law 36  
enforcement agency in good standing may purchase the police dog 37  
or horse to whom the law enforcement officer was assigned 38  
immediately prior to the officer's retirement at fair market 39  
value if the officer receives approval from both of the 40  
following: 41

(1) The law enforcement agency served by the police dog or 42  
horse; 43

(2) The legislative authority of the municipal corporation 44  
or political subdivision, as applicable, served by the police 45

dog or horse or, in the case of a police dog or horse serving 46  
the state highway patrol, the director of public safety. 47

**Sec. 721.15.** (A) Personal property not needed for 48  
municipal purposes, the estimated value of which is less than 49  
one thousand dollars, may be sold by the board or officer having 50  
supervision or management of that property. ~~If Except as~~ 51  
provided in section 9.62 of the Revised Code, if the estimated 52  
value of that property is one thousand dollars or more, it shall 53  
be sold only when authorized by an ordinance of the legislative 54  
authority of the municipal corporation and approved by the 55  
board, officer, or director having supervision or management of 56  
that property. When so authorized, the board, officer, or 57  
director shall make a written contract with the highest and best 58  
bidder after advertisement for not less than two nor more than 59  
four consecutive weeks in a newspaper of general circulation 60  
within the municipal corporation or as provided in section 7.16 61  
of the Revised Code, or with a board of county commissioners 62  
upon such lawful terms as are agreed upon, as provided by 63  
division (B) (1) of section 721.27 of the Revised Code. 64

(B) When the legislative authority finds, by resolution, 65  
that the municipal corporation has vehicles, equipment, or 66  
machinery which is obsolete, or is not needed or is unfit for 67  
public use, that the municipal corporation has need of other 68  
vehicles, equipment, or machinery of the same type, and that it 69  
will be in the best interest of the municipal corporation that 70  
the sale of obsolete, unneeded, or unfit vehicles, equipment, or 71  
machinery be made simultaneously with the purchase of the new 72  
vehicles, equipment, or machinery of the same type, the 73  
legislative authority may offer to sell, or authorize a board, 74  
officer, or director of the municipal corporation having 75  
supervision or management of the property to offer to sell, 76

those vehicles, equipment, or machinery and to have the selling price credited against the purchase price of other vehicles, equipment, or machinery and to consummate the sale and purchase by a single contract with the lowest and best bidder to be determined by subtracting from the selling price of the vehicles, equipment, or machinery to be purchased by the municipal corporation the purchase price offered for the municipally-owned vehicles, equipment, or machinery. When the legislative authority or the authorized board, officer, or director of a municipal corporation advertises for bids for the sale of new vehicles, equipment, or machinery to the municipal corporation, they may include in the same advertisement a notice of willingness to accept bids for the purchase of municipally-owned vehicles, equipment, or machinery which is obsolete, or is not needed or is unfit for public use, and to have the amount of those bids subtracted from the selling price as a means of determining the lowest and best bidder.

(C) If the legislative authority of the municipal corporation determines that municipal personal property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the legislative authority may discard or salvage that property.

(D) Notwithstanding anything to the contrary in division (A) or (B) of this section and regardless of the property's value, the legislative authority of a municipal corporation may sell personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction. The legislative authority shall adopt, during each calendar year, a resolution expressing

its intent to sell that property by internet auction. The 108  
resolution shall include a description of how the auctions will 109  
be conducted and shall specify the number of days for bidding on 110  
the property, which shall be no less than ten days, including 111  
Saturdays, Sundays, and legal holidays. The resolution shall 112  
indicate whether the municipal corporation will conduct the 113  
auction or the legislative authority will contract with a 114  
representative to conduct the auction and shall establish the 115  
general terms and conditions of sale. If a representative is 116  
known when the resolution is adopted, the resolution shall 117  
provide contact information such as the representative's name, 118  
address, and telephone number. 119

After adoption of the resolution, the legislative 120  
authority shall publish, in a newspaper of general circulation 121  
in the municipal corporation or as provided in section 7.16 of 122  
the Revised Code, notice of its intent to sell unneeded, 123  
obsolete, or unfit municipal personal property by internet 124  
auction. The notice shall include a summary of the information 125  
provided in the resolution and shall be published twice. The 126  
second notice shall be published not less than ten nor more than 127  
twenty days after the previous notice. A similar notice also 128  
shall be posted continually throughout the calendar year in a 129  
conspicuous place in the offices of the village clerk or city 130  
auditor, and the legislative authority. If the municipal 131  
corporation maintains a web site on the internet, the notice 132  
shall be posted continually throughout the calendar year at that 133  
web site. 134

When the property is to be sold by internet auction, the 135  
legislative authority or its representative may establish a 136  
minimum price that will be accepted for specific items and may 137  
establish any other terms and conditions for the particular 138

sale, including requirements for pick-up or delivery, method of 139  
payment, and sales tax. This type of information shall be 140  
provided on the internet at the time of the auction and may be 141  
provided before that time upon request after the terms and 142  
conditions have been determined by the legislative authority or 143  
its representative. 144

**Section 2.** That existing sections 9.62 and 721.15 of the 145  
Revised Code are hereby repealed. 146

**Section 3.** This act is hereby declared to be an emergency 147  
measure necessary for the immediate preservation of the public 148  
peace, health, and safety. The reason for such necessity is that 149  
procedures are necessary to provide for the proper disposition 150  
of a police dog or horse upon the retirement of the public 151  
safety officer to which that dog or horse is assigned. 152  
Therefore, this act shall go into immediate effect. 153