

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 34**

**Representatives Hambley, Ryan**

**Cosponsors: Representatives Wiggam, Greenspan, Blessing, Hill, Becker, Riedel, Goodman, Bishoff, Arndt, Anielski, Antani, Antonio, Ashford, Boyd, Carfagna, Conditt, Craig, Dever, Edwards, Faber, Fedor, Ginter, Green, Henne, Holmes, Howse, Huffman, Kick, Koehler, Landis, Lanese, LaTourette, Leland, Lepore-Hagan, Lipps, McColley, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Reineke, Rogers, Romanchuk, Scherer, Seitz, Sheehy, Slaby, Smith, K., Smith, R., Stein, Sweeney, Thompson, Vitale, West, Young**

**Senators Coley, Beagle, Dolan, Hackett, LaRose, Peterson, Uecker, Yuko**

---

**A BILL**

To amend sections 9.312, 109.43, 124.327, 128.07, 1  
149.30, 149.43, 303.14, 307.204, 309.09, 340.02, 2  
343.01, 505.266, 519.14, 713.21, 902.04, 929.02, 3  
931.03, 940.20, 3517.01, 3517.11, 4301.39, 4  
5713.082, 5713.31, 5713.32, 5715.19, 5715.20, 5  
5717.01, 5721.30, 5721.31, 5721.32, 5721.33, and 6  
5727.75 and to enact sections 308.061, 4582.021, 7  
and 4582.23 of the Revised Code to authorize 8  
certain state agencies, local governments, and 9  
other boards, commissions, and officers to 10  
deliver certain notices by ordinary mail and 11  
electronically instead of by certified mail, to 12  
modify the requirements for public records 13  
training for elected officials, and to allow a 14  
county prosecuting attorney to enter into a 15  
contract with a regional airport authority, port 16  
authority, or regional planning commission to be 17  
its legal adviser. 18

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

**Section 1.** That sections 9.312, 109.43, 124.327, 128.07, 19  
149.30, 149.43, 303.14, 307.204, 309.09, 340.02, 343.01, 20  
505.266, 519.14, 713.21, 902.04, 929.02, 931.03, 940.20, 21  
3517.01, 3517.11, 4301.39, 5713.082, 5713.31, 5713.32, 5715.19, 22  
5715.20, 5717.01, 5721.30, 5721.31, 5721.32, 5721.33, and 23  
5727.75 be amended and sections 308.061, 4582.021, and 4582.23 24  
of the Revised Code be enacted to read as follows: 25

**Sec. 9.312.** (A) If a state agency or political subdivision 26  
is required by law or by an ordinance or resolution adopted 27  
under division (C) of this section to award a contract to the 28  
lowest responsive and responsible bidder, a bidder on the 29  
contract shall be considered responsive if the bidder's proposal 30  
responds to bid specifications in all material respects and 31  
contains no irregularities or deviations from the specifications 32  
which would affect the amount of the bid or otherwise give the 33  
bidder a competitive advantage. The factors that the state 34  
agency or political subdivision shall consider in determining 35  
whether a bidder on the contract is responsible include the 36  
experience of the bidder, the bidder's financial condition, 37  
conduct and performance on previous contracts, facilities, 38  
management skills, and ability to execute the contract properly. 39

For purposes of this division, the provision of a bid 40  
guaranty in accordance with divisions (A)(1) and (B) of section 41  
153.54 of the Revised Code issued by a surety licensed to do 42  
business in this state is evidence of financial responsibility, 43  
but a state agency or political subdivision may request 44  
additional financial information for review from an apparent low 45  
bidder after it opens all submitted bids. A state agency or 46

political subdivision shall keep additional financial 47  
information it receives pursuant to a request under this 48  
division confidential, except under proper order of a court. The 49  
additional financial information is not a public record under 50  
section 149.43 of the Revised Code. 51

An apparent low bidder found not to be responsive and 52  
responsible shall be notified by the state agency or political 53  
subdivision of that finding and the reasons for it. Except for 54  
contracts awarded by the department of administrative services 55  
pursuant to section 125.11 of the Revised Code, the notification 56  
shall be given in writing and either by certified mail or, if 57  
the state agency or political subdivision has record of an 58  
internet identifier of record associated with the bidder, by 59  
ordinary mail and by that internet identifier of record. When 60  
awarding contracts pursuant to section 125.11 of the Revised 61  
Code, the department may send such notice in writing by first 62  
class mail or by electronic means. 63

(B) Where a state agency or a political subdivision that 64  
has adopted an ordinance or resolution under division (C) of 65  
this section determines to award a contract to a bidder other 66  
than the apparent low bidder or bidders for the construction, 67  
reconstruction, improvement, enlargement, alteration, repair, 68  
painting, or decoration of a public improvement, it shall meet 69  
with the apparent low bidder or bidders upon a filing of a 70  
timely written protest. The protest must be received within five 71  
days of the notification required in division (A) of this 72  
section. No final award shall be made until the state agency or 73  
political subdivision either affirms or reverses its earlier 74  
determination. Notwithstanding any other provisions of the 75  
Revised Code, the procedure described in this division is not 76  
subject to Chapter 119. of the Revised Code. 77

(C) A municipal corporation, township, school district, 78  
board of county commissioners, any other county board or 79  
commission, or any other political subdivision required by law 80  
to award contracts by competitive bidding may by ordinance or 81  
resolution adopt a policy of requiring each competitively bid 82  
contract it awards to be awarded to the lowest responsive and 83  
responsible bidder in accordance with this section. 84

(D) As used in this section, "internet identifier of 85  
record" means an electronic mail address, or any other 86  
designation used for self-identification or routing in internet 87  
communication or posting, provided for the purpose of receiving 88  
communication. 89

**Sec. 109.43.** (A) As used in this section: 90

(1) "Designee" means a designee of the elected official in 91  
the public office if that elected official is the only elected 92  
official in the public office involved or a designee of all of 93  
the elected officials in the public office if the public office 94  
involved includes more than one elected official. 95

(2) "Elected official" means an official elected to a 96  
local or statewide office. "Elected official" does not include 97  
the chief justice or a justice of the supreme court, a judge of 98  
a court of appeals, court of common pleas, municipal court, or 99  
county court, or a clerk of any of those courts. 100

(3) "Future official" means a person who has received a 101  
certificate of election to a local or statewide office under 102  
section 3505.38 of the Revised Code but has not yet taken 103  
office. As used in this division, "local or statewide office" 104  
does not include the office of the chief justice or a justice of 105  
the supreme court, a judge of a court of appeals, court of 106

common pleas, municipal court, or county court, or a clerk of 107  
any of those courts. 108

(4) "Public office" has the same meaning as in section 109  
149.011 of the Revised Code. 110

~~(4)~~(5) "Public record" has the same meaning as in section 111  
149.43 of the Revised Code. 112

(B) The attorney general shall develop, provide, and 113  
certify training programs and seminars for all elected officials 114  
or their appropriate designees, and for all future officials who 115  
choose to satisfy the training requirement before taking office, 116  
in order to enhance the officials' knowledge of the duty to 117  
provide access to public records as required by section 149.43 118  
of the Revised Code and to enhance their knowledge of the open 119  
meetings laws set forth in section 121.22 of the Revised Code. 120  
The training shall be three hours for every term of office for 121  
which the elected official or future official was appointed or 122  
elected to the public office involved. The training shall 123  
provide elected officials or their appropriate designees and 124  
future officials with guidance in developing and updating their 125  
offices' policies as required under section 149.43 of the 126  
Revised Code. The successful completion by an elected official 127  
~~or,~~ by an elected official's appropriate designee, or by a 128  
future official of the training requirements established by the 129  
attorney general under this section shall satisfy the education 130  
requirements imposed ~~on elected officials or their appropriate~~ 131  
~~designees~~ under division (E) of section 149.43 of the Revised 132  
Code. 133

(C) The attorney general shall not charge any elected 134  
official ~~or,~~ the appropriate designee of any elected official, 135  
or any future official any fee for attending the training 136

programs and seminars that the attorney general conducts under 137  
this section. The attorney general may allow the attendance of 138  
any other interested persons at any of the training programs or 139  
seminars that the attorney general conducts under this section 140  
and shall not charge the person any fee for attending the 141  
training program or seminar. 142

(D) In addition to developing, providing, and certifying 143  
training programs and seminars as required under division (B) of 144  
this section, the attorney general may contract with one or more 145  
other state agencies, political subdivisions, or other public or 146  
private entities to conduct the training programs and seminars 147  
for elected officials ~~or~~, their appropriate designees, and 148  
future officials under this section. The contract may provide 149  
for the attendance of any other interested persons at any of the 150  
training programs or seminars conducted by the contracting state 151  
agency, political subdivision, or other public or private 152  
entity. The contracting state agency, political subdivision, or 153  
other public or private entity may charge an elected official, 154  
an elected official's appropriate designee, a future official, 155  
or an interested person a registration fee for attending the 156  
training program or seminar conducted by that contracting 157  
agency, political subdivision, or entity pursuant to a contract 158  
entered into under this division. The attorney general shall 159  
determine a reasonable amount for the registration fee based on 160  
the actual and necessary expenses associated with the training 161  
programs and seminars. If the contracting state agency, 162  
political subdivision, or other public or private entity charges 163  
an elected official ~~or~~, an elected official's appropriate 164  
designee, or a future official a registration fee for attending 165  
the training program or seminar conducted pursuant to a contract 166  
entered into under this division by that contracting agency, 167

political subdivision, or entity, the public office for which 168  
the elected official or future official was appointed or elected 169  
to represent may use the public office's own funds to pay for 170  
the cost of the registration fee. 171

(E) The attorney general shall develop and provide to all 172  
public offices a model public records policy for responding to 173  
public records requests in compliance with section 149.43 of the 174  
Revised Code in order to provide guidance to public offices in 175  
developing their own public record policies for responding to 176  
public records requests in compliance with that section. 177

(F) The attorney general may provide any other appropriate 178  
training or educational programs about Ohio's "Sunshine Laws," 179  
sections 121.22, 149.38, 149.381, and 149.43 of the Revised 180  
Code, as may be developed and offered by the attorney general or 181  
by the attorney general in collaboration with one or more other 182  
state agencies, political subdivisions, or other public or 183  
private entities. 184

(G) The auditor of state, in the course of an annual or 185  
biennial audit of a public office pursuant to Chapter 117. of 186  
the Revised Code, shall audit the public office for compliance 187  
with this section and division (E) of section 149.43 of the 188  
Revised Code. 189

**Sec. 124.327.** (A) Employees who have been laid off or 190  
have, by virtue of exercising their displacement rights, been 191  
displaced to a lower classification in their classification 192  
series, shall be placed on appropriate layoff lists. Those 193  
employees with the most retention points within each category of 194  
order of layoff, as established in section 124.323 of the 195  
Revised Code, shall be placed at the top of the layoff list to 196  
be followed by employees ranked in descending total retention 197

order. Laid-off employees shall be placed on layoff lists for 198  
each classification in the classification series equal to or 199  
lower than the classification in which the employee was employed 200  
at the time of layoff. 201

(B) An employee who is laid off retains reinstatement 202  
rights in the agency from which the employee was laid off. 203  
Reinstatement rights continue for one year from the date of 204  
layoff. During this one-year period, in any layoff jurisdiction 205  
in which an appointing authority has an employee on a layoff 206  
list, the appointing authority shall not hire or promote anyone 207  
into a position within that classification until all laid-off 208  
persons on a layoff list for that classification who are 209  
qualified to perform the duties of the position are reinstated 210  
or decline the position when it is offered. 211

For an exempt employee, as defined in section 124.152 of 212  
the Revised Code, who has reinstatement rights into a bargaining 213  
unit classification, the exempt employee's recall jurisdiction 214  
shall be the counties in which the exempt employee indicates 215  
willingness to accept reinstatement as determined by the 216  
applicable collective bargaining agreement. 217

(C) Each laid-off or displaced employee, in addition to 218  
reinstatement rights within the employee's appointing authority, 219  
has the right to reemployment with any other state agency, 220  
board, commission, or independent institution described in 221  
division (B)(1) of section 124.326 of the Revised Code, if the 222  
employee meets all applicable position-specific minimum 223  
qualifications developed by the other agency, board, commission, 224  
or independent institution and reviewed for validity by the 225  
department of administrative services or, in the absence of 226  
position-specific minimum qualifications so developed and 227



reviewed, meets the qualifications described in the applicable 228  
classification, but only in the same classification from which 229  
the employee was initially laid off or displaced. Layoff lists 230  
for each appointing authority must be exhausted before other 231  
jurisdiction reemployment layoff lists are used. 232

(D) Any employee accepting or declining reinstatement to 233  
the same classification and same appointment type from which the 234  
employee was laid off or displaced shall be removed from the 235  
appointing authority's layoff list. 236

(E) Any employee accepting or declining reemployment to 237  
the same classification and the same appointment type from which 238  
the employee was laid off or displaced shall be removed from the 239  
layoff list for the jurisdiction in which the employee accepted 240  
or declined that reemployment as determined under division (C) 241  
of this section. 242

(F) An employee who does not exercise the option to 243  
displace under section 124.324 of the Revised Code shall only be 244  
entitled to reinstatement or reemployment in the classification 245  
from which the employee was displaced or laid off. 246

(G) Except as otherwise provided in this division, an 247  
employee who declines reinstatement to a classification lower in 248  
the classification series than the classification from which the 249  
employee was laid off or displaced, thereafter is only entitled 250  
to reinstatement to a classification higher, up to and including 251  
the classification from which the employee was laid off or 252  
displaced, in the classification series than the classification 253  
that was declined. This division does not apply when an 254  
employee, who was a full-time employee at the time of layoff or 255  
displacement, declines reinstatement in a part-time position. 256

(H) Any employee reinstated or reemployed under this 257  
section shall not serve a probationary period upon reinstatement 258  
or reemployment, except that an employee laid off during an 259  
original or promotional probationary period shall begin a new 260  
probationary period. 261

(I) For the purposes of this section, employees whose 262  
salary or wage is not paid directly by warrant of the director 263  
of budget and management shall be placed on layoff lists of 264  
their appointing authority only. 265

(J) A state agency shall notify an employee recalled from 266  
layoff of the offer of reinstatement or reemployment either by 267  
certified letter or, if the agency has record of an internet 268  
identifier of record associated with the employee, by ordinary 269  
mail and by that internet identifier of record. As used in this 270  
division, "internet identifier of record" has the same meaning 271  
as in section 9.312 of the Revised Code. 272

**Sec. 128.07.** (A) The 9-1-1 planning committee shall 273  
prepare a proposal on the implementation of a countywide 9-1-1 274  
system and shall hold a public meeting on the proposal to 275  
explain the system to and receive comments from public 276  
officials. At least thirty but not more than sixty days before 277  
the meeting, the committee shall send a copy of the 278  
implementation proposal and written notice of the meeting: 279

(1) ~~By certified mail, to~~ To the board of county 280  
commissioners, the legislative authority of each municipal 281  
corporation in the county, and to the board of trustees of each 282  
township in the county, either by certified mail or, if the 283  
committee has record of an internet identifier of record 284  
associated with the board or legislative authority, by ordinary 285  
mail and by that internet identifier of record; and 286

(2) To the board of trustees, directors, or park commissioners of each subdivision that will be served by a public safety answering point under the plan.	287 288 289
(B) The proposal and the final plan adopted by the committee shall specify:	290 291
(1) Which telephone companies serving customers in the county and, as authorized in division (A) (1) of section 128.03 of the Revised Code, in an adjacent county will participate in the 9-1-1 system;	292 293 294 295
(2) The location and number of public safety answering points; how they will be connected to a company's telephone network; from what geographic territory each will receive 9-1-1 calls; whether basic or enhanced 9-1-1 service will be provided within such territory; what subdivisions will be served by the answering point; and whether an answering point will respond to calls by directly dispatching an emergency service provider, by relaying a message to the appropriate provider, or by transferring the call to the appropriate provider;	296 297 298 299 300 301 302 303 304
(3) Which subdivision or regional council of governments will establish, equip, furnish, operate, and maintain a particular public safety answering point;	305 306 307
(4) A projection of the initial cost of establishing, equipping, and furnishing and of the annual cost of the first five years of operating and maintaining each public safety answering point;	308 309 310 311
(5) Whether the cost of establishing, equipping, furnishing, operating, or maintaining each public safety answering point should be funded through charges imposed under section 128.22 of the Revised Code or will be allocated among	312 313 314 315

the subdivisions served by the answering point and, if any such 316  
cost is to be allocated, the formula for so allocating it; 317

(6) How each emergency service provider will respond to a 318  
misdirected call. 319

(C) Following the meeting required by this section, the 9- 320  
1-1 planning committee may modify the implementation proposal 321  
and, no later than nine months after the resolution authorized 322  
by section 128.06 of the Revised Code is adopted, may adopt, by 323  
majority vote, a final plan for implementing a countywide 9-1-1 324  
system. If a planning committee and wireline service provider do 325  
not agree on whether the wireline service provider is capable of 326  
providing the wireline telephone network as described under 327  
division (A) of section 128.03 of the Revised Code and the 328  
planning committee refers that question to the steering 329  
committee, the steering committee may extend the nine-month 330  
deadline established by this division to twelve months. 331  
Immediately on completion of the plan, the planning committee 332  
shall send a copy of the final plan: 333

(1) ~~By certified mail to~~ To the board of county 334  
commissioners of the county, to the legislative authority of 335  
each municipal corporation in the county, and to the board of 336  
township trustees of each township in the county either by 337  
certified mail or, if the committee has record of an internet 338  
identifier of record associated with the board or legislative 339  
authority, by ordinary mail and by that internet identifier of 340  
record; and 341

(2) To the board of trustees, directors, or park 342  
commissioners of each subdivision that will be served by a 343  
public safety answering point under the plan. 344

(D) As used in this section, "internet identifier of record" has the same meaning as in section 9.312 of the Revised Code. 345  
346  
347

**Sec. 149.30.** The Ohio history connection, chartered by 348  
this state as a corporation not for profit to promote a 349  
knowledge of history and archaeology, especially of Ohio, and 350  
operated continuously in the public interest since 1885, may 351  
perform public functions as prescribed by law. 352

The general assembly may appropriate money to the Ohio 353  
history connection each biennium to carry out the public 354  
functions of the Ohio history connection as enumerated in this 355  
section. An appropriation by the general assembly to the Ohio 356  
history connection constitutes an offer to contract with the 357  
Ohio history connection to carry out those public functions for 358  
which appropriations are made. An acceptance by the Ohio history 359  
connection of the appropriated funds constitutes an acceptance 360  
by the Ohio history connection of the offer and is considered an 361  
agreement by the Ohio history connection to perform those 362  
functions in accordance with the terms of the appropriation and 363  
the law and to expend the funds only for the purposes for which 364  
appropriated. The governor may request on behalf of the Ohio 365  
history connection, and the controlling board may release, 366  
additional funds to the Ohio history connection for survey, 367  
salvage, repair, or rehabilitation of an emergency nature for 368  
which funds have not been appropriated, and acceptance by the 369  
Ohio history connection of those funds constitutes an agreement 370  
on the part of the Ohio history connection to expend those funds 371  
only for the purpose for which released by the controlling 372  
board. 373

The Ohio history connection shall faithfully expend and 374

apply all moneys received from the state to the uses and 375  
purposes directed by law and for necessary administrative 376  
expenses. If the general assembly appropriates money to the Ohio 377  
history connection for grants or subsidies to other entities for 378  
their site-related programs, the Ohio history connection, except 379  
for good cause, shall distribute the money within ninety days of 380  
accepting a grant or subsidy application for the money. 381

The Ohio history connection shall perform the public 382  
function of sending notice by ordinary or certified mail to the 383  
owner of any property at the time it is listed on the national 384  
register of historic places. The Ohio history connection shall 385  
accurately record all expenditures of such funds in conformity 386  
with generally accepted accounting principles. 387

The auditor of state shall audit all funds and fiscal 388  
records of the Ohio history connection. 389

The public functions to be performed by the Ohio history 390  
connection shall include all of the following: 391

(A) Creating, supervising, operating, protecting, 392  
maintaining, and promoting for public use a system of state 393  
memorials, titles to which may reside wholly or in part with 394  
this state or wholly or in part with the Ohio history connection 395  
as provided in and in conformity to appropriate acts and 396  
resolves of the general assembly, and leasing for renewable 397  
periods of two years or less, with the advice and consent of the 398  
attorney general and the director of administrative services, 399  
lands and buildings owned by the state which are in the care, 400  
custody, and control of the Ohio history connection, all of 401  
which shall be maintained and kept for public use at reasonable 402  
hours; 403

(B) Making alterations and improvements, marking, and	404
constructing, reconstructing, protecting, or restoring	405
structures, earthworks, and monuments in its care, and equipping	406
such facilities with appropriate educational maintenance	407
facilities;	408
(C) Serving as the archives administration for the state	409
and its political subdivisions as provided in sections 149.31 to	410
149.42 of the Revised Code;	411
(D) Administering a state historical museum, to be the	412
headquarters of the society and its principal museum and	413
library, which shall be maintained and kept for public use at	414
reasonable hours;	415
(E) Establishing a marking system to identify all	416
designated historic and archaeological sites within the state	417
and marking or causing to be marked historic sites and	418
communities considered by the society to be historically or	419
archaeologically significant;	420
(F) Publishing books, pamphlets, periodicals, and other	421
publications about history, archaeology, and natural science and	422
offering one copy of each regular periodical issue to all public	423
libraries in this state at a reasonable price, which shall not	424
exceed one hundred ten per cent more than the total cost of	425
publication;	426
(G) Engaging in research in history, archaeology, and	427
natural science and providing historical information upon	428
request to all state agencies;	429
(H) Collecting, preserving, and making available by all	430
appropriate means and under approved safeguards all manuscript,	431
print, or near-print library collections and all historical	432

objects, specimens, and artifacts which pertain to the history 433  
of Ohio and its people, including the following original 434  
documents: Ohio Constitution of 1802; Ohio Constitution of 1851; 435  
proposed Ohio Constitution of 1875; design and the letters of 436  
patent and assignment of patent for the state flag; S.J.R. 13 437  
(1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); 438  
H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 439  
(1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); 440  
H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 441  
(1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 442  
(1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); 443  
S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936); 444  
petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 445  
8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 446  
(1947); and H.J.R. 48 (1947); 447

(I) Encouraging and promoting the organization and 448  
development of county and local historical societies; 449

(J) Providing to Ohio schools such materials as the Ohio 450  
history connection may prepare to facilitate the instruction of 451  
Ohio history at a reasonable price, which shall not exceed one 452  
hundred ten per cent more than the total cost of preparation and 453  
delivery; 454

(K) Providing advisory and technical assistance to local 455  
societies for the preservation and restoration of historic and 456  
archaeological sites; 457

(L) Devising uniform criteria for the designation of 458  
historic and archaeological sites throughout the state and 459  
advising local historical societies of the criteria and their 460  
application; 461



(M) Taking inventory, in cooperation with the Ohio arts 462  
council, the Ohio archaeological council, and the archaeological 463  
society of Ohio, of significant designated and undesignated 464  
state and local sites and keeping an active registry of all 465  
designated sites within the state; 466

(N) Contracting with the owners or persons having an 467  
interest in designated historic or archaeological sites or 468  
property adjacent or contiguous to those sites, or acquiring, by 469  
purchase, gift, or devise, easements in those sites or in 470  
property adjacent or contiguous to those sites, in order to 471  
control or restrict the use of those historic or archaeological 472  
sites or adjacent or contiguous property for the purpose of 473  
restoring or preserving the historical or archaeological 474  
significance or educational value of those sites; 475

(O) Constructing a monument honoring Governor James A. 476  
Rhodes, which shall stand on the northeast quadrant of the 477  
grounds surrounding the capitol building. The monument shall be 478  
constructed with private funds donated to the Ohio history 479  
connection and designated for this purpose. No public funds 480  
shall be expended to construct this monument. The department of 481  
administrative services shall cooperate with the Ohio history 482  
connection in carrying out this function and shall maintain the 483  
monument in a manner compatible with the grounds of the capitol 484  
building. 485

(P) Commissioning a portrait of each departing governor, 486  
which shall be displayed in the capitol building. The Ohio 487  
history connection may accept private contributions designated 488  
for this purpose and, at the discretion of its board of 489  
trustees, also may apply for the same purpose funds appropriated 490  
by the general assembly to the Ohio history connection pursuant 491

to this section. 492

(Q) Submitting an annual report of its activities, 493  
programs, and operations to the governor within two months after 494  
the close of each fiscal year of the state. 495

The Ohio history connection shall not sell, mortgage, 496  
transfer, or dispose of historical or archaeological sites to 497  
which it has title and in which the state has monetary interest 498  
except by action of the general assembly. 499

In consideration of the public functions performed by the 500  
Ohio history connection for the state, employees of the Ohio 501  
history connection shall be considered public employees within 502  
the meaning of section 145.01 of the Revised Code. 503

**Sec. 149.43.** (A) As used in this section: 504

(1) "Public record" means records kept by any public 505  
office, including, but not limited to, state, county, city, 506  
village, township, and school district units, and records 507  
pertaining to the delivery of educational services by an 508  
alternative school in this state kept by the nonprofit or for- 509  
profit entity operating the alternative school pursuant to 510  
section 3313.533 of the Revised Code. "Public record" does not 511  
mean any of the following: 512

(a) Medical records; 513

(b) Records pertaining to probation and parole proceedings 514  
or to proceedings related to the imposition of community control 515  
sanctions and post-release control sanctions; 516

(c) Records pertaining to actions under section 2151.85 517  
and division (C) of section 2919.121 of the Revised Code and to 518  
appeals of actions arising under those sections; 519

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	520 521 522
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	523 524 525 526 527 528
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	529 530
(g) Trial preparation records;	531
(h) Confidential law enforcement investigatory records;	532
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	533 534
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	535 536
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	537 538 539 540
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	541 542 543 544
(m) Intellectual property records;	545
(n) Donor profile records;	546

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	547 548
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	549 550 551 552 553 554 555
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	556 557 558 559 560
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	561 562
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	563 564 565 566 567 568 569 570 571 572 573 574
(t) Records provided to and statements made by the	575

executive director of a public children services agency or a 576  
prosecuting attorney acting pursuant to section 5153.171 of the 577  
Revised Code other than the information released under that 578  
section; 579

(u) Test materials, examinations, or evaluation tools used 580  
in an examination for licensure as a nursing home administrator 581  
that the board of executives of long-term services and supports 582  
administers under section 4751.04 of the Revised Code or 583  
contracts under that section with a private or government entity 584  
to administer; 585

(v) Records the release of which is prohibited by state or 586  
federal law; 587

(w) Proprietary information of or relating to any person 588  
that is submitted to or compiled by the Ohio venture capital 589  
authority created under section 150.01 of the Revised Code; 590

(x) Financial statements and data any person submits for 591  
any purpose to the Ohio housing finance agency or the 592  
controlling board in connection with applying for, receiving, or 593  
accounting for financial assistance from the agency, and 594  
information that identifies any individual who benefits directly 595  
or indirectly from financial assistance from the agency; 596

(y) Records listed in section 5101.29 of the Revised Code; 597

(z) Discharges recorded with a county recorder under 598  
section 317.24 of the Revised Code, as specified in division (B) 599  
(2) of that section; 600

(aa) Usage information including names and addresses of 601  
specific residential and commercial customers of a municipally 602  
owned or operated public utility; 603

(bb) Records described in division (C) of section 187.04 604  
of the Revised Code that are not designated to be made available 605  
to the public as provided in that division; 606

(cc) Information and records that are made confidential, 607  
privileged, and not subject to disclosure under divisions (B) 608  
and (C) of section 2949.221 of the Revised Code; 609

(dd) Personal information, as defined in section 149.45 of 610  
the Revised Code; 611

(ee) The confidential name, address, and other personally 612  
identifiable information of a program participant in the address 613  
confidentiality program established under sections 111.41 to 614  
111.47 of the Revised Code, including the contents of any 615  
application for absent voter's ballots, absent voter's ballot 616  
identification envelope statement of voter, or provisional 617  
ballot affirmation completed by a program participant who has a 618  
confidential voter registration record, and records or portions 619  
of records pertaining to that program that identify the number 620  
of program participants that reside within a precinct, ward, 621  
township, municipal corporation, county, or any other geographic 622  
area smaller than the state. As used in this division, 623  
"confidential address" and "program participant" have the 624  
meaning defined in section 111.41 of the Revised Code. 625

(ff) Orders for active military service of an individual 626  
serving or with previous service in the armed forces of the 627  
United States, including a reserve component, or the Ohio 628  
organized militia, except that, such order becomes a public 629  
record on the day that is fifteen years after the published date 630  
or effective date of the call to order. 631

(2) "Confidential law enforcement investigatory record" 632

means any record that pertains to a law enforcement matter of a 633  
criminal, quasi-criminal, civil, or administrative nature, but 634  
only to the extent that the release of the record would create a 635  
high probability of disclosure of any of the following: 636

(a) The identity of a suspect who has not been charged 637  
with the offense to which the record pertains, or of an 638  
information source or witness to whom confidentiality has been 639  
reasonably promised; 640

(b) Information provided by an information source or 641  
witness to whom confidentiality has been reasonably promised, 642  
which information would reasonably tend to disclose the source's 643  
or witness's identity; 644

(c) Specific confidential investigatory techniques or 645  
procedures or specific investigatory work product; 646

(d) Information that would endanger the life or physical 647  
safety of law enforcement personnel, a crime victim, a witness, 648  
or a confidential information source. 649

(3) "Medical record" means any document or combination of 650  
documents, except births, deaths, and the fact of admission to 651  
or discharge from a hospital, that pertains to the medical 652  
history, diagnosis, prognosis, or medical condition of a patient 653  
and that is generated and maintained in the process of medical 654  
treatment. 655

(4) "Trial preparation record" means any record that 656  
contains information that is specifically compiled in reasonable 657  
anticipation of, or in defense of, a civil or criminal action or 658  
proceeding, including the independent thought processes and 659  
personal trial preparation of an attorney. 660

(5) "Intellectual property record" means a record, other 661

than a financial or administrative record, that is produced or 662  
collected by or for faculty or staff of a state institution of 663  
higher learning in the conduct of or as a result of study or 664  
research on an educational, commercial, scientific, artistic, 665  
technical, or scholarly issue, regardless of whether the study 666  
or research was sponsored by the institution alone or in 667  
conjunction with a governmental body or private concern, and 668  
that has not been publicly released, published, or patented. 669

(6) "Donor profile record" means all records about donors 670  
or potential donors to a public institution of higher education 671  
except the names and reported addresses of the actual donors and 672  
the date, amount, and conditions of the actual donation. 673

(7) "Peace officer, parole officer, probation officer, 674  
bailiff, prosecuting attorney, assistant prosecuting attorney, 675  
correctional employee, community-based correctional facility 676  
employee, youth services employee, firefighter, EMT, 677  
investigator of the bureau of criminal identification and 678  
investigation, or federal law enforcement officer residential 679  
and familial information" means any information that discloses 680  
any of the following about a peace officer, parole officer, 681  
probation officer, bailiff, prosecuting attorney, assistant 682  
prosecuting attorney, correctional employee, community-based 683  
correctional facility employee, youth services employee, 684  
firefighter, EMT, investigator of the bureau of criminal 685  
identification and investigation, or federal law enforcement 686  
officer: 687

(a) The address of the actual personal residence of a 688  
peace officer, parole officer, probation officer, bailiff, 689  
assistant prosecuting attorney, correctional employee, 690  
community-based correctional facility employee, youth services 691



employee, firefighter, EMT, an investigator of the bureau of 692  
criminal identification and investigation, or federal law 693  
enforcement officer, except for the state or political 694  
subdivision in which the peace officer, parole officer, 695  
probation officer, bailiff, assistant prosecuting attorney, 696  
correctional employee, community-based correctional facility 697  
employee, youth services employee, firefighter, EMT, 698  
investigator of the bureau of criminal identification and 699  
investigation, or federal law enforcement officer resides; 700

(b) Information compiled from referral to or participation 701  
in an employee assistance program; 702

(c) The social security number, the residential telephone 703  
number, any bank account, debit card, charge card, or credit 704  
card number, or the emergency telephone number of, or any 705  
medical information pertaining to, a peace officer, parole 706  
officer, probation officer, bailiff, prosecuting attorney, 707  
assistant prosecuting attorney, correctional employee, 708  
community-based correctional facility employee, youth services 709  
employee, firefighter, EMT, investigator of the bureau of 710  
criminal identification and investigation, or federal law 711  
enforcement officer; 712

(d) The name of any beneficiary of employment benefits, 713  
including, but not limited to, life insurance benefits, provided 714  
to a peace officer, parole officer, probation officer, bailiff, 715  
prosecuting attorney, assistant prosecuting attorney, 716  
correctional employee, community-based correctional facility 717  
employee, youth services employee, firefighter, EMT, 718  
investigator of the bureau of criminal identification and 719  
investigation, or federal law enforcement officer by the peace 720  
officer's, parole officer's, probation officer's, bailiff's, 721

prosecuting attorney's, assistant prosecuting attorney's, 722  
correctional employee's, community-based correctional facility 723  
employee's, youth services employee's, firefighter's, EMT's, 724  
investigator of the bureau of criminal identification and 725  
investigation's, or federal law enforcement officer's employer; 726

(e) The identity and amount of any charitable or 727  
employment benefit deduction made by the peace officer's, parole 728  
officer's, probation officer's, bailiff's, prosecuting 729  
attorney's, assistant prosecuting attorney's, correctional 730  
employee's, community-based correctional facility employee's, 731  
youth services employee's, firefighter's, EMT's, investigator of 732  
the bureau of criminal identification and investigation's, or 733  
federal law enforcement officer's employer from the peace 734  
officer's, parole officer's, probation officer's, bailiff's, 735  
prosecuting attorney's, assistant prosecuting attorney's, 736  
correctional employee's, community-based correctional facility 737  
employee's, youth services employee's, firefighter's, EMT's, 738  
investigator of the bureau of criminal identification and 739  
investigation's, or federal law enforcement officer's 740  
compensation unless the amount of the deduction is required by 741  
state or federal law; 742

(f) The name, the residential address, the name of the 743  
employer, the address of the employer, the social security 744  
number, the residential telephone number, any bank account, 745  
debit card, charge card, or credit card number, or the emergency 746  
telephone number of the spouse, a former spouse, or any child of 747  
a peace officer, parole officer, probation officer, bailiff, 748  
prosecuting attorney, assistant prosecuting attorney, 749  
correctional employee, community-based correctional facility 750  
employee, youth services employee, firefighter, EMT, 751  
investigator of the bureau of criminal identification and 752

investigation, or federal law enforcement officer; 753

(g) A photograph of a peace officer who holds a position 754  
or has an assignment that may include undercover or plain 755  
clothes positions or assignments as determined by the peace 756  
officer's appointing authority. 757

As used in divisions (A) (7) and (B) (9) of this section, 758  
"peace officer" has the same meaning as in section 109.71 of the 759  
Revised Code and also includes the superintendent and troopers 760  
of the state highway patrol; it does not include the sheriff of 761  
a county or a supervisory employee who, in the absence of the 762  
sheriff, is authorized to stand in for, exercise the authority 763  
of, and perform the duties of the sheriff. 764

As used in divisions (A) (7) and (B) (9) of this section, 765  
"correctional employee" means any employee of the department of 766  
rehabilitation and correction who in the course of performing 767  
the employee's job duties has or has had contact with inmates 768  
and persons under supervision. 769

As used in divisions (A) (7) and (B) (9) of this section, 770  
"youth services employee" means any employee of the department 771  
of youth services who in the course of performing the employee's 772  
job duties has or has had contact with children committed to the 773  
custody of the department of youth services. 774

As used in divisions (A) (7) and (B) (9) of this section, 775  
"firefighter" means any regular, paid or volunteer, member of a 776  
lawfully constituted fire department of a municipal corporation, 777  
township, fire district, or village. 778

As used in divisions (A) (7) and (B) (9) of this section, 779  
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 780  
emergency medical services for a public emergency medical 781

service organization. "Emergency medical service organization," 782  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 783  
in section 4765.01 of the Revised Code. 784

As used in divisions (A) (7) and (B) (9) of this section, 785  
"investigator of the bureau of criminal identification and 786  
investigation" has the meaning defined in section 2903.11 of the 787  
Revised Code. 788

As used in divisions (A) (7) and (B) (9) of this section, 789  
"federal law enforcement officer" has the meaning defined in 790  
section 9.88 of the Revised Code. 791

(8) "Information pertaining to the recreational activities 792  
of a person under the age of eighteen" means information that is 793  
kept in the ordinary course of business by a public office, that 794  
pertains to the recreational activities of a person under the 795  
age of eighteen years, and that discloses any of the following: 796

(a) The address or telephone number of a person under the 797  
age of eighteen or the address or telephone number of that 798  
person's parent, guardian, custodian, or emergency contact 799  
person; 800

(b) The social security number, birth date, or 801  
photographic image of a person under the age of eighteen; 802

(c) Any medical record, history, or information pertaining 803  
to a person under the age of eighteen; 804

(d) Any additional information sought or required about a 805  
person under the age of eighteen for the purpose of allowing 806  
that person to participate in any recreational activity 807  
conducted or sponsored by a public office or to use or obtain 808  
admission privileges to any recreational facility owned or 809  
operated by a public office. 810

(9) "Community control sanction" has the same meaning as 811  
in section 2929.01 of the Revised Code. 812

(10) "Post-release control sanction" has the same meaning 813  
as in section 2967.01 of the Revised Code. 814

(11) "Redaction" means obscuring or deleting any 815  
information that is exempt from the duty to permit public 816  
inspection or copying from an item that otherwise meets the 817  
definition of a "record" in section 149.011 of the Revised Code. 818

(12) "Designee," ~~and~~ "elected official," and "future 819  
official" have the same meanings as in section 109.43 of the 820  
Revised Code. 821

(B) (1) Upon request and subject to division (B) (8) of this 822  
section, all public records responsive to the request shall be 823  
promptly prepared and made available for inspection to any 824  
person at all reasonable times during regular business hours. 825  
Subject to division (B) (8) of this section, upon request, a 826  
public office or person responsible for public records shall 827  
make copies of the requested public record available at cost and 828  
within a reasonable period of time. If a public record contains 829  
information that is exempt from the duty to permit public 830  
inspection or to copy the public record, the public office or 831  
the person responsible for the public record shall make 832  
available all of the information within the public record that 833  
is not exempt. When making that public record available for 834  
public inspection or copying that public record, the public 835  
office or the person responsible for the public record shall 836  
notify the requester of any redaction or make the redaction 837  
plainly visible. A redaction shall be deemed a denial of a 838  
request to inspect or copy the redacted information, except if 839  
federal or state law authorizes or requires a public office to 840

make the redaction. 841

(2) To facilitate broader access to public records, a 842  
public office or the person responsible for public records shall 843  
organize and maintain public records in a manner that they can 844  
be made available for inspection or copying in accordance with 845  
division (B) of this section. A public office also shall have 846  
available a copy of its current records retention schedule at a 847  
location readily available to the public. If a requester makes 848  
an ambiguous or overly broad request or has difficulty in making 849  
a request for copies or inspection of public records under this 850  
section such that the public office or the person responsible 851  
for the requested public record cannot reasonably identify what 852  
public records are being requested, the public office or the 853  
person responsible for the requested public record may deny the 854  
request but shall provide the requester with an opportunity to 855  
revise the request by informing the requester of the manner in 856  
which records are maintained by the public office and accessed 857  
in the ordinary course of the public office's or person's 858  
duties. 859

(3) If a request is ultimately denied, in part or in 860  
whole, the public office or the person responsible for the 861  
requested public record shall provide the requester with an 862  
explanation, including legal authority, setting forth why the 863  
request was denied. If the initial request was provided in 864  
writing, the explanation also shall be provided to the requester 865  
in writing. The explanation shall not preclude the public office 866  
or the person responsible for the requested public record from 867  
relying upon additional reasons or legal authority in defending 868  
an action commenced under division (C) of this section. 869

(4) Unless specifically required or authorized by state or 870

federal law or in accordance with division (B) of this section, 871  
no public office or person responsible for public records may 872  
limit or condition the availability of public records by 873  
requiring disclosure of the requester's identity or the intended 874  
use of the requested public record. Any requirement that the 875  
requester disclose the requester's identity or the intended use 876  
of the requested public record constitutes a denial of the 877  
request. 878

(5) A public office or person responsible for public 879  
records may ask a requester to make the request in writing, may 880  
ask for the requester's identity, and may inquire about the 881  
intended use of the information requested, but may do so only 882  
after disclosing to the requester that a written request is not 883  
mandatory and that the requester may decline to reveal the 884  
requester's identity or the intended use and when a written 885  
request or disclosure of the identity or intended use would 886  
benefit the requester by enhancing the ability of the public 887  
office or person responsible for public records to identify, 888  
locate, or deliver the public records sought by the requester. 889

(6) If any person chooses to obtain a copy of a public 890  
record in accordance with division (B) of this section, the 891  
public office or person responsible for the public record may 892  
require that person to pay in advance the cost involved in 893  
providing the copy of the public record in accordance with the 894  
choice made by the person seeking the copy under this division. 895  
The public office or the person responsible for the public 896  
record shall permit that person to choose to have the public 897  
record duplicated upon paper, upon the same medium upon which 898  
the public office or person responsible for the public record 899  
keeps it, or upon any other medium upon which the public office 900  
or person responsible for the public record determines that it 901

reasonably can be duplicated as an integral part of the normal 902  
operations of the public office or person responsible for the 903  
public record. When the person seeking the copy makes a choice 904  
under this division, the public office or person responsible for 905  
the public record shall provide a copy of it in accordance with 906  
the choice made by the person seeking the copy. Nothing in this 907  
section requires a public office or person responsible for the 908  
public record to allow the person seeking a copy of the public 909  
record to make the copies of the public record. 910

(7) (a) Upon a request made in accordance with division (B) 911  
of this section and subject to division (B) (6) of this section, 912  
a public office or person responsible for public records shall 913  
transmit a copy of a public record to any person by United 914  
States mail or by any other means of delivery or transmission 915  
within a reasonable period of time after receiving the request 916  
for the copy. The public office or person responsible for the 917  
public record may require the person making the request to pay 918  
in advance the cost of postage if the copy is transmitted by 919  
United States mail or the cost of delivery if the copy is 920  
transmitted other than by United States mail, and to pay in 921  
advance the costs incurred for other supplies used in the 922  
mailing, delivery, or transmission. 923

(b) Any public office may adopt a policy and procedures 924  
that it will follow in transmitting, within a reasonable period 925  
of time after receiving a request, copies of public records by 926  
United States mail or by any other means of delivery or 927  
transmission pursuant to division (B) (7) of this section. A 928  
public office that adopts a policy and procedures under division 929  
(B) (7) of this section shall comply with them in performing its 930  
duties under that division. 931



(c) In any policy and procedures adopted under division 932  
(B) (7) of this section: 933

(i) A public office may limit the number of records 934  
requested by a person that the office will physically deliver by 935  
United States mail or by another delivery service to ten per 936  
month, unless the person certifies to the office in writing that 937  
the person does not intend to use or forward the requested 938  
records, or the information contained in them, for commercial 939  
purposes; 940

(ii) A public office that chooses to provide some or all 941  
of its public records on a web site that is fully accessible to 942  
and searchable by members of the public at all times, other than 943  
during acts of God outside the public office's control or 944  
maintenance, and that charges no fee to search, access, 945  
download, or otherwise receive records provided on the web site, 946  
may limit to ten per month the number of records requested by a 947  
person that the office will deliver in a digital format, unless 948  
the requested records are not provided on the web site and 949  
unless the person certifies to the office in writing that the 950  
person does not intend to use or forward the requested records, 951  
or the information contained in them, for commercial purposes. 952

(iii) For purposes of division (B) (7) of this section, 953  
"commercial" shall be narrowly construed and does not include 954  
reporting or gathering news, reporting or gathering information 955  
to assist citizen oversight or understanding of the operation or 956  
activities of government, or nonprofit educational research. 957

(8) A public office or person responsible for public 958  
records is not required to permit a person who is incarcerated 959  
pursuant to a criminal conviction or a juvenile adjudication to 960  
inspect or to obtain a copy of any public record concerning a 961

criminal investigation or prosecution or concerning what would 962  
be a criminal investigation or prosecution if the subject of the 963  
investigation or prosecution were an adult, unless the request 964  
to inspect or to obtain a copy of the record is for the purpose 965  
of acquiring information that is subject to release as a public 966  
record under this section and the judge who imposed the sentence 967  
or made the adjudication with respect to the person, or the 968  
judge's successor in office, finds that the information sought 969  
in the public record is necessary to support what appears to be 970  
a justiciable claim of the person. 971

(9) (a) Upon written request made and signed by a 972  
journalist on or after December 16, 1999, a public office, or 973  
person responsible for public records, having custody of the 974  
records of the agency employing a specified peace officer, 975  
parole officer, probation officer, bailiff, prosecuting 976  
attorney, assistant prosecuting attorney, correctional employee, 977  
community-based correctional facility employee, youth services 978  
employee, firefighter, EMT, investigator of the bureau of 979  
criminal identification and investigation, or federal law 980  
enforcement officer shall disclose to the journalist the address 981  
of the actual personal residence of the peace officer, parole 982  
officer, probation officer, bailiff, prosecuting attorney, 983  
assistant prosecuting attorney, correctional employee, 984  
community-based correctional facility employee, youth services 985  
employee, firefighter, EMT, investigator of the bureau of 986  
criminal identification and investigation, or federal law 987  
enforcement officer and, if the peace officer's, parole 988  
officer's, probation officer's, bailiff's, prosecuting 989  
attorney's, assistant prosecuting attorney's, correctional 990  
employee's, community-based correctional facility employee's, 991  
youth services employee's, firefighter's, EMT's, investigator of 992

the bureau of criminal identification and investigation's, or 993  
federal law enforcement officer's spouse, former spouse, or 994  
child is employed by a public office, the name and address of 995  
the employer of the peace officer's, parole officer's, probation 996  
officer's, bailiff's, prosecuting attorney's, assistant 997  
prosecuting attorney's, correctional employee's, community-based 998  
correctional facility employee's, youth services employee's, 999  
firefighter's, EMT's, investigator of the bureau of criminal 1000  
identification and investigation's, or federal law enforcement 1001  
officer's spouse, former spouse, or child. The request shall 1002  
include the journalist's name and title and the name and address 1003  
of the journalist's employer and shall state that disclosure of 1004  
the information sought would be in the public interest. 1005

(b) Division (B) (9) (a) of this section also applies to 1006  
journalist requests for customer information maintained by a 1007  
municipally owned or operated public utility, other than social 1008  
security numbers and any private financial information such as 1009  
credit reports, payment methods, credit card numbers, and bank 1010  
account information. 1011

(c) As used in division (B) (9) of this section, 1012  
"journalist" means a person engaged in, connected with, or 1013  
employed by any news medium, including a newspaper, magazine, 1014  
press association, news agency, or wire service, a radio or 1015  
television station, or a similar medium, for the purpose of 1016  
gathering, processing, transmitting, compiling, editing, or 1017  
disseminating information for the general public. 1018

(C) (1) If a person allegedly is aggrieved by the failure 1019  
of a public office or the person responsible for public records 1020  
to promptly prepare a public record and to make it available to 1021  
the person for inspection in accordance with division (B) of 1022

this section or by any other failure of a public office or the 1023  
person responsible for public records to comply with an 1024  
obligation in accordance with division (B) of this section, the 1025  
person allegedly aggrieved may do only one of the following, and 1026  
not both: 1027

(a) File a complaint with the clerk of the court of claims 1028  
or the clerk of the court of common pleas under section 2743.75 1029  
of the Revised Code; 1030

(b) Commence a mandamus action to obtain a judgment that 1031  
orders the public office or the person responsible for the 1032  
public record to comply with division (B) of this section, that 1033  
awards court costs and reasonable attorney's fees to the person 1034  
that instituted the mandamus action, and, if applicable, that 1035  
includes an order fixing statutory damages under division (C) (2) 1036  
of this section. The mandamus action may be commenced in the 1037  
court of common pleas of the county in which division (B) of 1038  
this section allegedly was not complied with, in the supreme 1039  
court pursuant to its original jurisdiction under Section 2 of 1040  
Article IV, Ohio Constitution, or in the court of appeals for 1041  
the appellate district in which division (B) of this section 1042  
allegedly was not complied with pursuant to its original 1043  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1044

(2) If a requester transmits a written request by hand 1045  
delivery or certified mail to inspect or receive copies of any 1046  
public record in a manner that fairly describes the public 1047  
record or class of public records to the public office or person 1048  
responsible for the requested public records, except as 1049  
otherwise provided in this section, the requester shall be 1050  
entitled to recover the amount of statutory damages set forth in 1051  
this division if a court determines that the public office or 1052

the person responsible for public records failed to comply with 1053  
an obligation in accordance with division (B) of this section. 1054

The amount of statutory damages shall be fixed at one 1055  
hundred dollars for each business day during which the public 1056  
office or person responsible for the requested public records 1057  
failed to comply with an obligation in accordance with division 1058  
(B) of this section, beginning with the day on which the 1059  
requester files a mandamus action to recover statutory damages, 1060  
up to a maximum of one thousand dollars. The award of statutory 1061  
damages shall not be construed as a penalty, but as compensation 1062  
for injury arising from lost use of the requested information. 1063  
The existence of this injury shall be conclusively presumed. The 1064  
award of statutory damages shall be in addition to all other 1065  
remedies authorized by this section. 1066

The court may reduce an award of statutory damages or not 1067  
award statutory damages if the court determines both of the 1068  
following: 1069

(a) That, based on the ordinary application of statutory 1070  
law and case law as it existed at the time of the conduct or 1071  
threatened conduct of the public office or person responsible 1072  
for the requested public records that allegedly constitutes a 1073  
failure to comply with an obligation in accordance with division 1074  
(B) of this section and that was the basis of the mandamus 1075  
action, a well-informed public office or person responsible for 1076  
the requested public records reasonably would believe that the 1077  
conduct or threatened conduct of the public office or person 1078  
responsible for the requested public records did not constitute 1079  
a failure to comply with an obligation in accordance with 1080  
division (B) of this section; 1081

(b) That a well-informed public office or person 1082

responsible for the requested public records reasonably would 1083  
believe that the conduct or threatened conduct of the public 1084  
office or person responsible for the requested public records 1085  
would serve the public policy that underlies the authority that 1086  
is asserted as permitting that conduct or threatened conduct. 1087

(3) In a mandamus action filed under division (C)(1) of 1088  
this section, the following apply: 1089

(a) (i) If the court orders the public office or the person 1090  
responsible for the public record to comply with division (B) of 1091  
this section, the court shall determine and award to the relator 1092  
all court costs, which shall be construed as remedial and not 1093  
punitive. 1094

(ii) If the court makes a determination described in 1095  
division (C)(3)(b)(iii) of this section, the court shall 1096  
determine and award to the relator all court costs, which shall 1097  
be construed as remedial and not punitive. 1098

(b) If the court renders a judgment that orders the public 1099  
office or the person responsible for the public record to comply 1100  
with division (B) of this section or if the court determines any 1101  
of the following, the court may award reasonable attorney's fees 1102  
to the relator, subject to the provisions of division (C)(4) of 1103  
this section: 1104

(i) The public office or the person responsible for the 1105  
public records failed to respond affirmatively or negatively to 1106  
the public records request in accordance with the time allowed 1107  
under division (B) of this section. 1108

(ii) The public office or the person responsible for the 1109  
public records promised to permit the relator to inspect or 1110  
receive copies of the public records requested within a 1111

specified period of time but failed to fulfill that promise 1112  
within that specified period of time. 1113

(iii) The public office or the person responsible for the 1114  
public records acted in bad faith when the office or person 1115  
voluntarily made the public records available to the relator for 1116  
the first time after the relator commenced the mandamus action, 1117  
but before the court issued any order concluding whether or not 1118  
the public office or person was required to comply with division 1119  
(B) of this section. No discovery may be conducted on the issue 1120  
of the alleged bad faith of the public office or person 1121  
responsible for the public records. This division shall not be 1122  
construed as creating a presumption that the public office or 1123  
the person responsible for the public records acted in bad faith 1124  
when the office or person voluntarily made the public records 1125  
available to the relator for the first time after the relator 1126  
commenced the mandamus action, but before the court issued any 1127  
order described in this division. 1128

(c) The court shall not award attorney's fees to the 1129  
relator if the court determines both of the following: 1130

(i) That, based on the ordinary application of statutory 1131  
law and case law as it existed at the time of the conduct or 1132  
threatened conduct of the public office or person responsible 1133  
for the requested public records that allegedly constitutes a 1134  
failure to comply with an obligation in accordance with division 1135  
(B) of this section and that was the basis of the mandamus 1136  
action, a well-informed public office or person responsible for 1137  
the requested public records reasonably would believe that the 1138  
conduct or threatened conduct of the public office or person 1139  
responsible for the requested public records did not constitute 1140  
a failure to comply with an obligation in accordance with 1141

division (B) of this section; 1142

(ii) That a well-informed public office or person 1143  
responsible for the requested public records reasonably would 1144  
believe that the conduct or threatened conduct of the public 1145  
office or person responsible for the requested public records 1146  
would serve the public policy that underlies the authority that 1147  
is asserted as permitting that conduct or threatened conduct. 1148

(4) All of the following apply to any award of reasonable 1149  
attorney's fees awarded under division (C) (3) (b) of this 1150  
section: 1151

(a) The fees shall be construed as remedial and not 1152  
punitive. 1153

(b) The fees awarded shall not exceed the total of the 1154  
reasonable attorney's fees incurred before the public record was 1155  
made available to the relator and the fees described in division 1156  
(C) (4) (c) of this section. 1157

(c) Reasonable attorney's fees shall include reasonable 1158  
fees incurred to produce proof of the reasonableness and amount 1159  
of the fees and to otherwise litigate entitlement to the fees. 1160

(d) The court may reduce the amount of fees awarded if the 1161  
court determines that, given the factual circumstances involved 1162  
with the specific public records request, an alternative means 1163  
should have been pursued to more effectively and efficiently 1164  
resolve the dispute that was subject to the mandamus action 1165  
filed under division (C) (1) of this section. 1166

(5) If the court does not issue a writ of mandamus under 1167  
division (C) of this section and the court determines at that 1168  
time that the bringing of the mandamus action was frivolous 1169  
conduct as defined in division (A) of section 2323.51 of the 1170



Revised Code, the court may award to the public office all court 1171  
costs, expenses, and reasonable attorney's fees, as determined 1172  
by the court. 1173

(D) Chapter 1347. of the Revised Code does not limit the 1174  
provisions of this section. 1175

(E) (1) To ensure that all employees of public offices are 1176  
appropriately educated about a public office's obligations under 1177  
division (B) of this section, all elected officials or their 1178  
appropriate designees shall attend training approved by the 1179  
attorney general as provided in section 109.43 of the Revised 1180  
Code. In addition, all a future official may satisfy the 1181  
requirements of this division by attending the training before 1182  
taking office, provided that the future official may not send a 1183  
designee in the future official's place. 1184

(2) All public offices shall adopt a public records policy 1185  
in compliance with this section for responding to public records 1186  
requests. In adopting a public records policy under this 1187  
division, a public office may obtain guidance from the model 1188  
public records policy developed and provided to the public 1189  
office by the attorney general under section 109.43 of the 1190  
Revised Code. Except as otherwise provided in this section, the 1191  
policy may not limit the number of public records that the 1192  
public office will make available to a single person, may not 1193  
limit the number of public records that it will make available 1194  
during a fixed period of time, and may not establish a fixed 1195  
period of time before it will respond to a request for 1196  
inspection or copying of public records, unless that period is 1197  
less than eight hours. 1198

~~(2)~~The public office shall distribute the public records 1199  
policy adopted by the public office under this division ~~(E) (1)~~ 1200

~~of this section~~ to the employee of the public office who is the 1201  
records custodian or records manager or otherwise has custody of 1202  
the records of that office. The public office shall require that 1203  
employee to acknowledge receipt of the copy of the public 1204  
records policy. The public office shall create a poster that 1205  
describes its public records policy and shall post the poster in 1206  
a conspicuous place in the public office and in all locations 1207  
where the public office has branch offices. The public office 1208  
may post its public records policy on the internet web site of 1209  
the public office if the public office maintains an internet web 1210  
site. A public office that has established a manual or handbook 1211  
of its general policies and procedures for all employees of the 1212  
public office shall include the public records policy of the 1213  
public office in the manual or handbook. 1214

(F) (1) The bureau of motor vehicles may adopt rules 1215  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1216  
the number of bulk commercial special extraction requests made 1217  
by a person for the same records or for updated records during a 1218  
calendar year. The rules may include provisions for charges to 1219  
be made for bulk commercial special extraction requests for the 1220  
actual cost of the bureau, plus special extraction costs, plus 1221  
ten per cent. The bureau may charge for expenses for redacting 1222  
information, the release of which is prohibited by law. 1223

(2) As used in division (F) (1) of this section: 1224

(a) "Actual cost" means the cost of depleted supplies, 1225  
records storage media costs, actual mailing and alternative 1226  
delivery costs, or other transmitting costs, and any direct 1227  
equipment operating and maintenance costs, including actual 1228  
costs paid to private contractors for copying services. 1229

(b) "Bulk commercial special extraction request" means a 1230

request for copies of a record for information in a format other 1231  
than the format already available, or information that cannot be 1232  
extracted without examination of all items in a records series, 1233  
class of records, or database by a person who intends to use or 1234  
forward the copies for surveys, marketing, solicitation, or 1235  
resale for commercial purposes. "Bulk commercial special 1236  
extraction request" does not include a request by a person who 1237  
gives assurance to the bureau that the person making the request 1238  
does not intend to use or forward the requested copies for 1239  
surveys, marketing, solicitation, or resale for commercial 1240  
purposes. 1241

(c) "Commercial" means profit-seeking production, buying, 1242  
or selling of any good, service, or other product. 1243

(d) "Special extraction costs" means the cost of the time 1244  
spent by the lowest paid employee competent to perform the task, 1245  
the actual amount paid to outside private contractors employed 1246  
by the bureau, or the actual cost incurred to create computer 1247  
programs to make the special extraction. "Special extraction 1248  
costs" include any charges paid to a public agency for computer 1249  
or records services. 1250

(3) For purposes of divisions (F) (1) and (2) of this 1251  
section, "surveys, marketing, solicitation, or resale for 1252  
commercial purposes" shall be narrowly construed and does not 1253  
include reporting or gathering news, reporting or gathering 1254  
information to assist citizen oversight or understanding of the 1255  
operation or activities of government, or nonprofit educational 1256  
research. 1257

(G) A request by a defendant, counsel of a defendant, or 1258  
any agent of a defendant in a criminal action that public 1259  
records related to that action be made available under this 1260

section shall be considered a demand for discovery pursuant to 1261  
the Criminal Rules, except to the extent that the Criminal Rules 1262  
plainly indicate a contrary intent. The defendant, counsel of 1263  
the defendant, or agent of the defendant making a request under 1264  
this division shall serve a copy of the request on the 1265  
prosecuting attorney, director of law, or other chief legal 1266  
officer responsible for prosecuting the action. 1267

**Sec. 303.14.** The county board of zoning appeals may: 1268

(A) Hear and decide appeals where it is alleged there is 1269  
error in any order, requirement, decision, or determination made 1270  
by an administrative official in the enforcement of sections 1271  
303.01 to 303.25 of the Revised Code, or of any resolution 1272  
adopted pursuant thereto; 1273

(B) Authorize upon appeal, in specific cases, such 1274  
variance from the terms of the zoning resolution as will not be 1275  
contrary to the public interest, where, owing to special 1276  
conditions, a literal enforcement of the resolution will result 1277  
in unnecessary hardship, and so that the spirit of the 1278  
resolution shall be observed and substantial justice done; 1279

(C) Grant conditional zoning certificates for the use of 1280  
land, buildings, or other structures if such certificates for 1281  
specific uses are provided for in the zoning resolution. If the 1282  
board considers conditional zoning certificates for activities 1283  
that are permitted and regulated under Chapter 1514. of the 1284  
Revised Code or activities that are related to making finished 1285  
aggregate products, the board shall proceed in accordance with 1286  
section 303.141. of the Revised Code. 1287

(D) Revoke an authorized variance or conditional zoning 1288  
certificate granted for the extraction of minerals, if any 1289

condition of the variance or certificate is violated. 1290

The board shall notify the holder of the variance or 1291  
certificate either by certified mail or, if the board has record 1292  
of an internet identifier of record associated with the holder, 1293  
by ordinary mail and by that internet identifier of record of 1294  
its intent to revoke the variance or certificate under division 1295  
(D) of this section and of the holder's right to a hearing 1296  
before the board within thirty days of the mailing of the notice 1297  
if the holder so requests. If the holder requests a hearing, the 1298  
board shall set a time and place for the hearing and notify the 1299  
holder. At the hearing, the holder may appear in person, by 1300  
attorney, or by other representative, or the holder may present 1301  
the holder's position in writing. The holder may present 1302  
evidence and examine witnesses appearing for or against the 1303  
holder. If no hearing is requested, the board may revoke the 1304  
variance or certificate without a hearing. The authority to 1305  
revoke a variance or certificate is in addition to any other 1306  
means of zoning enforcement provided by law. 1307

In exercising the above-mentioned powers, the board may, 1308  
in conformity with such sections, reverse or affirm, wholly or 1309  
partly, or modify the order, requirement, decision, or 1310  
determination appealed from and may make such order, 1311  
requirement, decision, or determination as ought to be made, and 1312  
to that end has all powers of the officer from whom the appeal 1313  
is taken. 1314

As used in this section, "internet identifier of record" 1315  
has the same meaning as in section 9.312 of the Revised Code. 1316

**Sec. 307.204.** (A) As used in this section: 1317

(1) "Concentrated animal feeding facility" and "major 1318

concentrated animal feeding facility" have the same meanings as 1319  
in section 903.01 of the Revised Code. 1320

(2) "Facility" means a proposed new or expanded major 1321  
concentrated animal feeding facility. 1322

(3) "Improvement" means the construction, modification, or 1323  
both of county infrastructure. 1324

(B) A person who proposes to do any of the following shall 1325  
provide written notification as required under division (C) of 1326  
this section to the board of county commissioners of the county 1327  
in which a facility is or is to be located: 1328

(1) Establish a new major concentrated animal feeding 1329  
facility; 1330

(2) Increase the design capacity of an existing major 1331  
concentrated animal feeding facility by ten per cent or more in 1332  
excess of the design capacity set forth in the current permit 1333  
for construction or modification of the facility or for 1334  
installation or modification of the disposal system for manure 1335  
at the facility issued under section 903.02 or division (J) of 1336  
section 6111.03 of the Revised Code, as applicable; 1337

(3) Increase the design capacity of an existing 1338  
concentrated animal feeding facility by ten per cent or more in 1339  
excess of the design capacity set forth in the current permit 1340  
for construction or modification of the facility or for 1341  
installation or modification of the disposal system for manure 1342  
at the facility issued under section 903.02 or division (J) of 1343  
section 6111.03 of the Revised Code, as applicable, and to a 1344  
design capacity of more than ten times the number of animals 1345  
specified in any of the categories in division (H) of section 1346  
903.01 of the Revised Code. 1347

(C) The person shall notify the board in writing by 1348  
certified or ordinary mail of the proposed construction or 1349  
expansion of the facility and include the following information: 1350

(1) The anticipated travel routes of motor vehicles to and 1351  
from the facility; 1352

(2) The anticipated number and weights of motor vehicles 1353  
traveling to and from the facility. 1354

(D) At the request of the board, the county engineer may 1355  
review the written notification and advise the board on both of 1356  
the following: 1357

(1) Improvements and maintenance of improvements that are 1358  
reasonably needed in order to accommodate the impact on county 1359  
infrastructure that is anticipated as a result of the facility, 1360  
including increased travel or the types of vehicles on county 1361  
roads; 1362

(2) The projected costs of the improvements and 1363  
maintenance. 1364

Not later than ten days after receiving the written 1365  
notification, the board may request the person to provide 1366  
additional reasonable and relevant information regarding the 1367  
impact of the facility on county infrastructure. The person 1368  
shall provide the information not later than ten days after the 1369  
request is made. 1370

(E) (1) Not later than thirty days after the initial 1371  
written notification is received by the board, the board shall 1372  
submit to the person its recommendations, if any, concerning the 1373  
improvements that will be needed as a result of the facility and 1374  
the cost of those improvements. 1375

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

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

(F)(1) The board shall prepare a written, dated statement certifying that the written notification required under this section was submitted and that final recommendations were selected regarding needed improvements and the costs of those improvements. The board shall provide the person with the original of the statement so that the person can include it with the application for a permit to install for the facility as required under division (C)(4) of section 903.02 of the Revised Code. The board shall retain a copy of the statement for its records.

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



board. 1406

(G) If the person receives a written, dated statement from 1407  
the board as provided in division (F) (1) of this section, the 1408  
person shall construct, modify, and maintain or finance the 1409  
construction, modification, and maintenance of improvements as 1410  
provided in the board's final recommendations and with the 1411  
approval and oversight of the county engineer. If the person 1412  
fails to do so, the board shall notify the person either by 1413  
certified mail or, if the board has record of an internet 1414  
identifier of record associated with the person, by ordinary 1415  
mail and by that internet identifier of record that the board 1416  
intends to initiate mediation with the person if the person 1417  
remains out of compliance with the final recommendations. 1418

The board shall allow sufficient time for the person to 1419  
apply for and proceed to obtain, for the purpose of financing 1420  
the construction, modification, or maintenance of the 1421  
improvements, exemptions from taxation under sections 5709.63, 1422  
5709.632, 5709.73, and 5709.78 of the Revised Code or state or 1423  
federal grants that may be available. 1424

If the person remains out of compliance with the final 1425  
recommendations, the board may initiate mediation with the 1426  
person in order to resolve the differences between them. If 1427  
mediation fails to resolve the differences, the board and the 1428  
person first shall attempt to resolve the differences through 1429  
any legal remedies before seeking redress through a court of 1430  
common pleas. 1431

(H) If the person subsequently submits an application 1432  
under section 903.02 of the Revised Code for a permit to modify 1433  
the facility, or if the routes of travel to or from the facility 1434  
change for any reason other than road construction conducted by 1435

the county, the board or the person may request that additional 1436  
information be provided in writing and shall proceed as provided 1437  
in this section for the notification and recommendation 1438  
proceedings. 1439

(I) As used in this section, "internet identifier of 1440  
record" has the same meaning as in section 9.312 of the Revised 1441  
Code. 1442

Sec. 308.061. The board of trustees of a regional airport 1443  
authority may contract with the prosecuting attorney of a 1444  
county, as provided in section 309.09 of the Revised Code, to 1445  
obtain legal services from the prosecuting attorney. 1446

**Sec. 309.09.** (A) The prosecuting attorney shall be the 1447  
legal adviser of the board of county commissioners, board of 1448  
elections, all other county officers and boards, and all tax- 1449  
supported public libraries, and any of them may require written 1450  
opinions or instructions from the prosecuting attorney in 1451  
matters connected with their official duties. The prosecuting 1452  
attorney shall prosecute and defend all suits and actions that 1453  
any such officer, board, or tax-supported public library directs 1454  
or to which it is a party, and no county officer may employ any 1455  
other counsel or attorney at the expense of the county, except 1456  
as provided in section 305.14 of the Revised Code. 1457

(B) (1) The prosecuting attorney shall be the legal adviser 1458  
for all township officers, boards, and commissions, unless, 1459  
subject to division (B) (2) of this section, the township has 1460  
adopted a limited home rule government pursuant to Chapter 504. 1461  
of the Revised Code and has not entered into a contract to have 1462  
the prosecuting attorney serve as the township law director, in 1463  
which case, subject to division (B) (2) of this section, the 1464  
township law director, whether serving full-time or part-time, 1465

shall be the legal adviser for all township officers, boards, 1466  
and commissions. When the board of township trustees finds it 1467  
advisable or necessary to have additional legal counsel, it may 1468  
employ an attorney other than the township law director or the 1469  
prosecuting attorney of the county, either for a particular 1470  
matter or on an annual basis, to represent the township and its 1471  
officers, boards, and commissions in their official capacities 1472  
and to advise them on legal matters. No such legal counsel may 1473  
be employed, except on the order of the board of township 1474  
trustees, duly entered upon its journal, in which the 1475  
compensation to be paid for the legal services shall be fixed. 1476  
The compensation shall be paid from the township fund. 1477

Nothing in this division confers any of the powers or 1478  
duties of a prosecuting attorney under section 309.08 of the 1479  
Revised Code upon a township law director. 1480

(2) (a) If any township in the county served by the 1481  
prosecuting attorney has adopted any resolution regarding the 1482  
operation of adult entertainment establishments pursuant to the 1483  
authority that is granted under section 503.52 of the Revised 1484  
Code, or if a resolution of that nature has been adopted under 1485  
section 503.53 of the Revised Code in a township in the county 1486  
served by the prosecuting attorney, all of the following apply: 1487

(i) Upon the request of a township in the county that has 1488  
adopted, or in which has been adopted, a resolution of that 1489  
nature that is made pursuant to division (E) (1) (c) of section 1490  
503.52 of the Revised Code, the prosecuting attorney shall 1491  
prosecute and defend on behalf of the township in the trial and 1492  
argument in any court or tribunal of any challenge to the 1493  
validity of the resolution. If the challenge to the validity of 1494  
the resolution is before a federal court, the prosecuting 1495

attorney may request the attorney general to assist the 1496  
prosecuting attorney in prosecuting and defending the challenge 1497  
and, upon the prosecuting attorney's making of such a request, 1498  
the attorney general shall assist the prosecuting attorney in 1499  
performing that service if the resolution was drafted in 1500  
accordance with legal guidance provided by the attorney general 1501  
as described in division (B) (2) of section 503.52 of the Revised 1502  
Code. The attorney general shall provide this assistance without 1503  
charge to the township for which the service is performed. If a 1504  
township adopts a resolution without the legal guidance of the 1505  
attorney general, the attorney general is not required to 1506  
provide assistance as described in this division to a 1507  
prosecuting attorney. 1508

(ii) Upon the request of a township in the county that has 1509  
adopted, or in which has been adopted, a resolution of that 1510  
nature that is made pursuant to division (E) (1) (a) of section 1511  
503.52 of the Revised Code, the prosecuting attorney shall 1512  
prosecute and defend on behalf of the township a civil action to 1513  
enjoin the violation of the resolution in question. 1514

(iii) Upon the request of a township in the county that 1515  
has adopted, or in which has been adopted, a resolution of that 1516  
nature that is made pursuant to division (E) (1) (b) of section 1517  
503.52 of the Revised Code, the prosecuting attorney shall 1518  
prosecute and defend on behalf of the township a civil action 1519  
under Chapter 3767. of the Revised Code to abate as a nuisance 1520  
the place in the unincorporated area of the township at which 1521  
the resolution is being or has been violated. Proceeds from the 1522  
sale of personal property or contents seized pursuant to the 1523  
action shall be applied and deposited in accordance with 1524  
division (E) (1) (b) of section 503.52 of the Revised Code. 1525

(b) ~~The provisions of division Division~~ (B) (2) (a) of this 1526  
section ~~apply~~ applies regarding all townships, including 1527  
townships that have adopted a limited home rule government 1528  
pursuant to Chapter 504. of the Revised Code, and regardless of 1529  
whether a township that has so adopted a limited home rule 1530  
government has entered into a contract with the prosecuting 1531  
attorney as described in division (B) of section 504.15 of the 1532  
Revised Code or has appointed a law director as described in 1533  
division (A) of that section. 1534

The prosecuting attorney shall prosecute and defend in the 1535  
actions and proceedings described in division (B) (2) (a) of this 1536  
section without charge to the township for which the services 1537  
are performed. 1538

(C) Whenever the board of county commissioners employs an 1539  
attorney other than the prosecuting attorney of the county, 1540  
without the authorization of the court of common pleas as 1541  
provided in section 305.14 of the Revised Code, either for a 1542  
particular matter or on an annual basis, to represent the board 1543  
in its official capacity and to advise it on legal matters, the 1544  
board shall enter upon its journal an order of the board in 1545  
which the compensation to be paid for the legal services shall 1546  
be fixed. The compensation shall be paid from the county general 1547  
fund. The total compensation paid, in any year, by the board for 1548  
legal services under this division shall not exceed the total 1549  
annual compensation of the prosecuting attorney for that county. 1550

(D) The prosecuting attorney and the board of county 1551  
commissioners jointly may contract with a board of park 1552  
commissioners under section 1545.07 of the Revised Code for the 1553  
prosecuting attorney to provide legal services to the park 1554  
district the board of park commissioners operates. 1555

(E) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a joint fire district created under section 505.371 of the Revised Code at no cost to the district, or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(F) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a joint ambulance district created under section 505.71 of the Revised Code at no cost to the district, or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(G) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a joint emergency medical services district created under section 307.052 of the Revised Code at no cost to the district, or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(H) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a fire and ambulance

district created under section 505.375 of the Revised Code at no 1586  
cost to the district, or may be the legal adviser to the 1587  
district under a contract that the prosecuting attorney and the 1588  
district enter into, and that the board of county commissioners 1589  
approves, to authorize the prosecuting attorney to provide legal 1590  
services to the district. 1591

(I) The prosecuting attorney may be, in the prosecuting 1592  
attorney's discretion and with the approval of the board of 1593  
county commissioners, the legal adviser to the board of trustees 1594  
of a regional airport authority created under Chapter 308. of 1595  
the Revised Code or the board of directors of a port authority 1596  
created under Chapter 4582. of the Revised Code under a contract 1597  
that the prosecuting attorney and the board of trustees or board 1598  
of directors enter into. If the regional airport authority or 1599  
port authority covers territory in more than one county, the 1600  
board of trustees or board of directors may choose the 1601  
prosecuting attorney with whom it enters into such contract, 1602  
with the approval of the board of county commissioners of that 1603  
county. The contract may provide for the payment of a fee to the 1604  
prosecuting attorney for legal services agreed to under the 1605  
contract. 1606

(J) The prosecuting attorney may be, in the prosecuting 1607  
attorney's discretion and with the approval of the board of 1608  
county commissioners, the legal adviser to a regional planning 1609  
commission created under section 713.21 of the Revised Code 1610  
under a contract that the prosecuting attorney and commission 1611  
enter into. If the regional planning commission covers a region 1612  
in more than one county, the commission may choose the 1613  
prosecuting attorney with whom it enters into such contract, 1614  
with the approval of the board of county commissioners of that 1615  
county. The contract may provide for the payment of a fee to the 1616

prosecuting attorney for legal services agreed to under the 1617  
contract. 1618

(K) All money received pursuant to a contract entered into 1619  
under division (D), (E), (F), (G), ~~or (H)~~, (I), or (J) of this 1620  
section shall be deposited into the prosecuting attorney's legal 1621  
services fund, which shall be established in the county treasury 1622  
of each county in which such a contract exists. Moneys in that 1623  
fund may be appropriated only to the prosecuting attorney for 1624  
the purpose of providing legal services to a park district, 1625  
joint fire district, joint ambulance district, joint emergency 1626  
medical services district, ~~or a~~ fire and ambulance district, 1627  
regional airport authority, port authority, or regional planning 1628  
commission, as applicable, under a contract entered into under 1629  
the applicable division. 1630

~~(J)~~ (L) The prosecuting attorney shall be the legal 1631  
~~advisor~~ advisor of a lake facilities authority as provided in 1632  
section 353.02 of the Revised Code. 1633

**Sec. 340.02.** (A) For each alcohol, drug addiction, and 1634  
mental health service district, there shall be appointed a board 1635  
of alcohol, drug addiction, and mental health services 1636  
consisting of eighteen members or fourteen members. Should the 1637  
board of alcohol, drug addiction, and mental health services 1638  
elect to remain at eighteen members, as provided under section 1639  
340.02 of the Revised Code as it existed immediately prior to 1640  
the date of this amendment, the board of alcohol, drug 1641  
addiction, and mental health services and the board of county 1642  
commissioners shall not be required to take any action. Should 1643  
the board of alcohol, drug addiction, and mental health services 1644  
elect a recommendation to become a fourteen-member board, that 1645  
recommendation must be approved by the board of county 1646



commissioners of the county in which the alcohol, drug 1647  
addiction, and mental health district is located in order for 1648  
the transition to a fourteen-member board to occur. Not later 1649  
than September 30, 2013, each board of alcohol, drug addiction, 1650  
and mental health services wishing to become a fourteen-member 1651  
board shall notify the board of county commissioners of that 1652  
recommendation. Failure of the board of county commissioners to 1653  
take action within thirty days after receipt of the 1654  
recommendation shall be deemed agreement by the board of county 1655  
commissioners to transition to a fourteen-member board of 1656  
alcohol, drug addiction, and mental health services. Should the 1657  
board of county commissioners reject the recommendation, the 1658  
board of county commissioners shall adopt a resolution stating 1659  
that rejection within thirty days after receipt of the 1660  
recommendation. Upon adoption of the resolution, the board of 1661  
county commissioners shall meet with the board of alcohol, drug 1662  
addiction, and mental health services to discuss the matter. 1663  
After the meeting, the board of county commissioners shall 1664  
notify the department of mental health and addiction services of 1665  
its election not later than January 1, 2014. In a joint-county 1666  
district, a majority of the boards of county commissioners must 1667  
not reject the recommendation of a joint-county board to become 1668  
a fourteen-member board in order for the transition to a 1669  
fourteen-member board to occur. Should the joint-county district 1670  
have an even number of counties, and the boards of county 1671  
commissioners of these counties tie in terms of whether or not 1672  
to accept the recommendation of the alcohol, drug addiction, and 1673  
mental health services board, the recommendation of the alcohol, 1674  
drug addiction, and mental health service board to become a 1675  
fourteen-member board shall prevail. The election shall be 1676  
final. Failure to provide notice of its election to the 1677  
department on or before January 1, 2014, shall constitute an 1678

election to continue to operate as an eighteen-member board, 1679  
which election shall also be final. If an existing board 1680  
provides timely notice of its election to transition to operate 1681  
as a fourteen-member board, the number of board members may 1682  
decline from eighteen to fourteen by attrition as current 1683  
members' terms expire. However, the composition of the board 1684  
must reflect the requirements set forth in this section for 1685  
fourteen-member boards. For all boards, half of the members 1686  
shall be interested in mental health services and half of the 1687  
members shall be interested in alcohol, drug, or gambling 1688  
addiction services. All members shall be residents of the 1689  
service district. The membership shall, as nearly as possible, 1690  
reflect the composition of the population of the service 1691  
district as to race and sex. 1692

(B) For boards operating as eighteen-member boards, the 1693  
director of mental health and addiction services shall appoint 1694  
eight members of the board and the board of county commissioners 1695  
shall appoint ten members. For boards operating as fourteen- 1696  
member boards, the director of mental health and addiction 1697  
services shall appoint six members of the board and the board of 1698  
county commissioners shall appoint eight members. In a joint- 1699  
county district, the county commissioners of each participating 1700  
county shall appoint members in as nearly as possible the same 1701  
proportion as that county's population bears to the total 1702  
population of the district, except that at least one member 1703  
shall be appointed from each participating county. 1704

(C) The director of mental health and addiction services 1705  
shall ensure that at least one member of the board is a 1706  
clinician with experience in the delivery of mental health 1707  
services, at least one member of the board is a person who has 1708  
received or is receiving mental health services, at least one 1709

member of the board is a parent or other relative of such a 1710  
person, at least one member of the board is a clinician with 1711  
experience in the delivery of addiction services, at least one 1712  
member of the board is a person who has received or is receiving 1713  
addiction services, and at least one member of the board is a 1714  
parent or other relative of such a person. A single member who 1715  
meets both qualifications may fulfill the requirement for a 1716  
clinician with experience in the delivery of mental health 1717  
services and a clinician with experience in the delivery of 1718  
addiction services. 1719

(D) No member or employee of a board of alcohol, drug 1720  
addiction, and mental health services shall serve as a member of 1721  
the board of any provider with which the board of alcohol, drug 1722  
addiction, and mental health services has entered into a 1723  
contract for the provision of services or facilities. No member 1724  
of a board of alcohol, drug addiction, and mental health 1725  
services shall be an employee of any provider with which the 1726  
board has entered into a contract for the provision of services 1727  
or facilities. No person shall be an employee of a board and 1728  
such a provider unless the board and provider both agree in 1729  
writing. 1730

(E) No person shall serve as a member of the board of 1731  
alcohol, drug addiction, and mental health services whose 1732  
spouse, child, parent, brother, sister, grandchild, stepparent, 1733  
stepchild, stepbrother, stepsister, father-in-law, mother-in- 1734  
law, son-in-law, daughter-in-law, brother-in-law, or sister-in- 1735  
law serves as a member of the board of any provider with which 1736  
the board of alcohol, drug addiction, and mental health services 1737  
has entered into a contract for the provision of services or 1738  
facilities. No person shall serve as a member or employee of the 1739  
board whose spouse, child, parent, brother, sister, stepparent, 1740

stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law serves as a county commissioner of a county or counties in the alcohol, drug addiction, and mental health service district. 1741  
1742  
1743  
1744

(F) Each year each board member shall attend at least one inservice training session provided or approved by the department of mental health and addiction services. 1745  
1746  
1747

(G) For boards operating as eighteen-member boards, each member shall be appointed for a term of four years, commencing the first day of July, except that one-third of initial appointments to a newly established board, and to the extent possible to expanded boards, shall be for terms of two years, one-third of initial appointments shall be for terms of three years, and one-third of initial appointments shall be for terms of four years. For boards operating as fourteen-member boards, each member shall be appointed for a term of four years, commencing the first day of July, except that four of the initial appointments to a newly established board, and to the extent possible to expanded boards, shall be for terms of two years, five initial appointments shall be for terms of three years, and five initial appointments shall be for terms of four years. No member shall serve more than two consecutive four-year terms under the same appointing authority. A member may serve for three consecutive terms under the same appointing authority only if one of the terms is for less than two years. A member who has served two consecutive four-year terms or three consecutive terms totaling less than ten years is eligible for reappointment by the same appointing authority one year following the end of the second or third term, respectively. 1748  
1749  
1750  
1751  
1752  
1753  
1754  
1755  
1756  
1757  
1758  
1759  
1760  
1761  
1762  
1763  
1764  
1765  
1766  
1767  
1768  
1769

When a vacancy occurs, appointment for the expired or 1770

unexpired term shall be made in the same manner as an original 1771  
appointment. The board shall notify the appointing authority 1772  
~~shall be notified either by certified mail or, if the board has~~ 1773  
record of an internet identifier of record associated with the 1774  
authority, by ordinary mail and by that internet identifier of 1775  
record of any vacancy and shall fill the vacancy within sixty 1776  
days following that notice. 1777

Any member of the board may be removed from office by the 1778  
appointing authority for neglect of duty, misconduct, or 1779  
malfeasance in office, and shall be removed by the appointing 1780  
authority if the member is barred by this section from serving 1781  
as a board member. The member shall be informed in writing of 1782  
the charges and afforded an opportunity for a hearing. Upon the 1783  
absence of a member within one year from either four board 1784  
meetings or from two board meetings without prior notice, the 1785  
board shall notify the appointing authority, which may vacate 1786  
the appointment and appoint another person to complete the 1787  
member's term. 1788

Members of the board shall serve without compensation, but 1789  
shall be reimbursed for actual and necessary expenses incurred 1790  
in the performance of their official duties, as defined by rules 1791  
of the department of mental health and addiction services. 1792

(H) As used in this section, "internet identifier of 1793  
record" has the same meaning as in section 9.312 of the Revised 1794  
Code. 1795

**Sec. 343.01.** (A) In order to comply with division (B) of 1796  
section 3734.52 of the Revised Code, the board of county 1797  
commissioners of each county shall do one of the following: 1798

(1) Establish, by resolution, and maintain a county solid 1799

waste management district under this chapter that consists of 1800  
all the incorporated and unincorporated territory within the 1801  
county except as otherwise provided in division (A) of this 1802  
section; 1803

(2) With the boards of county commissioners of one or more 1804  
other counties establish, by agreement, and maintain a joint 1805  
solid waste management district under this chapter that consists 1806  
of all the incorporated and unincorporated territory within the 1807  
counties forming the joint district except as otherwise provided 1808  
in division (A) of this section. 1809

If a municipal corporation is located in more than one 1810  
solid waste management district, the entire municipal 1811  
corporation shall be considered to be included in and shall be 1812  
under the jurisdiction of the district in which a majority of 1813  
the population of the municipal corporation resides. 1814

A county and joint district established to comply with 1815  
division (B) of section 3734.52 of the Revised Code shall have a 1816  
population of not less than one hundred twenty thousand unless, 1817  
in the instance of a county district, the board of county 1818  
commissioners has obtained an exemption from that requirement 1819  
under division (C) (1) or (2) of that section. Each joint 1820  
district established to comply with an order issued under 1821  
division (D) of that section shall have a population of at least 1822  
one hundred twenty thousand. 1823

(B) The boards of county commissioners of the counties 1824  
establishing a joint district constitute, collectively, the 1825  
board of directors of the joint district, except that if a 1826  
county with a form of legislative authority other than a board 1827  
of county commissioners participates, it shall be represented on 1828  
the board of directors by three persons appointed by the 1829

legislative authority. 1830

The agreement to establish and maintain a joint district 1831  
shall be ratified by resolution of the board of county 1832  
commissioners of each participating county. Upon ratification, 1833  
the board of directors shall take control of and manage the 1834  
joint district subject to this chapter, except that, in the case 1835  
of a joint district formed pursuant to division (C), (D), or (E) 1836  
of section 343.012 of the Revised Code, the board of directors 1837  
shall take control of and manage the district when the formation 1838  
of the district becomes final under the applicable division. A 1839  
majority of the board of directors constitutes a quorum, and a 1840  
majority vote is required for the board to act. 1841

A county participating in a joint district may contribute 1842  
lands or rights or interests therein, money, other personal 1843  
property or rights or interests therein, or services to the 1844  
district. The agreement shall specify any contributions of 1845  
participating counties and the rights of the participating 1846  
counties in lands or personal property, or rights or interests 1847  
therein, contributed to or otherwise acquired by the joint 1848  
district. The agreement may be amended or added to by a majority 1849  
vote of the board of directors, but no amendment or addition 1850  
shall divest a participating county of any right or interest in 1851  
lands or personal property without its consent. 1852

The board of directors may appoint and fix the 1853  
compensation of employees of, accept gifts, devises, and 1854  
bequests for, and take other actions necessary to control and 1855  
manage the joint district. Employees of the district shall be 1856  
considered county employees for the purposes of Chapter 124. of 1857  
the Revised Code and other provisions of state law applicable to 1858  
employees. Instead of or in addition to appointing employees of 1859

the district, the board of directors may agree to use employees 1860  
of one or more of the participating counties in the service of 1861  
the joint district and to share in their compensation in any 1862  
manner that may be agreed upon. 1863

The board of directors shall do one of the following: 1864

(1) Designate the county auditor, including any other 1865  
official acting in a capacity similar to a county auditor under 1866  
a county charter, of a county participating in the joint 1867  
district as the fiscal officer of the district, and the county 1868  
treasurer, or other official acting in a capacity similar to a 1869  
county treasurer under a county charter, of that county as the 1870  
treasurer of the district. The designated county officials shall 1871  
perform any applicable duties for the district as each typically 1872  
performs for the county of which the individual is an official, 1873  
except as otherwise may be provided in any bylaws or resolutions 1874  
adopted by the board of directors. The board of directors may 1875  
pay to that county any amount agreed upon by the board of 1876  
directors and the board of county commissioners of that county 1877  
to reimburse that county for the cost properly allocable to the 1878  
service of its officials as fiscal officer and treasurer of the 1879  
joint district. 1880

(2) Appoint one individual who is neither a county auditor 1881  
nor a county treasurer, and who may be an employee of the 1882  
district, to serve as both the treasurer of the district and its 1883  
fiscal officer. That individual shall act as custodian of the 1884  
funds of the board and the district and shall maintain all 1885  
accounts of the district. Any reference in this chapter or 1886  
Chapter 3734. of the Revised Code to a county auditor or county 1887  
treasurer serving as fiscal officer of a district or custodian 1888  
of any funds of a board or district is deemed to refer to an 1889



individual appointed under division (B) (2) of this section. 1890

The fiscal officer of a district shall establish a general 1891  
fund and any other necessary funds for the district. 1892

(C) A board of county commissioners of a county district 1893  
or board of directors of a joint district may acquire, by 1894  
purchase or lease, construct, improve, enlarge, replace, 1895  
maintain, and operate such solid waste collection systems within 1896  
their respective districts and such solid waste facilities 1897  
within or outside their respective districts as are necessary 1898  
for the protection of the public health. A board of county 1899  
commissioners may acquire within its county real property or any 1900  
estate, interest, or right therein, by appropriation or any 1901  
other method, for use by a county or joint district in 1902  
connection with such facilities. Appropriation proceedings shall 1903  
be conducted in accordance with sections 163.01 to 163.22 of the 1904  
Revised Code. 1905

(D) The sanitary engineer or sanitary engineering 1906  
department of a county maintaining a district and any sanitary 1907  
engineer or sanitary engineering department of a county in a 1908  
joint district, as determined by the board of directors, in 1909  
addition to other duties assigned to that engineer or 1910  
department, shall assist the board of county commissioners or 1911  
directors in the performance of their duties under this chapter 1912  
and sections 3734.52 to 3734.575 of the Revised Code and shall 1913  
be charged with any other duties and services in relation 1914  
thereto that the board prescribes. A board may employ registered 1915  
professional engineers to assist the sanitary engineer in those 1916  
duties and also may employ financial advisers and any other 1917  
professional services it considers necessary to assist it in the 1918  
construction, financing, and maintenance of solid waste 1919

collection or other solid waste facilities. Such contracts of 1920  
employment shall not require the certificate provided in section 1921  
5705.41 of the Revised Code. Payment for such services may be 1922  
made from the general fund or any other fund legally available 1923  
for that use at times that are agreed upon or as determined by 1924  
the board of county commissioners or directors, and the funds 1925  
may be reimbursed from the proceeds of bonds or notes issued to 1926  
pay the cost of any improvement to which the services related. 1927

(E) (1) The prosecuting attorney of the county shall serve 1928  
as the legal advisor of a county district and shall provide such 1929  
services to the board of county commissioners of the district as 1930  
are required or authorized to be provided to other county boards 1931  
under Chapter 309. of the Revised Code, except that, if the 1932  
board considers it to be necessary or appropriate, the board, on 1933  
its own initiative, may employ an attorney or other legal 1934  
counsel on an annual basis to serve as the legal advisor of the 1935  
district in place of the prosecuting attorney. When the 1936  
prosecuting attorney is serving as the district's legal advisor 1937  
and the board considers it to be necessary or appropriate, the 1938  
board, on its own initiative, may employ an attorney or other 1939  
legal counsel to represent or advise the board regarding a 1940  
particular matter in place of the prosecuting attorney. The 1941  
employment of an attorney or other legal counsel on an annual 1942  
basis or in a particular matter is not subject to or governed by 1943  
sections 305.14 and 309.09 of the Revised Code. 1944

Notwithstanding the employment of an attorney or other 1945  
legal counsel on an annual basis to serve as the district's 1946  
legal advisor, the board may require written opinions or 1947  
instructions from the prosecuting attorney under section 309.09 1948  
of the Revised Code in matters connected with its official 1949  
duties as though the prosecuting attorney were serving as the 1950

legal advisor of the district. 1951

(2) The board of directors of a joint district may 1952  
designate the prosecuting attorney of one of the counties 1953  
forming the district to serve as the legal advisor of the 1954  
district. When so designated, the prosecuting attorney shall 1955  
provide such services to the joint district as are required or 1956  
authorized to be provided to county boards under Chapter 309. of 1957  
the Revised Code. The board of directors may pay to that county 1958  
any amount agreed upon by the board of directors and the board 1959  
of county commissioners of that county to reimburse that county 1960  
for the cost properly allocable to the services of its 1961  
prosecuting attorney as the legal advisor of the joint district. 1962  
When that prosecuting attorney is so serving and the board 1963  
considers it to be necessary or appropriate, the board, on its 1964  
own initiative, may employ an attorney or other legal counsel to 1965  
represent or advise the board regarding a particular matter in 1966  
place of the prosecuting attorney. 1967

Instead of designating the prosecuting attorney of one of 1968  
the counties forming the district to be the legal advisor of the 1969  
district, the board of directors may employ on an annual basis 1970  
an attorney or other legal counsel to serve as the district's 1971  
legal advisor. Notwithstanding the employment of an attorney or 1972  
other legal counsel as the district's legal advisor, the board 1973  
of directors may require written opinions or instructions from 1974  
the prosecuting attorney of any of the counties forming the 1975  
district in matters connected with the board's official duties, 1976  
and the prosecuting attorney shall provide the written opinion 1977  
or instructions as though the prosecuting attorney had been 1978  
designated to serve as the district's legal advisor under 1979  
division (E) (2) of this section. 1980

(F) A board of county commissioners may issue bonds or 1981  
bond anticipation notes of the county to pay the cost of 1982  
preparing general and detailed plans and other data required for 1983  
the construction of solid waste facilities in connection with a 1984  
county or joint district. A board of directors of a joint solid 1985  
waste management district may issue bonds or bond anticipation 1986  
notes of the joint solid waste management district to pay the 1987  
cost of preparing general and detailed plans and other data 1988  
required for the construction of solid waste facilities in 1989  
connection with a joint district. The bonds and notes shall be 1990  
issued in accordance with Chapter 133. of the Revised Code, 1991  
except that the maximum maturity of bonds issued for that 1992  
purpose shall not exceed ten years. Bond anticipation notes may 1993  
be paid from the proceeds of bonds issued either to pay the cost 1994  
of the solid waste facilities or to pay the cost of the plans 1995  
and other data. 1996

(G) To the extent authorized by the solid waste management 1997  
plan of the district approved under section 3734.521 or 3734.55 1998  
of the Revised Code or subsequent amended plans of the district 1999  
approved under section 3734.521 or 3734.56 of the Revised Code, 2000  
the board of county commissioners of a county district or board 2001  
of directors of a joint district may adopt, publish, and enforce 2002  
rules doing any of the following: 2003

(1) Prohibiting or limiting the receipt of solid wastes 2004  
generated outside the district or outside a service area 2005  
prescribed in the solid waste management plan or amended plan, 2006  
at facilities located within the solid waste management 2007  
district, consistent with the projections contained in the plan 2008  
or amended plan under divisions (A) (6) and (7) of section 2009  
3734.53 of the Revised Code. However, rules adopted by a board 2010  
under division (G) (1) of this section may be adopted and 2011

enforced with respect to solid waste disposal facilities in the 2012  
solid waste management district that are not owned by a county 2013  
or the solid waste management district only if the board submits 2014  
an application to the director of environmental protection that 2015  
demonstrates that there is insufficient capacity to dispose of 2016  
all solid wastes that are generated within the district at the 2017  
solid waste disposal facilities located within the district and 2018  
the director approves the application. The demonstration in the 2019  
application shall be based on projections contained in the plan 2020  
or amended plan of the district. The director shall establish 2021  
the form of the application. The approval or disapproval of such 2022  
an application by the director is an action that is appealable 2023  
under section 3745.04 of the Revised Code. 2024

In addition, the director of environmental protection may 2025  
issue an order modifying a rule adopted under division (G)(1) of 2026  
this section to allow the disposal in the district of solid 2027  
wastes from another county or joint solid waste management 2028  
district if all of the following apply: 2029

(a) The district in which the wastes were generated does 2030  
not have sufficient capacity to dispose of solid wastes 2031  
generated within it for six months following the date of the 2032  
director's order. 2033

(b) No new solid waste facilities will begin operation 2034  
during those six months in the district in which the wastes were 2035  
generated and, despite good faith efforts to do so, it is 2036  
impossible to site new solid waste facilities within the 2037  
district because of its high population density. 2038

(c) The district in which the wastes were generated has 2039  
made good faith efforts to negotiate with other districts to 2040  
incorporate its disposal needs within those districts' solid 2041

waste management plans, including efforts to develop joint 2042  
facilities authorized under section 343.02 of the Revised Code, 2043  
and the efforts have been unsuccessful. 2044

(d) The district in which the wastes were generated has 2045  
located a facility willing to accept the district's solid wastes 2046  
for disposal within the receiving district. 2047

(e) The district in which the wastes were generated has 2048  
demonstrated to the director that the conditions specified in 2049  
divisions (G) (1) (a) to (d) of this section have been met. 2050

(f) The director finds that the issuance of the order will 2051  
be consistent with the state solid waste management plan and 2052  
that receipt of the out-of-district wastes will not limit the 2053  
capacity of the receiving district to dispose of its in-district 2054  
wastes to less than eight years. 2055

Any order issued under division (G) (1) of this section 2056  
shall not become final until thirty days after it has been 2057  
served ~~by certified mail~~ upon the county or joint solid waste 2058  
management district that will receive the out-of-district wastes 2059  
either by certified mail or, if the director has record of an 2060  
internet identifier of record associated with the district, by 2061  
ordinary mail and by that internet identifier of record. 2062

(2) Governing the maintenance, protection, and use of 2063  
solid waste collection or other solid waste facilities located 2064  
within its district. The rules adopted under division (G) (2) of 2065  
this section shall not establish design standards for solid 2066  
waste facilities and shall be consistent with the solid waste 2067  
provisions of Chapter 3734. of the Revised Code and the rules 2068  
adopted under those provisions. The rules adopted under division 2069  
(G) (2) of this section may prohibit any person, municipal 2070

corporation, township, or other political subdivision from 2071  
constructing, enlarging, or modifying any solid waste facility 2072  
until general plans and specifications for the proposed 2073  
improvement have been submitted to and approved by the board of 2074  
county commissioners or board of directors as complying with the 2075  
solid waste management plan or amended plan of the district. The 2076  
construction of such a facility shall be done under the 2077  
supervision of the county sanitary engineer or, in the case of a 2078  
joint district, a county sanitary engineer designated by the 2079  
board of directors, and any person, municipal corporation, 2080  
township, or other political subdivision proposing or 2081  
constructing such improvements shall pay to the county or joint 2082  
district all expenses incurred by the board in connection 2083  
therewith. The sanitary engineer may enter upon any public or 2084  
private property for the purpose of making surveys or 2085  
examinations necessary for designing solid waste facilities or 2086  
for supervising the construction, enlargement, modification, or 2087  
operation of any such facilities. No person, municipal 2088  
corporation, township, or other political subdivision shall 2089  
forbid or interfere with the sanitary engineer or the sanitary 2090  
engineer's authorized assistants entering upon such property for 2091  
that purpose. If actual damage is done to property by the making 2092  
of the surveys and examinations, a board shall pay the 2093  
reasonable value of that damage to the owner of the property 2094  
damaged, and the cost shall be included in the financing of the 2095  
improvement for which the surveys and examinations are made. 2096

(3) Governing the development and implementation of a 2097  
program for the inspection of solid wastes generated outside the 2098  
boundaries of this state that are disposed of at solid waste 2099  
facilities included in the district's solid waste management 2100  
plan or amended plan. A board of county commissioners or board 2101

of directors or its authorized representative may enter upon the 2102  
premises of any solid waste facility included in the district's 2103  
solid waste management plan or amended plan for the purpose of 2104  
conducting the inspections required or authorized by the rules 2105  
adopted under division (G) (3) of this section. No person, 2106  
municipal corporation, township, or other political subdivision 2107  
shall forbid or interfere with a board of county commissioners 2108  
or directors or its authorized representative entering upon the 2109  
premises of any such solid waste facility for that purpose. 2110

(4) Exempting the owner or operator of any existing or 2111  
proposed solid waste facility provided for in the plan or 2112  
amended plan from compliance with any amendment to a township 2113  
zoning resolution adopted under section 519.12 of the Revised 2114  
Code or to a county rural zoning resolution adopted under 2115  
section 303.12 of the Revised Code that rezoned or redistricted 2116  
the parcel or parcels upon which the facility is to be 2117  
constructed or modified and that became effective within two 2118  
years prior to the filing of an application for a permit 2119  
required under division (A) (2) (a) of section 3734.05 of the 2120  
Revised Code to open a new or modify an existing solid waste 2121  
facility. 2122

(H) A board of county commissioners or board of directors 2123  
may enter into a contract with any person, municipal 2124  
corporation, township, or other political subdivision for the 2125  
operation and maintenance of any solid waste facilities 2126  
regardless of whether the facilities are owned or leased by the 2127  
county or joint district or the contractor. 2128

(I) (1) No person, municipal corporation, township, or 2129  
other political subdivision shall tamper with or damage any 2130  
solid waste facility constructed under this chapter or any 2131



apparatus or accessory connected therewith or pertaining 2132  
thereto, fail or refuse to comply with the applicable rules 2133  
adopted by a board of county commissioners or directors under 2134  
division (G) (1), (2), (3), or (4) of this section, refuse to 2135  
permit an inspection or examination by a sanitary engineer as 2136  
authorized under division (G) (2) of this section, or refuse to 2137  
permit an inspection by a board of county commissioners or 2138  
directors or its authorized representative as required or 2139  
authorized by rules adopted under division (G) (3) of this 2140  
section. 2141

(2) If the board of county commissioners of a county 2142  
district or board of directors of a joint district has 2143  
established facility designations under section 343.013, 2144  
343.014, or 343.015 of the Revised Code, or the director has 2145  
established facility designations in the initial or amended plan 2146  
of the district prepared and ordered to be implemented under 2147  
section 3734.521, 3734.55, or 3734.56 of the Revised Code, no 2148  
person, municipal corporation, township, or other political 2149  
subdivision shall deliver, or cause the delivery of, any solid 2150  
wastes generated within a county or joint district to any solid 2151  
waste facility other than the facility designated under section 2152  
343.013, 343.014, or 343.015 of the Revised Code, or in the 2153  
initial or amended plan of the district prepared and ordered to 2154  
be implemented under section 3734.521, 3734.55, or 3734.56 of 2155  
the Revised Code, as applicable, except that source separated 2156  
recyclable materials may be taken to any legitimate recycling 2157  
facility. Upon the request of a person or the legislative 2158  
authority of a municipal corporation or township, the board of 2159  
county commissioners of a county district or board of directors 2160  
of a joint district may grant a waiver authorizing the delivery 2161  
of all or any portion of the solid wastes generated in a 2162

municipal corporation or township to a solid waste facility 2163  
other than the facility designated under section 343.013, 2164  
343.014, or 343.015 of the Revised Code, or in the initial or 2165  
amended plan of the district prepared and ordered to be 2166  
implemented under section 3734.521, 3734.55, or 3734.56 of the 2167  
Revised Code, as applicable, regardless of whether the other 2168  
facility is located within or outside of the district, if the 2169  
board finds that delivery of those solid wastes to the other 2170  
facility is not inconsistent with the projections contained in 2171  
the district's initial or amended plan under divisions (A) (6) 2172  
and (7) of section 3734.53 of the Revised Code as approved or 2173  
ordered to be implemented and will not adversely affect the 2174  
implementation and financing of the district's initial or 2175  
amended plan pursuant to the implementation schedule contained 2176  
in it under divisions (A) (12) (a) to (d) of that section. The 2177  
board shall act on a request for such a waiver within ninety 2178  
days after receiving the request. Upon granting such a waiver, 2179  
the board shall send notice of that fact to the director. The 2180  
notice shall indicate to whom the waiver was granted. Any waiver 2181  
or authorization granted by a board on or before October 29, 2182  
1993, shall continue in force until the board takes action 2183  
concerning the same entity under this division or until action 2184  
is taken under division (G) of section 343.014 of the Revised 2185  
Code. 2186

(J) Divisions (G) (1) to (4) and (I) (2) of this section do 2187  
not apply to the construction, operation, use, repair, 2188  
enlargement, or modification of either of the following: 2189

(1) A solid waste facility owned by a generator of solid 2190  
wastes when the solid waste facility exclusively disposes of 2191  
solid wastes generated at one or more premises owned by the 2192  
generator regardless of whether the facility is located on a 2193

premises where the wastes are generated; 2194

(2) A facility that exclusively disposes of wastes that 2195  
are generated from the combustion of coal, or from the 2196  
combustion of primarily coal in combination with scrap tires, 2197  
that is not combined in any way with garbage at one or more 2198  
premises owned by the generator. 2199

(K) (1) A member of the board of county commissioners of a 2200  
county solid waste management district, member of the board of 2201  
directors of a joint solid waste management district, member of 2202  
the board of trustees of a regional solid waste management 2203  
authority managing a county or joint solid waste management 2204  
district, or officer or employee of any solid waste management 2205  
district, for the purposes of sections 102.03, 102.04, 2921.41, 2206  
and 2921.42 of the Revised Code, shall not be considered to be 2207  
directly or indirectly interested in, or improperly influenced 2208  
by, any of the following: 2209

(a) A contract entered into under this chapter or section 2210  
307.15 or sections 3734.52 to 3734.575 of the Revised Code 2211  
between the district and any county forming the district, 2212  
municipal corporation or township located within the district, 2213  
or health district having territorial jurisdiction within the 2214  
district, of which that member, officer, or employee also is an 2215  
officer or employee, but only to the extent that any interest or 2216  
influence could arise from holding public office or employment 2217  
with the political subdivision or health district; 2218

(b) A contract entered into under this chapter or section 2219  
307.15 or sections 3734.52 to 3734.575 of the Revised Code 2220  
between the district and a county planning commission organized 2221  
under section 713.22 of the Revised Code, or regional planning 2222  
commission created under section 713.21 of the Revised Code, 2223

having territorial jurisdiction within the district, of which 2224  
that member also is a member, officer, or employee, but only to 2225  
the extent that any interest or influence could arise from 2226  
holding public office or employment with the commission; 2227

(c) An expenditure of money made by the district for the 2228  
benefit of any county forming the district, municipal 2229  
corporation or township located within the district, or health 2230  
district or county or regional planning commission having 2231  
territorial jurisdiction within the district, of which that 2232  
member also is a member, officer, or employee, but only to the 2233  
extent that any interest or influence could arise from holding 2234  
public office or employment with the political subdivision, 2235  
health district, or commission; 2236

(d) An expenditure of money made for the benefit of the 2237  
district by any county forming the district, municipal 2238  
corporation or township located within the district, or health 2239  
district or county or regional planning commission having 2240  
territorial jurisdiction within the district, of which that 2241  
member also is a member, officer, or employee, but only to the 2242  
extent that any interest or influence could arise from holding 2243  
public office or employment with the political subdivision, 2244  
health district, or commission. 2245

(2) A solid waste management district, county, municipal 2246  
corporation, township, health district, or planning commission 2247  
described or referred to in divisions (K) (1) (a) to (d) of this 2248  
section shall not be construed to be the business associate of a 2249  
person who is concurrently a member of the board of county 2250  
commissioners, directors, or trustees, or an officer or 2251  
employee, of the district and an officer or employee of that 2252  
municipal corporation, county, township, health district, or 2253

planning commission for the purposes of sections 102.03, 2254  
2921.42, and 2921.43 of the Revised Code. Any person who is 2255  
concurrently a member of the board of county commissioners, 2256  
directors, or trustees, or an officer or employee, of a solid 2257  
waste management district so described or referred to and an 2258  
officer or employee of a county, municipal corporation, 2259  
township, health district, or planning commission so described 2260  
or referred to may participate fully in deliberations concerning 2261  
and vote on or otherwise participate in the approval or 2262  
disapproval of any contract or expenditure of funds described in 2263  
those divisions as a member of the board of county commissioners 2264  
or directors, or an officer or employee, of a county or joint 2265  
solid waste management district; member of the board of 2266  
trustees, or an officer or employee, of a regional solid waste 2267  
management authority managing a county or joint solid waste 2268  
management district; member of the legislative authority, or an 2269  
officer or employee, of a county forming the district; member of 2270  
the legislative authority, or an officer or employee, of a 2271  
municipal corporation or township located within the district; 2272  
member of the board of health, or an officer or employee, of a 2273  
health district having territorial jurisdiction within the 2274  
district; or member of the planning commission, or an officer or 2275  
employee of a county or regional planning commission having 2276  
territorial jurisdiction within the district. 2277

(3) Nothing in division (K) (1) or (2) of this section 2278  
shall be construed to exempt any member of the board of county 2279  
commissioners, directors, or trustees, or an officer or 2280  
employee, of a solid waste management district from a conflict 2281  
of interest arising because of a personal or private business 2282  
interest. 2283

(4) A member of the board of county commissioners of a 2284

county solid waste management district, board of directors of a 2285  
joint solid waste management district, or board of trustees of a 2286  
regional solid waste management authority managing a county or 2287  
joint solid waste management district, or an officer or 2288  
employee, of any such solid waste management district, neither 2289  
shall be disqualified from holding any other public office or 2290  
position of employment nor be required to forfeit any other 2291  
public office or position of employment by reason of serving as 2292  
a member of the board of county commissioners, directors, or 2293  
trustees, or as an officer or employee, of the district, 2294  
notwithstanding any requirement to the contrary under the common 2295  
law of this state or the Revised Code. 2296

(L) As used in this chapter: 2297

(1) "Board of health," "disposal," "health district," 2298  
"scrap tires," and "solid waste transfer facility" have the same 2299  
meanings as in section 3734.01 of the Revised Code. 2300

(2) "Change in district composition" and "change" have the 2301  
same meaning as in section 3734.521 of the Revised Code. 2302

(3) (a) Except as provided in division (L) (3) (b) or (c), 2303  
and (d), of this section, "solid wastes" has the same meaning as 2304  
in section 3734.01 of the Revised Code. 2305

(b) If the solid waste management district is not one that 2306  
resulted from proceedings for a change in district composition 2307  
under sections 343.012 and 3734.521 of the Revised Code, until 2308  
such time as an amended solid waste management plan is approved 2309  
under section 3734.56 of the Revised Code, "solid wastes" need 2310  
not include scrap tires unless the solid waste management policy 2311  
committee established under section 3734.54 of the Revised Code 2312  
for the district chooses to include the management of scrap 2313

tires in the district's initial solid waste management plan 2314  
prepared under sections 3734.54 and 3734.55 of the Revised Code. 2315

(c) If the solid waste management district is one 2316  
resulting from proceedings for a change in district composition 2317  
under sections 343.012 and 3734.521 of the Revised Code and if 2318  
the change involves an existing district that is operating under 2319  
either an initial solid waste management plan approved or 2320  
prepared and ordered to be implemented under section 3734.55 of 2321  
the Revised Code or an initial or amended plan approved or 2322  
prepared and ordered to be implemented under section 3734.521 of 2323  
the Revised Code that does not provide for the management of 2324  
scrap tires and scrap tire facilities, until such time as the 2325  
amended plan of the district resulting from the change is 2326  
approved under section 3734.56 of the Revised Code, "solid 2327  
wastes" need not include scrap tires unless the solid waste 2328  
management policy committee established under division (C) of 2329  
section 3734.521 of the Revised Code for the district chooses to 2330  
include the management of scrap tires in the district's initial 2331  
or amended solid waste management plan prepared under section 2332  
3734.521 of the Revised Code in connection with the change 2333  
proceedings. 2334

(d) If the policy committee chooses to include the 2335  
management of scrap tires in an initial plan prepared under 2336  
sections 3734.54 and 3734.55 of the Revised Code or in an 2337  
initial or amended plan prepared under section 3734.521 of the 2338  
Revised Code, the board of county commissioners or directors 2339  
shall execute all of the duties imposed and may exercise any or 2340  
all of the rights granted under this section for the purpose of 2341  
managing solid wastes that consist of scrap tires. 2342

(4) (a) Except as provided in division (L) (4) (b) or (c), 2343

and (d) of this section, "facility" has the same meaning as in 2344  
section 3734.01 of the Revised Code and also includes any solid 2345  
waste transfer, recycling, or resource recovery facility. 2346

(b) If the solid waste management district is not one that 2347  
resulted from proceedings for a change in district composition 2348  
under sections 343.012 and 3734.521 of the Revised Code, until 2349  
such time as an amended solid waste management plan is approved 2350  
under section 3734.56 of the Revised Code, "facility" need not 2351  
include any scrap tire collection, storage, monocell, monofill, 2352  
or recovery facility unless the solid waste management policy 2353  
committee established under section 3734.54 of the Revised Code 2354  
for the district chooses to include the management of scrap tire 2355  
facilities in the district's initial solid waste management plan 2356  
prepared under sections 3734.54 and 3734.55 of the Revised Code. 2357

(c) If the solid waste management district is one 2358  
resulting from proceedings for a change in district composition 2359  
under sections 343.012 and 3734.521 of the Revised Code and if 2360  
the change involves an existing district that is operating under 2361  
either an initial solid waste management plan approved under 2362  
section 3734.55 of the Revised Code or an initial or amended 2363  
plan approved or prepared and ordered to be implemented under 2364  
section 3734.521 of the Revised Code that does not provide for 2365  
the management of scrap tires and scrap tire facilities, until 2366  
such time as the amended plan of the district resulting from the 2367  
change is approved under section 3734.56 of the Revised Code, 2368  
"facility" need not include scrap tires unless the solid waste 2369  
management policy committee established under division (C) of 2370  
section 3734.521 of the Revised Code for the district chooses to 2371  
include the management of scrap tires in the district's initial 2372  
or amended solid waste management plan prepared under section 2373  
3734.521 of the Revised Code in connection with the change 2374



proceedings.	2375
(d) If the policy committee chooses to include the management of scrap tires in an initial plan prepared under sections 3734.54 and 3734.55 of the Revised Code or in an initial or amended plan prepared under section 3734.521 of the Revised Code, the board of county commissioners or directors shall execute all of the duties imposed and may exercise any or all of the rights granted under this section for the purpose of managing solid waste facilities that are scrap tire collection, storage, monocell, monofill, or recovery facilities.	2376 2377 2378 2379 2380 2381 2382 2383 2384
(M) As used in this section:	2385
(1) "Source separated recyclable materials" means materials that are separated from other solid wastes at the location where the materials are generated for the purpose of recycling the materials at a legitimate recycling facility.	2386 2387 2388 2389
(2) "Legitimate recycling facility" has the same meaning as in rule 3745-27-01 of the Administrative Code.	2390 2391
<u>(3) "Internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.</u>	2392 2393
<b>Sec. 505.266.</b> (A) As used in this section:	2394
(1) "Concentrated animal feeding facility" and "major concentrated animal feeding facility" have the same meanings as in section 903.01 of the Revised Code.	2395 2396 2397
(2) "Facility" means a proposed new or expanded major concentrated animal feeding facility.	2398 2399
(3) "Improvement" means the construction, modification, or both of township infrastructure.	2400 2401

(B) A person who proposes to do any of the following shall 2402  
provide written notification as required under division (C) of 2403  
this section to the board of township trustees of the township 2404  
in which a facility is or is to be located: 2405

(1) Establish a new major concentrated animal feeding 2406  
facility; 2407

(2) Increase the design capacity of an existing major 2408  
concentrated animal feeding facility by ten per cent or more in 2409  
excess of the design capacity set forth in the current permit 2410  
for construction or modification of the facility or for 2411  
installation or modification of the disposal system for manure 2412  
at the facility issued under section 903.02 or division (J) of 2413  
section 6111.03 of the Revised Code, as applicable; 2414

(3) Increase the design capacity of an existing 2415  
concentrated animal feeding facility by ten per cent or more in 2416  
excess of the design capacity set forth in the current permit 2417  
for construction or modification of the facility or for 2418  
installation or modification of the disposal system for manure 2419  
at the facility issued under section 903.02 or division (J) of 2420  
section 6111.03 of the Revised Code, as applicable, and to a 2421  
design capacity of more than ten times the number of animals 2422  
specified in any of the categories in division (M) of section 2423  
903.01 of the Revised Code. 2424

(C) The person shall notify the board in writing by 2425  
certified or ordinary mail of the proposed construction or 2426  
expansion of the facility and include the following information: 2427

(1) The anticipated travel routes of motor vehicles to and 2428  
from the facility; 2429

(2) The anticipated number and weights of motor vehicles 2430

traveling to and from the facility. 2431

(D) At the request of the board, the county engineer may 2432  
review the written notification and advise the board on both of 2433  
the following: 2434

(1) Improvements and maintenance of improvements that are 2435  
reasonably needed in order to accommodate the impact on township 2436  
infrastructure that is anticipated as a result of the facility, 2437  
including increased travel or the types of vehicles on township 2438  
roads; 2439

(2) The projected costs of the improvements and 2440  
maintenance. 2441

Not later than ten days after receiving the written 2442  
notification, the board may request the person to provide 2443  
additional reasonable and relevant information regarding the 2444  
impact of the facility on township infrastructure. The person 2445  
shall provide the information not later than ten days after the 2446  
request is made. 2447

(E) (1) Not later than thirty days after the initial 2448  
written notification is received by the board, the board shall 2449  
submit to the person its recommendations, if any, concerning the 2450  
improvements that will be needed as a result of the facility and 2451  
the cost of those improvements. 2452

(2) Not later than fifteen days after receipt of the 2453  
board's recommendations, the person shall notify the board 2454  
either that the person agrees with the recommendations and will 2455  
implement them or that the person is submitting reasonable 2456  
alternative recommendations or modifications to the board. If 2457  
the person agrees with the recommendations, they shall be 2458  
considered to be the board's final recommendations. 2459

(3) If the board receives alternative recommendations or 2460  
modifications under division (E) (2) of this section, the board 2461  
shall select final recommendations and submit them to the person 2462  
not later than thirty days after the receipt of the alternative 2463  
recommendations or modifications. 2464

(F) (1) The board shall prepare a written, dated statement 2465  
certifying that the written notification required under this 2466  
section was submitted and that final recommendations were 2467  
selected regarding needed improvements and the costs of those 2468  
improvements. The board shall provide the person with the 2469  
original of the statement so that the person can include it with 2470  
the application for a permit to install for the facility as 2471  
required under division (C) (5) of section 903.02 of the Revised 2472  
Code. The board shall retain a copy of the statement for its 2473  
records. 2474

(2) If the board fails to prepare a written, dated 2475  
statement in accordance with division (F) (1) of this section 2476  
within seventy-five days of receiving the initial written 2477  
notification by certified mail from the person, the person 2478  
instead shall file with the application for a permit to install 2479  
for the facility a notarized affidavit declaring that the person 2480  
has met the criteria established in this section and that a 2481  
written, dated statement was not received by the person from the 2482  
board. 2483

(G) If the person receives a written, dated statement from 2484  
the board as provided in division (F) (1) of this section, the 2485  
person shall construct, modify, and maintain or finance the 2486  
construction, modification, and maintenance of improvements as 2487  
provided in the board's final recommendations and with the 2488  
approval and oversight of the county engineer. If the person 2489

fails to do so, the board shall notify the person either by 2490  
certified mail or, if the board has record of an internet 2491  
identifier of record associated with the person, by ordinary 2492  
mail and by that internet identifier of record that the board 2493  
intends to initiate mediation with the person if the person 2494  
remains out of compliance with the final recommendations. 2495

The board shall allow sufficient time for the person to 2496  
apply for and proceed to obtain, for the purpose of financing 2497  
the construction, modification, or maintenance of the 2498  
improvements, exemptions from taxation under sections 5709.63, 2499  
5709.632, 5709.73, and 5709.78 of the Revised Code or state or 2500  
federal grants that may be available. 2501

If the person remains out of compliance with the final 2502  
recommendations, the board may initiate mediation with the 2503  
person in order to resolve the differences between them. If 2504  
mediation fails to resolve the differences, the board and the 2505  
person first shall attempt to resolve the differences through 2506  
any legal remedies before seeking redress through a court of 2507  
common pleas. 2508

(H) If the person subsequently submits an application 2509  
under section 903.02 of the Revised Code for a permit to modify 2510  
the facility, or if the routes of travel to or from the facility 2511  
change for any reason other than road construction conducted by 2512  
the township, the board or the person may request that 2513  
additional information be provided in writing and shall proceed 2514  
as provided in this section for the notification and 2515  
recommendation proceedings. 2516

(I) As used in this section, "internet identifier of 2517  
record" has the same meaning as in section 9.312 of the Revised 2518  
Code. 2519

<b>Sec. 519.14.</b> The township board of zoning appeals may:	2520
(A) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of sections 519.02 to 519.25 of the Revised Code, or of any resolution adopted pursuant thereto;	2521 2522 2523 2524 2525
(B) Authorize, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done;	2526 2527 2528 2529 2530 2531
(C) Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution. If the board considers conditional zoning certificates for activities that are permitted and regulated under Chapter 1514. of the Revised Code or activities that are related to making finished aggregate products, the board shall proceed in accordance with section 519.141 of the Revised Code.	2532 2533 2534 2535 2536 2537 2538 2539
(D) Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.	2540 2541 2542
The board shall notify the holder of the variance or certificate <u>either by certified mail or, if the board has record of an internet identifier of record associated with the holder, by ordinary mail and by that internet identifier of record of</u> its intent to revoke the variance or certificate under division (D) of this section and of the holder's right to a hearing	2543 2544 2545 2546 2547 2548

before the board, within thirty days of the mailing of the 2549  
notice, if the holder so requests. If the holder requests a 2550  
hearing, the board shall set a time and place for the hearing 2551  
and notify the holder. At the hearing, the holder may appear in 2552  
person, by the holder's attorney, or by other representative, or 2553  
the holder may present the holder's position in writing. The 2554  
holder may present evidence and examine witnesses appearing for 2555  
or against the holder. If no hearing is requested, the board may 2556  
revoke the variance or certificate without a hearing. The 2557  
authority to revoke a variance or certificate is in addition to 2558  
any other means of zoning enforcement provided by law. 2559

In exercising the above-mentioned powers, the board may, 2560  
in conformity with such sections, reverse or affirm, wholly or 2561  
partly, or may modify the order, requirement, decision, or 2562  
determination appealed from, and may make such order, 2563  
requirement, decision, or determination as ought to be made, and 2564  
to that end has all powers of the officer from whom the appeal 2565  
is taken. 2566

As used in this section, "internet identifier of record" 2567  
has the same meaning as in section 9.312 of the Revised Code. 2568

**Sec. 713.21.** (A) The planning commission of any municipal 2569  
corporation or group of municipal corporations, any board of 2570  
township trustees, and the board of county commissioners of any 2571  
county in which the municipal corporation or group of municipal 2572  
corporations is located or of any adjoining county may cooperate 2573  
in the creation of a regional planning commission, for any 2574  
region defined as agreed upon by the planning commissions and 2575  
boards, exclusive of any territory within the limits of a 2576  
municipal corporation not having a planning commission. After 2577  
creation of a regional planning commission, school districts, 2578

special districts, authorities, and any other units of local 2579  
government may participate in the regional planning commission, 2580  
upon terms agreed upon by the planning commissions and boards. 2581

The number of members of a regional planning commission, 2582  
their method of appointment, and the proportion of the costs of 2583  
regional planning to be borne respectively by the various 2584  
municipal corporations, townships, and counties in the region 2585  
and by other participating units of local government shall be 2586  
determined by a majority of the planning commissions and boards. 2587  
Costs may include, but are not limited to, compensation and 2588  
actual and necessary expenses for appointive members of a 2589  
regional planning commission who are not also holding another 2590  
public office to which they were elected. Any member of a 2591  
regional planning commission may hold any other public office 2592  
and may serve as a member of a city, village, or county planning 2593  
commission, except as otherwise provided in the charter of any 2594  
city or village. 2595

Boards of township trustees, boards of county 2596  
commissioners, and legislative authorities of municipal 2597  
corporations, and the governing bodies of other participating 2598  
units of local government, may appropriate their respective 2599  
shares of the costs of regional planning. Those sums shall be 2600  
paid into the treasury of the county in which the greater 2601  
portion of the population of the region is located, and shall be 2602  
paid out on the certificate of the regional planning commission 2603  
and the warrant of the county auditor of that county for the 2604  
purposes authorized by sections 713.21 to 713.27 of the Revised 2605  
Code. 2606

(B) The regional planning commission may accept, receive, 2607  
and expend funds, grants, and services from the federal 2608



government or its agencies; from departments, agencies, and 2609  
instrumentalities of this state or any adjoining state; from one 2610  
or more counties of this state or any adjoining state; from any 2611  
municipal corporation or political subdivision of this or any 2612  
adjoining state, including county, regional, and municipal 2613  
planning commissions of this or any adjoining state; or from 2614  
civic sources. The regional planning commission may contract 2615  
with respect to those funds, grants, and services, either 2616  
separately, jointly, or cooperatively, and may provide the 2617  
information and reports necessary to secure those funds, grants, 2618  
and services. Within the amounts agreed upon and appropriated or 2619  
otherwise received, the regional planning commission may employ 2620  
necessary engineers, accountants, consultants, and employees and 2621  
may rent or lease space, purchase, lease, and lease with option 2622  
to purchase equipment, and make other purchases it considers 2623  
necessary to its use. The regional planning commission may 2624  
purchase, lease with option to purchase, or receive as a gift 2625  
property and buildings within which it is housed and carries out 2626  
its responsibilities, provided that the rules of the commission 2627  
provide for the disposition of the property and buildings if the 2628  
commission is dissolved or otherwise terminated. 2629

(C) The regional planning commission may establish 2630  
committees with the powers it finds necessary to carry on its 2631  
work, including an executive committee to make final 2632  
determinations, decisions, findings, recommendations, and orders 2633  
as provided in the commission's rules. All actions of these 2634  
committees shall be reported in writing to the members of the 2635  
regional planning commission no later than its next meeting or 2636  
within thirty days from the date of the action, whichever is 2637  
earlier. The regional planning commission may provide a 2638  
procedure to ratify committee actions by a vote of the members. 2639

(D) The regional planning commission may make agreements 2640  
with other public or private agencies for the temporary transfer 2641  
or joint use of staff employees, and may contract for 2642  
professional or consultant services for or from other 2643  
governmental and private agencies and persons. 2644

(E) A regional planning commission may contract with the 2645  
prosecuting attorney of a county, as provided in section 309.09 2646  
of the Revised Code, to obtain legal services from the 2647  
prosecuting attorney. 2648

**Sec. 902.04.** (A) An issuer may from time to time issue 2649  
bonds to carry out the lawful purposes set forth in this chapter 2650  
including, but not limited to, the purchase of loans or other 2651  
evidence of debt from and the making of loans to or through 2652  
lending institutions, the payment of the costs of insurance, 2653  
letters of credit, certificates of deposit, and purchase 2654  
agreements related to the bonds or loans, underwriting, legal, 2655  
accounting, financial consulting, rating, printing, and other 2656  
services relating to the issuance and sale of the bonds, fees of 2657  
any trustee, paying agent, bond registrar, depository, transfer 2658  
agent, and authenticating agent, interest on the bonds, 2659  
establishment of reserve funds securing the bonds, and any other 2660  
costs reasonably related to the issuance, sale, marketing, 2661  
servicing, insuring, guaranteeing, and otherwise securing of the 2662  
bonds. Any issuer may from time to time, whenever it considers 2663  
refunding to be expedient, issue bonds to refund any bonds 2664  
issued under this chapter whether the bonds to be refunded have 2665  
or have not matured, and may issue bonds partly to refund bonds 2666  
then outstanding and partly for any other authorized purpose. 2667  
The terms of the issuance and sale of refunding bonds shall be 2668  
as provided in this chapter for an original issue of bonds. 2669

(B) Bonds, and the issuance of bonds, pursuant to this 2670  
chapter need not comply with any other law applicable to the 2671  
issuance of bonds. The deposit, application, safeguarding, and 2672  
investment of funds of an issuer received or held under bond 2673  
proceedings of the issuer shall not be subject to Chapters 131. 2674  
and 135. of the Revised Code. 2675

(C) (1) Bonds issued pursuant to this chapter do not 2676  
constitute a debt, or the pledge of the faith and credit, of the 2677  
state or any political subdivision thereof, and the holders or 2678  
owners of such bonds have no right to have taxes levied by the 2679  
general assembly or taxing authority of any political 2680  
subdivision for the payment of the principal thereof or interest 2681  
thereon. Moneys raised by taxation shall not be obligated or 2682  
pledged for the payment of principal of or interest on such 2683  
bonds, but such bonds shall be payable solely from the revenues 2684  
and security interests pledged for their payment as authorized 2685  
by this chapter, unless bonds are issued in anticipation of the 2686  
issuance of or are refunded by refunding bonds issued pursuant 2687  
to this chapter, which refunding bonds shall be payable solely 2688  
from revenues and security interests pledged for their payment 2689  
as authorized by this chapter. Bond anticipation notes may be 2690  
secured solely or additionally by a covenant of the issuer that 2691  
it will do all things necessary for the issuance of the bonds 2692  
anticipated or renewal notes in appropriate amount and either 2693  
exchange such bonds or renewal notes for such notes or apply the 2694  
proceeds therefrom to the extent necessary to make full payment 2695  
of the principal of and interest on such notes. 2696

(2) Any pledge of revenues to the payment of bonds is 2697  
valid and binding from the time the pledge is made and the 2698  
revenues so pledged and thereafter received by the issuer are 2699  
immediately subject to the lien of such pledge without any 2700

separation or physical delivery thereof, or further act, and the 2701  
lien of any such pledge is valid and binding as against all 2702  
parties having claims of any kind in tort, contract, or 2703  
otherwise against the issuer, irrespective of whether such 2704  
parties have notice thereof, and creates a perfected security 2705  
interest for all purposes of Chapter 1309. of the Revised Code. 2706  
Neither the resolution or ordinance nor any trust agreement or 2707  
indenture by which a pledge is created need be filed or recorded 2708  
except in the records of the issuer. 2709

(3) All bonds shall contain on the face thereof a 2710  
statement to the effect that the bonds, as to both principal and 2711  
interest, are not debts of the state or any political 2712  
subdivision thereof, but are payable solely from the revenues 2713  
and security interests pledged for their payment. 2714

(D) (1) The bonds shall be authorized by one or more 2715  
resolutions or ordinances of the issuing authority, shall bear 2716  
such date or dates, and shall mature at such time or times, not 2717  
exceeding forty years from the date of issue, and have such 2718  
redemption and purchase provisions as are authorized by or 2719  
pursuant to such resolutions or ordinances. The bonds shall bear 2720  
interest at such rate or rates, or at a variable rate or rates, 2721  
as provided in or authorized by or pursuant to such resolutions 2722  
or ordinances. The bonds shall be in such denominations, be in 2723  
such form, either coupon, registered or book entry, carry such 2724  
registration privileges, be payable in such medium of payment, 2725  
at such place or places, and be subject to such terms of 2726  
redemption as the issuing authority may authorize. The bonds may 2727  
be sold by the issuing authority at public or private sale, at 2728  
not less than such price or prices as the issuer determines. 2729  
Notwithstanding any other provision of this chapter or Chapter 2730  
165., 761., or 1724. of the Revised Code, the commission shall 2731

have exclusive power to authorize the issuance and sale of bonds 2732  
for agricultural purposes under a composite financing 2733  
arrangement in excess of five hundred thousand dollars; provided 2734  
that other issuers may issue bonds under composite financing 2735  
arrangements in such greater amounts and at such times as shall 2736  
be approved by the commission. 2737

(2) Bonds issued by the agricultural financing commission 2738  
shall be executed by the ~~chairman~~ chairperson or ~~vice-chairman~~ 2739  
vice-chairperson of the commission, manually or by a facsimile 2740  
signature. The official seal of the commission or a facsimile 2741  
thereof shall be affixed thereto or printed thereon, and any 2742  
coupons attached thereto shall bear the signature or facsimile 2743  
signature of the ~~chairman~~ chairperson or ~~vice-chairman~~ vice- 2744  
chairperson of the commission. Bonds and coupons issued by any 2745  
other issuer shall be executed by such officers, in manual or 2746  
facsimile form, and bear such official seal or a facsimile 2747  
thereof, as shall be provided in the bond ~~proceedings~~ proceedings 2748  
for the bonds. In case any officer whose signature or a 2749  
facsimile of whose signature, appears on any bonds or coupons 2750  
ceases to be such officer before delivery of bonds, such 2751  
signature or facsimile is nevertheless sufficient for all 2752  
purposes the same as if ~~he~~ the officer had remained in office 2753  
until such delivery, and in case the seal has been changed after 2754  
a facsimile has been imprinted on such bonds, such facsimile 2755  
seal will continue to be sufficient for all purposes. The bonds 2756  
may also be issued and executed in book entry form in such 2757  
manner as is appropriate to that form. Neither the members of 2758  
the issuing authority nor any person executing the bonds is 2759  
liable personally on the bonds or subject to any personal 2760  
liability by reason of the issuance thereof. 2761

(E) If the issuer is a county or municipal corporation, 2762

then prior to the delivery of bonds issued under authority of 2763  
this section, the issuing authority shall send written notice ~~by~~ 2764  
~~certified mail~~ to the director of agriculture and the director 2765  
of development either by certified mail or, if the issuing 2766  
authority has record of an internet identifier of record 2767  
associated with the director, by ordinary mail and by that 2768  
internet identifier of record advising of the proposed delivery 2769  
of the bonds, the amount thereof, the proposed lessee of the 2770  
project or person to whom the proceeds of the bonds will be 2771  
loaned, and a general description of the project or projects to 2772  
be financed. 2773

(F) All bonds issued under authority of this chapter, 2774  
regardless of form or terms and regardless of any other law to 2775  
the contrary, shall have all qualities and incidents of 2776  
negotiable instruments, subject to provisions for registration, 2777  
and may be issued in coupon, fully registered, or other form, or 2778  
any combination thereof, as the issuing authority determines. 2779  
Provision may be made for the registration of any coupon bonds 2780  
as to principal alone or as to both principal and interest, and 2781  
for the conversion into coupon bonds of any fully registered 2782  
bonds or bonds registered as to both principal and interest. 2783

(G) As used in this section, "internet identifier of 2784  
record" has the same meaning as in section 9.312 of the Revised 2785  
Code. 2786

**Sec. 929.02.** (A) (1) Any person who owns agricultural land 2787  
may file an application with the county auditor to place the 2788  
land in an agricultural district for five years if, during the 2789  
three calendar years prior to the year in which that person 2790  
files the application, the land has been devoted exclusively to 2791  
agricultural production or devoted to and qualified for payments 2792

or other compensation under a land retirement or conservation 2793  
program under an agreement with an agency of the federal 2794  
government and if: 2795

~~(1)~~ (a) The land is composed of tracts, lots, or parcels 2796  
that total not less than ten acres; or 2797

~~(2)~~ (b) The activities conducted on the land produced an 2798  
average yearly gross income of at least twenty-five hundred 2799  
dollars during that three-year period or the owner has evidence 2800  
of an anticipated gross income of that amount from those 2801  
activities. The owner shall submit with the application proof 2802  
that the owner's land meets the requirements established under 2803  
this division. ~~¶¶~~ 2804

(2) If the county auditor determines that the application 2805  
does not meet the requirements of this section, the county 2806  
auditor shall deny the application and notify the applicant ~~by~~ 2807  
~~certified mail, return receipt requested,~~ within thirty days of 2808  
the filing of the application either by certified mail or, if 2809  
the county auditor has record of an internet identifier of 2810  
record associated with the applicant, by ordinary mail and by 2811  
that internet identifier of record. The applicant may appeal the 2812  
denial of the application to the court of common pleas of the 2813  
county in which the application was filed within thirty days of 2814  
the receipt of the notice. ~~¶¶~~ 2815

(3) If the county auditor determines that the application 2816  
meets the requirements of this section, the county auditor shall 2817  
approve the application and notify the applicant within thirty 2818  
days of the filing of the application. An application that is 2819  
not denied shall be deemed to be approved. The county auditor 2820  
shall provide an applicant with a copy of an approved 2821  
application within thirty days of the filing of the application. 2822

An application that is approved is effective upon the date of 2823  
the filing of the application. 2824

(4) The county auditor shall keep a record of all land in 2825  
the county that is within an agricultural district, including a 2826  
copy of the final action taken by a legislative body regarding 2827  
applications modified by a legislative body pursuant to division 2828  
(B) of this section. 2829

(B) (1) If the land of a person who files an application 2830  
under division (A) of this section is within a municipal 2831  
corporation or if an annexation petition that includes the land 2832  
has been filed with the board of county commissioners under 2833  
section 709.02 of the Revised Code at the time of the filing, 2834  
the owner also shall file a copy of the application for 2835  
inclusion in an agricultural district with the clerk of the 2836  
legislative body of the municipal corporation. No later than 2837  
thirty days after the filing of an application or, in the case 2838  
of an annexation petition filed pursuant to section 709.02 of 2839  
the Revised Code, no later than thirty days after the petition 2840  
has been granted, the legislative body shall conduct a public 2841  
hearing on the application. The clerk of the legislative body 2842  
shall cause a notice containing the substance of the application 2843  
and the time and place where it will be heard to be published in 2844  
a newspaper of general circulation in the county in which the 2845  
application or annexation petition is filed no later than seven 2846  
days prior to the time fixed for the hearing. The clerk of the 2847  
legislative body also shall notify the applicant of the time and 2848  
place of the hearing by certified mail sent no later than ten 2849  
days prior to the hearing. Any interested person or 2850  
representative of an interested person may appear in support of 2851  
or to contest the granting of the application. Affidavits 2852  
presented in support of or against the application shall be 2853



considered by the legislative body. Within thirty days of the 2854  
hearing, the legislative body may approve the application, 2855  
modify the application and approve the application as modified, 2856  
or reject the application. An application that is not modified 2857  
or rejected by a majority vote of the members of the legislative 2858  
body shall be deemed to be approved. Prior to rejecting an 2859  
application, the legislative body shall make every effort to 2860  
modify the application. Modifications may include the length of 2861  
time during which land is considered to be within an 2862  
agricultural district, size of the agricultural district, and 2863  
any provisions of sections 929.03 to 929.05 of the Revised Code. 2864  
If the applicant disapproves of the modifications made by the 2865  
legislative body, the applicant may withdraw the application to 2866  
place the land in an agricultural district. In rejecting or 2867  
modifying an application to place land in an agricultural 2868  
district, the legislative body shall demonstrate that the 2869  
rejection or modification is necessary to prevent a substantial, 2870  
adverse effect on the provision of municipal services within the 2871  
municipal corporation, efficient use of land within the 2872  
municipal corporation, the orderly growth and development of the 2873  
municipal corporation, or the public health, safety, or welfare. 2874

(2) If an annexation petition is denied under section 2875  
709.033 of the Revised Code, if a legislative body fails to 2876  
conduct a hearing in the time prescribed by this section, or if 2877  
an application is approved, the application shall be deemed to 2878  
have been approved and shall become effective as of the date the 2879  
application was filed. An application approved with 2880  
modifications shall become effective as of the date the 2881  
application was filed unless the modification provides 2882  
otherwise. 2883

(3) The clerk of the legislative body shall notify the 2884

applicant by certified mail, return receipt requested, sent 2885  
within five days of the decision to approve, modify, or reject 2886  
an application for inclusion of land in an agricultural 2887  
district. The clerk of the legislative body shall also transmit 2888  
a copy of the decision to approve, modify, or reject an 2889  
application to the county auditor. An applicant may appeal a 2890  
decision to modify or reject an application to the court of 2891  
common pleas of the county in which the application was filed 2892  
within thirty days of the receipt of the notice of modification 2893  
or rejection. 2894

(C) (1) At any time after the first Monday in January and 2895  
prior to the first Monday in March of the year during which an 2896  
agricultural district terminates, the owner of land in the 2897  
agricultural district may file a renewal application to continue 2898  
the inclusion of all or part of the owner's land in an 2899  
agricultural district for a period of time ending on the first 2900  
Monday in April of the fifth year following the renewal 2901  
application. The requirements for continued inclusion in the 2902  
agricultural district and the renewal application procedure 2903  
shall be the same as those required for the original application 2904  
for placing land in an agricultural district. The county auditor 2905  
shall notify owners of land in agricultural districts eligible 2906  
to file a renewal application for continued inclusion in an 2907  
agricultural district on or prior to the first Monday in 2908  
February or the date upon which the county auditor notifies 2909  
owners of land valued at agricultural use value for real 2910  
property tax purposes of the necessity of filing a renewal 2911  
application to continue valuing the land at agricultural use 2912  
value. ~~On~~ 2913

(2) On or before the second Tuesday after the first Monday 2914  
in March, the county auditor shall determine whether the owner 2915

of any land in an agricultural district eligible to file a 2916  
renewal application failed to file a renewal application with 2917  
respect to that land and shall forthwith notify each owner of 2918  
the land ~~by certified mail~~ that unless a renewal application is 2919  
filed prior to the first Monday in April, the land will be 2920  
removed from the agricultural district upon its termination 2921  
date. ~~An~~ The county auditor shall send that notice either by 2922  
certified mail or, if the county auditor has record of an 2923  
internet identifier of record associated with the owner, by 2924  
ordinary mail and by that internet identifier of record. 2925

(3) An approved renewal application is effective on the 2926  
termination date of the preceding agricultural district. ~~Failure~~ 2927

(4) Failure of an owner to file a renewal application 2928  
prior to the first Monday in April of the year during which the 2929  
owner's agricultural district terminates shall not prevent the 2930  
owner from filing an application to include the owner's land in 2931  
an agricultural district. 2932

(5) Land that is transferred to a new owner during the 2933  
period in which the land is an agricultural district shall 2934  
continue in the agricultural district under the terms of the 2935  
existing district unless the new owner elects to discontinue 2936  
inclusion in the agricultural district and files the election 2937  
with the county auditor within sixty days after the transfer. 2938  
Failure of the new owner to continue inclusion in the 2939  
agricultural district for the duration of the period in which 2940  
the land is in the agricultural district is withdrawal from an 2941  
agricultural district subject to penalty. 2942

(D) (1) If, at any time during which land is in an 2943  
agricultural district, the owner withdraws the land from the 2944  
district, the owner shall notify the county auditor of the 2945

withdrawal and shall pay to the county auditor a withdrawal 2946  
penalty calculated as follows: 2947

~~(1)~~ (a) If the owner's action also disqualifies the 2948  
owner's land for any tax savings that it had been receiving 2949  
under sections 5713.30 to 5713.38 of the Revised Code, the owner 2950  
shall pay a percentage of the amount charged under section 2951  
5713.34 of the Revised Code that is equal to the average bank 2952  
prime rate at the time the amount charged under that section is 2953  
required to be paid. The withdrawal penalty shall be in addition 2954  
to the amount charged under that section. 2955

~~(2)~~ (b) If the land had not been receiving any tax savings 2956  
under those sections, or if the owner's action does not 2957  
disqualify the land for tax savings under them, the owner shall 2958  
pay a percentage of the amount that would have been charged 2959  
under section 5713.34 of the Revised Code if the owner's land 2960  
had been receiving tax savings and became disqualified for them 2961  
in an amount that is equal to the average bank prime rate at the 2962  
time the amount that would have been charged under that section 2963  
would have been required to be paid. 2964

(2) For the purposes of ~~divisions~~ division (D) (1) ~~and (2)~~ 2965  
of this section, the county auditor shall determine the average 2966  
bank prime rate using statistical release H.15, "selected 2967  
interest rates," a weekly publication of the federal reserve 2968  
board, or any successor publication. If the statistical release 2969  
H.15, or its successor, ceases to contain the bank prime rate 2970  
information or ceases to be published, the county auditor shall 2971  
request a written statement of the average bank prime rate from 2972  
the federal reserve bank of Cleveland or the federal reserve 2973  
board. 2974

(3) The county auditor shall calculate the amount of the 2975

withdrawal penalty that is due and shall notify the owner of it. 2976  
The auditor also shall note the withdrawal in the auditor's 2977  
records. 2978

(4) The county auditor shall distribute the moneys 2979  
collected under division (D) of this section in the manner 2980  
provided in section 5713.35 of the Revised Code for moneys that 2981  
the county auditor collects under that section. 2982

(E) Land that is included in an agricultural district 2983  
under this section and that is subsequently annexed by a 2984  
municipal corporation shall not be subject to division (B) of 2985  
this section either at the time of annexation or at the time of 2986  
any subsequent application or renewal application for inclusion 2987  
in the district if, at the time of annexation, its owner did not 2988  
sign a petition favoring annexation under section 709.02 of the 2989  
Revised Code. If its owner did sign a petition favoring 2990  
annexation, as provided in that section, or if the owner who 2991  
opposed annexation has sold or transferred the land to another 2992  
person who is keeping the land in the agricultural district, the 2993  
land shall be subject to division (B) of this section at the 2994  
time of any subsequent application or renewal application for 2995  
inclusion in the district. 2996

(F) The director of agriculture shall prescribe the 2997  
application and renewal forms required under this section and 2998  
shall furnish them to county auditors. In prescribing the forms, 2999  
the director shall consult with the tax commissioner to 3000  
determine if a single form can be developed for the purposes of 3001  
this section and section 5713.31 of the Revised Code. 3002

(G) As used in this section, "internet identifier of 3003  
record" has the same meaning as in section 9.312 of the Revised 3004  
Code. 3005

**Sec. 931.03.** (A) (1) Not later than sixty days after 3006  
receipt of an application submitted under section 931.02 of the 3007  
Revised Code, the board of township trustees of each township in 3008  
which the land that is proposed for enrollment in an 3009  
agricultural security area is located and the board of county 3010  
commissioners of each county in which the land is located shall 3011  
hear the application at the next regularly scheduled meeting of 3012  
the board. A board, not later than thirty days prior to the time 3013  
of the meeting, shall cause a notice containing the time and 3014  
place of the meeting to be published in a newspaper of general 3015  
circulation in the township or county, as applicable, and to be 3016  
sent to the superintendent of each school district within the 3017  
proposed agricultural security area, the county engineer of each 3018  
county in which the proposed area would be located, the 3019  
legislative authority of each municipal corporation that is 3020  
located within one-half mile of the boundaries of the proposed 3021  
area if the municipal corporation has requested notice of such a 3022  
meeting, and the director of transportation. 3023

As part of the hearing on an application, a board shall 3024  
review any information that it possesses concerning improvements 3025  
that are planned to be made during the subsequent ten years to 3026  
existing or proposed roads that are located or are to be located 3027  
within the area that is proposed for enrollment in an 3028  
agricultural security area. As used in division (A) (1) of this 3029  
section, "proposed road" means any future roadway project that 3030  
is on a new alignment or relocation of an existing alignment and 3031  
for which state or federal funding has been allocated for, but 3032  
not limited to, a planning level roadway improvement study, an 3033  
interchange justification or bypass study, environmental review, 3034  
design, right-of-way acquisition, or construction, and 3035  
"improvement" includes any action taken with respect to an 3036

existing or proposed road that would cause the road to cover a 3037  
portion of land that it does not cover or is not proposed to 3038  
cover at the time of the hearing. Any portion of land that would 3039  
be covered by a planned improvement shall not be eligible for 3040  
enrollment in an agricultural security area. 3041

As part of the hearing on an application, a board also may 3042  
consider any comprehensive plan that is in place for the county 3043  
or township, as applicable, and may choose to approve or reject 3044  
the application on the basis of the proposed agricultural 3045  
security area's compliance with the comprehensive plan. 3046

(2) The board of township trustees of each township and 3047  
the board of county commissioners of each county that is 3048  
required to hear an application under division (A) (1) of this 3049  
section may conduct a joint meeting in lieu of meeting 3050  
separately not later than forty-five days after receipt of an 3051  
application under section 931.02 of the Revised Code. A single 3052  
public notice concerning the meeting shall be provided in the 3053  
manner prescribed in division (A) (1) of this section in each 3054  
township and county participating in the meeting. The cost of 3055  
the public notice shall be shared equally by all townships and 3056  
counties participating in the joint meeting. 3057

For purposes of such a joint meeting, the clerk of the 3058  
board of county commissioners of the county that includes the 3059  
most land that is located or is to be located within the 3060  
agricultural security area shall serve as the clerk on behalf of 3061  
all boards of county commissioners and boards of township 3062  
trustees participating in the joint meeting. The clerk's duties 3063  
shall include providing the public notice that is required under 3064  
this section together with maintaining minutes and a record of 3065  
proceedings for the joint meeting. 3066

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

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

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

(4) Any person may submit comments to any board of county commissioners or board of township trustees to which an application or amended application has been submitted under this



chapter at any time prior to and at any public meeting at which 3097  
the application or amended application is heard. 3098

(B) (1) An agricultural security area is established, and 3099  
the land that is proposed for inclusion in the area is enrolled 3100  
in the area, upon the adoption of a resolution by each of the 3101  
affected boards of township trustees and boards of county 3102  
commissioners approving the same version of the application or 3103  
applications requesting the establishment of the area. 3104

(2) Not later than thirty days after a board adopts a 3105  
resolution approving the establishment of an agricultural 3106  
security area, the board shall send a copy of the resolution to 3107  
the director of agriculture, the director of transportation, the 3108  
superintendent of each school district within the area, the 3109  
county engineer, and the county auditor. 3110

(C) A resolution approving the establishment of an 3111  
agricultural security area shall include all of the following: 3112

(1) A statement that the board of township trustees or 3113  
board of county commissioners, as applicable, commits not to 3114  
initiate, approve, or finance any development for residential, 3115  
commercial, or industrial purposes, including construction of 3116  
new roads and water and sewer lines, within the area for a 3117  
period of ten years. For purposes of division (C) (1) of this 3118  
section, "development" does not include any of the following: 3119

(a) The improvement of existing roads, provided that the 3120  
county engineer of each county in which the portion of the area 3121  
affected by the improvement is located determines that the 3122  
improvement is necessary for traffic safety, and provided that 3123  
the improvement is as consistent as possible with the 3124  
agricultural use of land in the area; 3125

(b) The construction, modification, or operation of 3126  
transmission or distribution lines for electricity, gas, or oil 3127  
or of any gathering or production lines for oil or gas, provided 3128  
that the construction, modification, or operation of the lines 3129  
does not cause the land to become ineligible for valuation and 3130  
assessment for real property tax purposes in accordance with its 3131  
current agricultural use value under sections 5713.30 to 5713.38 3132  
of the Revised Code; 3133

(c) The construction, modification, or operation of water 3134  
lines or sewer lines, provided that an official or employee of 3135  
the environmental protection agency orders the construction, 3136  
modification, or operation for the purpose of enabling water and 3137  
sewer service areas that are outside of the agricultural 3138  
security area to be connected to each other, and provided that 3139  
the lines do not provide service connections to land within the 3140  
agricultural security area. 3141

(2) A requirement that the owner or owners of the land in 3142  
the area use best management practices; 3143

(3) A statement that describes the agreement that was 3144  
reached with other boards, if applicable, under section 5709.28 3145  
of the Revised Code concerning the percentage of the taxable 3146  
value of qualifying agricultural real property in the 3147  
agricultural security area that is to be exempted from taxation 3148  
under that section and the number of years that the tax 3149  
exemption established under that section will apply to that 3150  
property. 3151

(D) An agricultural security area may continue in 3152  
existence for ten years unless either of the following occurs: 3153

(1) The sole owner of land enrolled in the area withdraws 3154

under section 931.07 of the Revised Code. 3155

(2) Unless division (C) of section 931.07 of the Revised 3156  
Code applies, land in the area fails to satisfy any of the 3157  
criteria specified in divisions (B)(1) to (3) of section 931.02 3158  
of the Revised Code. 3159

(E) The approval or disapproval of an application under 3160  
this section is not a final order, adjudication, or decision 3161  
under section 2506.01 of the Revised Code and is not appealable 3162  
under Chapter 2506. of the Revised Code. 3163

(F) As used in this section, "internet identifier of 3164  
record" has the same meaning as in section 9.312 of the Revised 3165  
Code. 3166

**Sec. 940.20.** As soon as the supervisors of a soil and 3167  
water conservation district have established the dates, times, 3168  
and locations of the view and the hearing concerning a proposed 3169  
improvement, they shall send, at least twenty days prior to the 3170  
date established for the view, a written notice of the view and 3171  
the hearing to the landowners within the area to be benefited by 3172  
the proposed improvement and to the board of county 3173  
commissioners and the county engineer. The supervisors shall 3174  
notify all landowners that are adjacent to the proposed 3175  
improvement either by certified mail or, if the supervisors have 3176  
record of an internet identifier of record associated with such 3177  
a landowner, by ordinary mail and by that internet identifier of 3178  
record, and shall notify all others by certified mail or first 3179  
class mailings. Any such written notice shall have the words 3180  
"Legal Notice" printed in plain view on the face of the envelope 3181  
or, in the case of service by an internet identifier of record, 3182  
in conspicuous typeface at the top of the notice. In addition, 3183  
the supervisors shall invite to the view and the hearing the 3184

staff of the soil and water conservation district and the staff 3185  
of the natural resources conservation service in the United 3186  
States department of agriculture that is involved with the 3187  
district together with any other people that the supervisors 3188  
consider to be necessary to the proceedings. 3189

As used in this section, "internet identifier of record" 3190  
has the same meaning as in section 9.312 of the Revised Code. 3191

**Sec. 3517.01.** (A) (1) A political party within the meaning 3192  
of Title XXXV of the Revised Code is any group of voters that 3193  
meets either of the following requirements: 3194

(a) Except as otherwise provided in this division, at the 3195  
most recent regular state election, the group polled for its 3196  
candidate for governor in the state or nominees for presidential 3197  
electors at least three per cent of the entire vote cast for 3198  
that office. A group that meets the requirements of this 3199  
division remains a political party for a period of four years 3200  
after meeting those requirements. 3201

(b) The group filed with the secretary of state, 3202  
subsequent to its failure to meet the requirements of division 3203  
(A) (1) (a) of this section, a party formation petition that meets 3204  
all of the following requirements: 3205

(i) The petition is signed by qualified electors equal in 3206  
number to at least one per cent of the total vote for governor 3207  
or nominees for presidential electors at the most recent 3208  
election for such office. 3209

(ii) The petition is signed by not fewer than five hundred 3210  
qualified electors from each of at least a minimum of one-half 3211  
of the congressional districts in this state. If an odd number 3212  
of congressional districts exists in this state, the number of 3213

districts that results from dividing the number of congressional 3214  
districts by two shall be rounded up to the next whole number. 3215

(iii) The petition declares the petitioners' intention of 3216  
organizing a political party, the name of which shall be stated 3217  
in the declaration, and of participating in the succeeding 3218  
general election, held in even-numbered years, that occurs more 3219  
than one hundred twenty-five days after the date of filing. 3220

(iv) The petition designates a committee of not less than 3221  
three nor more than five individuals of the petitioners, who 3222  
shall represent the petitioners in all matters relating to the 3223  
petition. Notice of all matters or proceedings pertaining to the 3224  
petition may be served on the committee, or any of them, either 3225  
personally or by registered mail, or by leaving such notice at 3226  
the usual place of residence of each of them. 3227

(2) No such group of electors shall assume a name or 3228  
designation that is similar, in the opinion of the secretary of 3229  
state, to that of an existing political party as to confuse or 3230  
mislead the voters at an election. 3231

(B) A campaign committee shall be legally liable for any 3232  
debts, contracts, or expenditures incurred or executed in its 3233  
name. 3234

(C) Notwithstanding the definitions found in section 3235  
3501.01 of the Revised Code, as used in this section and 3236  
sections 3517.08 to 3517.14, 3517.99, and 3517.992 of the 3237  
Revised Code: 3238

(1) "Campaign committee" means a candidate or a 3239  
combination of two or more persons authorized by a candidate 3240  
under section 3517.081 of the Revised Code to receive 3241  
contributions and make expenditures. 3242

(2) "Campaign treasurer" means an individual appointed by 3243  
a candidate under section 3517.081 of the Revised Code. 3244

(3) "Candidate" has the same meaning as in division (H) of 3245  
section 3501.01 of the Revised Code and also includes any person 3246  
who, at any time before or after an election, receives 3247  
contributions or makes expenditures or other use of 3248  
contributions, has given consent for another to receive 3249  
contributions or make expenditures or other use of 3250  
contributions, or appoints a campaign treasurer, for the purpose 3251  
of bringing about the person's nomination or election to public 3252  
office. When two persons jointly seek the offices of governor 3253  
and lieutenant governor, "candidate" means the pair of 3254  
candidates jointly. "Candidate" does not include candidates for 3255  
election to the offices of member of a county or state central 3256  
committee, presidential elector, and delegate to a national 3257  
convention or conference of a political party. 3258

(4) "Continuing association" means an association, other 3259  
than a campaign committee, political party, legislative campaign 3260  
fund, political contributing entity, or labor organization, that 3261  
is intended to be a permanent organization that has a primary 3262  
purpose other than supporting or opposing specific candidates, 3263  
political parties, or ballot issues, and that functions on a 3264  
regular basis throughout the year. "Continuing association" 3265  
includes organizations that are determined to be not organized 3266  
for profit under subsection 501 and that are described in 3267  
subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal 3268  
Revenue Code. 3269

(5) "Contribution" means a loan, gift, deposit, 3270  
forgiveness of indebtedness, donation, advance, payment, or 3271  
transfer of funds or anything of value, including a transfer of 3272

funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any person other than the person to whom the services are rendered for the personal services of another person, which contribution is made, received, or used for the purpose of influencing the results of an election. Any loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or of anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any campaign committee, political action committee, legislative campaign fund, political party, political contributing entity, or person other than the person to whom the services are rendered for the personal services of another person, that is made, received, or used by a state or county political party, other than moneys a state or county political party receives from the Ohio political party fund pursuant to section 3517.17 of the Revised Code and the moneys an entity may receive under sections 3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be considered to be a "contribution" for the purpose of section 3517.10 of the Revised Code and shall be included on a statement of contributions filed under that section.

"Contribution" does not include any of the following:

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

(b) Ordinary home hospitality;

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

(d) Any gift given to an entity pursuant to section

3517.101 of the Revised Code; 3302

(e) Any contribution as defined in section 3517.1011 of 3303  
the Revised Code that is made, received, or used to pay the 3304  
direct costs of producing or airing an electioneering 3305  
communication; 3306

(f) Any gift given to a state or county political party 3307  
for the party's restricted fund under division (A) (2) of section 3308  
3517.1012 of the Revised Code; 3309

(g) Any gift given to a state political party for deposit 3310  
in a Levin account pursuant to section 3517.1013 of the Revised 3311  
Code. As used in this division, "Levin account" has the same 3312  
meaning as in that section. 3313

(h) Any donation given to a transition fund under section 3314  
3517.1014 of the Revised Code. 3315

(6) "Expenditure" means the disbursement or use of a 3316  
contribution for the purpose of influencing the results of an 3317  
election or of making a charitable donation under division (G) 3318  
of section 3517.08 of the Revised Code. Any disbursement or use 3319  
of a contribution by a state or county political party is an 3320  
expenditure and shall be considered either to be made for the 3321  
purpose of influencing the results of an election or to be made 3322  
as a charitable donation under division (G) of section 3517.08 3323  
of the Revised Code and shall be reported on a statement of 3324  
expenditures filed under section 3517.10 of the Revised Code. 3325  
During the thirty days preceding a primary or general election, 3326  
any disbursement to pay the direct costs of producing or airing 3327  
a broadcast, cable, or satellite communication that refers to a 3328  
clearly identified candidate shall be considered to be made for 3329  
the purpose of influencing the results of that election and 3330



shall be reported as an expenditure or as an independent 3331  
expenditure under section 3517.10 or 3517.105 of the Revised 3332  
Code, as applicable, except that the information required to be 3333  
reported regarding contributors for those expenditures or 3334  
independent expenditures shall be the same as the information 3335  
required to be reported under divisions (D)(1) and (2) of 3336  
section 3517.1011 of the Revised Code. 3337

As used in this division, "broadcast, cable, or satellite 3338  
communication" and "refers to a clearly identified candidate" 3339  
have the same meanings as in section 3517.1011 of the Revised 3340  
Code. 3341

(7) "Personal expenses" includes, but is not limited to, 3342  
ordinary expenses for accommodations, clothing, food, personal 3343  
motor vehicle or airplane, and home telephone. 3344

(8) "Political action committee" means a combination of 3345  
two or more persons, the primary or major purpose of which is to 3346  
support or oppose any candidate, political party, or issue, or 3347  
to influence the result of any election through express 3348  
advocacy, and that is not a political party, a campaign 3349  
committee, a political contributing entity, or a legislative 3350  
campaign fund. "Political action committee" does not include 3351  
either of the following: 3352

(a) A continuing association that makes disbursements for 3353  
the direct costs of producing or airing electioneering 3354  
communications and that does not engage in express advocacy; 3355

(b) A political club that is formed primarily for social 3356  
purposes and that consists of one hundred members or less, has 3357  
officers and periodic meetings, has less than two thousand five 3358  
hundred dollars in its treasury at all times, and makes an 3359

aggregate total contribution of one thousand dollars or less per 3360  
calendar year. 3361

(9) "Public office" means any state, county, municipal, 3362  
township, or district office, except an office of a political 3363  
party, that is filled by an election and the offices of United 3364  
States senator and representative. 3365

(10) "Anything of value" has the same meaning as in 3366  
section 1.03 of the Revised Code. 3367

(11) "Beneficiary of a campaign fund" means a candidate, a 3368  
public official or employee for whose benefit a campaign fund 3369  
exists, and any other person who has ever been a candidate or 3370  
public official or employee and for whose benefit a campaign 3371  
fund exists. 3372

(12) "Campaign fund" means money or other property, 3373  
including contributions. 3374

(13) "Public official or employee" has the same meaning as 3375  
in section 102.01 of the Revised Code. 3376

(14) "Caucus" means all of the members of the house of 3377  
representatives or all of the members of the senate of the 3378  
general assembly who are members of the same political party. 3379

(15) "Legislative campaign fund" means a fund that is 3380  
established as an auxiliary of a state political party and 3381  
associated with one of the houses of the general assembly. 3382

(16) "In-kind contribution" means anything of value other 3383  
than money that is used to influence the results of an election 3384  
or is transferred to or used in support of or in opposition to a 3385  
candidate, campaign committee, legislative campaign fund, 3386  
political party, political action committee, or political 3387

contributing entity and that is made with the consent of, in 3388  
coordination, cooperation, or consultation with, or at the 3389  
request or suggestion of the benefited candidate, committee, 3390  
fund, party, or entity. The financing of the dissemination, 3391  
distribution, or republication, in whole or part, of any 3392  
broadcast or of any written, graphic, or other form of campaign 3393  
materials prepared by the candidate, the candidate's campaign 3394  
committee, or their authorized agents is an in-kind contribution 3395  
to the candidate and an expenditure by the candidate. 3396

(17) "Independent expenditure" means an expenditure by a 3397  
person advocating the election or defeat of an identified 3398  
candidate or candidates, that is not made with the consent of, 3399  
in coordination, cooperation, or consultation with, or at the 3400  
request or suggestion of any candidate or candidates or of the 3401  
campaign committee or agent of the candidate or candidates. As 3402  
used in division (C) (17) of this section: 3403

(a) "Person" means an individual, partnership, 3404  
unincorporated business organization or association, political 3405  
action committee, political contributing entity, separate 3406  
segregated fund, association, or other organization or group of 3407  
persons, but not a labor organization or a corporation unless 3408  
the labor organization or corporation is a political 3409  
contributing entity. 3410

(b) "Advocating" means any communication containing a 3411  
message advocating election or defeat. 3412

(c) "Identified candidate" means that the name of the 3413  
candidate appears, a photograph or drawing of the candidate 3414  
appears, or the identity of the candidate is otherwise apparent 3415  
by unambiguous reference. 3416

(d) "Made in coordination, cooperation, or consultation 3417  
with, or at the request or suggestion of, any candidate or the 3418  
campaign committee or agent of the candidate" means made 3419  
pursuant to any arrangement, coordination, or direction by the 3420  
candidate, the candidate's campaign committee, or the 3421  
candidate's agent prior to the publication, distribution, 3422  
display, or broadcast of the communication. An expenditure is 3423  
presumed to be so made when it is any of the following: 3424

(i) Based on information about the candidate's plans, 3425  
projects, or needs provided to the person making the expenditure 3426  
by the candidate, or by the candidate's campaign committee or 3427  
agent, with a view toward having an expenditure made; 3428

(ii) Made by or through any person who is, or has been, 3429  
authorized to raise or expend funds, who is, or has been, an 3430  
officer of the candidate's campaign committee, or who is, or has 3431  
been, receiving any form of compensation or reimbursement from 3432  
the candidate or the candidate's campaign committee or agent; 3433

(iii) Except as otherwise provided in division (D) of 3434  
section 3517.105 of the Revised Code, made by a political party 3435  
in support of a candidate, unless the expenditure is made by a 3436  
political party to conduct voter registration or voter education 3437  
efforts. 3438

(e) "Agent" means any person who has actual oral or 3439  
written authority, either express or implied, to make or to 3440  
authorize the making of expenditures on behalf of a candidate, 3441  
or means any person who has been placed in a position with the 3442  
candidate's campaign committee or organization such that it 3443  
would reasonably appear that in the ordinary course of campaign- 3444  
related activities the person may authorize expenditures. 3445

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

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

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

(21) "Restricted fund" means the fund a state or county political party must establish under division (A) (1) of section 3517.1012 of the Revised Code.

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

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

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

(25) "Political contributing entity" means any entity, including a corporation or labor organization, that may lawfully

make contributions and expenditures and that is not an 3475  
individual or a political action committee, continuing 3476  
association, campaign committee, political party, legislative 3477  
campaign fund, designated state campaign committee, or state 3478  
candidate fund. For purposes of this division, "lawfully" means 3479  
not prohibited by any section of the Revised Code, or authorized 3480  
by a final judgment of a court of competent jurisdiction. 3481

(26) "Internet identifier of record" has the same meaning 3482  
as in section 9.312 of the Revised Code. 3483

**Sec. 3517.11.** (A) (1) Campaign committees of candidates for 3484  
statewide office or the state board of education, political 3485  
action committees or political contributing entities that make 3486  
contributions to campaign committees of candidates that are 3487  
required to file the statements prescribed by section 3517.10 of 3488  
the Revised Code with the secretary of state, political action 3489  
committees or political contributing entities that make 3490  
contributions to campaign committees of candidates for member of 3491  
the general assembly, political action committees or political 3492  
contributing entities that make contributions to state and 3493  
national political parties and to legislative campaign funds, 3494  
political action committees or political contributing entities 3495  
that receive contributions or make expenditures in connection 3496  
with a statewide ballot issue, political action committees or 3497  
political contributing entities that make contributions to other 3498  
political action committees or political contributing entities, 3499  
political parties, and campaign committees, except as set forth 3500  
in division (A) (3) of this section, legislative campaign funds, 3501  
and state and national political parties shall file the 3502  
statements prescribed by section 3517.10 of the Revised Code 3503  
with the secretary of state. 3504

(2) (a) Except as otherwise provided in division (F) of 3505  
section 3517.106 of the Revised Code, campaign committees of 3506  
candidates for all other offices shall file the statements 3507  
prescribed by section 3517.10 of the Revised Code with the board 3508  
of elections where their candidates are required to file their 3509  
petitions or other papers for nomination or election. 3510

(b) A campaign committee of a candidate for office of 3511  
member of the general assembly or a campaign committee of a 3512  
candidate for the office of judge of a court of appeals shall 3513  
file two copies of the printed version of any statement, 3514  
addendum, or amended statement if the committee does not file 3515  
pursuant to division (F) (1) or (L) of section 3517.106 of the 3516  
Revised Code but files by printed version only with the 3517  
appropriate board of elections. The board of elections shall 3518  
send one of those copies by certified mail or an electronic copy 3519  
to the secretary of state before the close of business on the 3520  
day the board of elections receives the statement, addendum, or 3521  
amended statement. 3522

(3) Political action committees or political contributing 3523  
entities that only contribute to a county political party, 3524  
contribute to campaign committees of candidates whose nomination 3525  
or election is to be submitted only to electors within a county, 3526  
subdivision, or district, excluding candidates for member of the 3527  
general assembly, and receive contributions or make expenditures 3528  
in connection with ballot questions or issues to be submitted 3529  
only to electors within a county, subdivision, or district shall 3530  
file the statements prescribed by section 3517.10 of the Revised 3531  
Code with the board of elections in that county or in the county 3532  
contained in whole or part within the subdivision or district 3533  
having a population greater than that of any other county 3534  
contained in whole or part within that subdivision or district, 3535

as the case may be. 3536

(4) Except as otherwise provided in division (E) (3) of 3537  
section 3517.106 of the Revised Code with respect to state 3538  
candidate funds, county political parties shall file the 3539  
statements prescribed by section 3517.10 of the Revised Code 3540  
with the board of elections of their respective counties. 3541

(B) (1) The official with whom petitions and other papers 3542  
for nomination or election to public office are filed shall 3543  
furnish each candidate at the time of that filing a copy of 3544  
sections 3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 3545  
3599.03, and 3599.031 of the Revised Code and any other 3546  
materials that the secretary of state may require. Each 3547  
candidate receiving the materials shall acknowledge their 3548  
receipt in writing. 3549

(2) On or before the tenth day before the dates on which 3550  
statements are required to be filed by section 3517.10 of the 3551  
Revised Code, the secretary of state shall notify every 3552  
candidate subject to the provisions of this section and sections 3553  
3517.10 and 3517.106 of the Revised Code ~~shall be notified of~~ 3554  
the requirements and applicable penalties of those sections. The 3555  
secretary of state, ~~by certified mail, return receipt requested,~~ 3556  
shall notify all candidates required to file those statements 3557  
with the secretary of state's office either by certified mail, 3558  
or, if the secretary of state has record of an internet 3559  
identifier of record associated with the candidate, by ordinary 3560  
mail and by that internet identifier of record. The board of 3561  
elections of every county shall notify by first class mail any 3562  
candidate who has personally appeared at the office of the board 3563  
on or before the tenth day before the statements are required to 3564  
be filed and signed a form, to be provided by the secretary of 3565



state, attesting that the candidate has been notified of the 3566  
candidate's obligations under the campaign finance law. The 3567  
board shall forward the completed form to the secretary of 3568  
state. The board shall ~~use certified mail, return receipt-~~ 3569  
~~requested, to~~ notify all other candidates required to file those 3570  
statements with it either by certified mail, or, if the 3571  
secretary of state has record of an internet identifier of 3572  
record associated with the candidate, by ordinary mail and by 3573  
that internet identifier of record. 3574

(3) (a) Any statement required to be filed under sections 3575  
3517.081 to 3517.17 of the Revised Code that is found to be 3576  
incomplete or inaccurate by the officer to whom it is submitted 3577  
shall be accepted on a conditional basis, and the person who 3578  
filed it shall be notified by certified mail as to the 3579  
incomplete or inaccurate nature of the statement. The secretary 3580  
of state may examine statements filed for candidates for the 3581  
office of member of the general assembly and candidates for the 3582  
office of judge of a court of appeals for completeness and 3583  
accuracy. The secretary of state shall examine for completeness 3584  
and accuracy statements that campaign committees of candidates 3585  
for the office of member of the general assembly and campaign 3586  
committees of candidates for the office of judge of a court of 3587  
appeals file pursuant to division (F) or (L) of section 3517.106 3588  
of the Revised Code. If an officer at the board of elections 3589  
where a statement filed for a candidate for the office of member 3590  
of the general assembly or for a candidate for the office of 3591  
judge of a court of appeals was submitted finds the statement to 3592  
be incomplete or inaccurate, the officer shall immediately 3593  
notify the secretary of state of its incomplete or inaccurate 3594  
nature. If either an officer at the board of elections or the 3595  
secretary of state finds a statement filed for a candidate for 3596

the office of member of the general assembly or for a candidate 3597  
for the office of judge of a court of appeals to be incomplete 3598  
or inaccurate, only the secretary of state shall send the 3599  
notification as to the incomplete or inaccurate nature of the 3600  
statement. 3601

Within twenty-one days after receipt of the notice, in the 3602  
case of a pre-election statement, a postelection statement, a 3603  
monthly statement, an annual statement, or a semiannual 3604  
statement prescribed by section 3517.10, an annual statement 3605  
prescribed by section 3517.101, or a statement prescribed by 3606  
division (B) (2) (b) or (C) (2) (b) of section 3517.105 or section 3607  
3517.107 of the Revised Code, the recipient shall file an 3608  
addendum, amendment, or other correction to the statement 3609  
providing the information necessary to complete or correct the 3610  
statement. The secretary of state may require that, in lieu of 3611  
filing an addendum, amendment, or other correction to a 3612  
statement that is filed by electronic means of transmission to 3613  
the office of the secretary of state pursuant to section 3614  
3517.106 of the Revised Code, the recipient of the notice 3615  
described in this division file by electronic means of 3616  
transmission an amended statement that incorporates the 3617  
information necessary to complete or correct the statement. 3618

The secretary of state shall determine by rule when an 3619  
addendum, amendment, or other correction to any of the following 3620  
or when an amended statement of any of the following shall be 3621  
filed: 3622

(i) A two-business-day statement prescribed by section 3623  
3517.10 of the Revised Code; 3624

(ii) A disclosure of electioneering communications 3625  
statement prescribed by division (D) of section 3517.1011 of the 3626

Revised Code; 3627

(iii) A deposit and disbursement statement prescribed 3628  
under division (B) of section 3517.1012 of the Revised Code; 3629

(iv) A gift and disbursement statement prescribed under 3630  
section 3517.1013 of the Revised Code; 3631

(v) A donation and disbursement statement prescribed under 3632  
section 3517.1014 of the Revised Code. 3633

An addendum, amendment, or other correction to a statement 3634  
that is filed by electronic means of transmission pursuant to 3635  
section 3517.106 of the Revised Code shall be filed in the same 3636  
manner as the statement. 3637

The provisions of sections 3517.10, 3517.106, 3517.1011, 3638  
3517.1012, 3517.1013, and 3517.1014 of the Revised Code 3639  
pertaining to the filing of statements of contributions and 3640  
expenditures, statements of independent expenditures, disclosure 3641  
of electioneering communications statements, deposit and 3642  
disbursement statements, gift and disbursement statements, and 3643  
donation and disbursement statements by electronic means of 3644  
transmission apply to the filing of addenda, amendments, or 3645  
other corrections to those statements by electronic means of 3646  
transmission and the filing of amended statements by electronic 3647  
means of transmission. 3648

(b) Within five business days after the secretary of state 3649  
receives, by electronic or other means of transmission, an 3650  
addendum, amendment, or other correction to a statement or an 3651  
amended statement under division (B)(3)(a) of this section, the 3652  
secretary of state, pursuant to divisions (E), (F), (G), and (I) 3653  
of section 3517.106 or division (D) of section 3517.1011 of the 3654  
Revised Code, shall make the contribution and expenditure, 3655

contribution and disbursement, deposit and disbursement, gift 3656  
and disbursement, or donation and disbursement information in 3657  
that addendum, amendment, correction, or amended statement 3658  
available online to the public through the internet. 3659

(4) (a) The secretary of state or the board of elections 3660  
shall examine all statements for compliance with sections 3661  
3517.08 to 3517.17 of the Revised Code. 3662

(b) The secretary of state may contract with an individual 3663  
or entity not associated with the secretary of state and 3664  
experienced in interpreting the campaign finance law of this 3665  
state to conduct examinations of statements filed by any 3666  
statewide candidate, as defined in section 3517.103 of the 3667  
Revised Code. 3668

(c) The examination shall be conducted by a person or 3669  
entity qualified to conduct it. The results of the examination 3670  
shall be available to the public, and, when the examination is 3671  
conducted by an individual or entity not associated with the 3672  
secretary of state, the results of the examination shall be 3673  
reported to the secretary of state. 3674

(C) (1) In the event of a failure to file or a late filing 3675  
of a statement required to be filed under sections 3517.081 to 3676  
3517.17 of the Revised Code, or if a filed statement or any 3677  
addendum, amendment, or other correction to a statement or any 3678  
amended statement, if an addendum, amendment, or other 3679  
correction or an amended statement is required to be filed, is 3680  
incomplete or inaccurate or appears to disclose a failure to 3681  
comply with or a violation of law, the official whose duty it is 3682  
to examine the statement shall promptly file a complaint with 3683  
the Ohio elections commission under section 3517.153 of the 3684  
Revised Code if the law is one over which the commission has 3685

jurisdiction to hear complaints, or the official shall promptly 3686  
report the failure or violation to the board of elections and 3687  
the board shall promptly report it to the prosecuting attorney 3688  
in accordance with division (J) of section 3501.11 of the 3689  
Revised Code. If the official files a complaint with the 3690  
commission, the commission shall proceed in accordance with 3691  
sections 3517.154 to 3517.157 of the Revised Code. 3692

(2) For purposes of division (C) (1) of this section, a 3693  
statement or an addendum, amendment, or other correction to a 3694  
statement or an amended statement required to be filed under 3695  
sections 3517.081 to 3517.17 of the Revised Code is incomplete 3696  
or inaccurate under this section if the statement, addendum, 3697  
amendment, other correction, or amended statement fails to 3698  
disclose substantially all contributions, gifts, or donations 3699  
that are received or deposits that are made that are required to 3700  
be reported under sections 3517.10, 3517.107, 3517.108, 3701  
3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the Revised 3702  
Code or if the statement, addendum, amendment, other correction, 3703  
or amended statement fails to disclose at least ninety per cent 3704  
of the total contributions, gifts, or donations received or 3705  
deposits made or of the total expenditures or disbursements made 3706  
during the reporting period. 3707

(D) No certificate of nomination or election shall be 3708  
issued to a person, and no person elected to an office shall 3709  
enter upon the performance of the duties of that office, until 3710  
that person or that person's campaign committee, as appropriate, 3711  
has fully complied with this section and sections 3517.08, 3712  
3517.081, 3517.10, and 3517.13 of the Revised Code. 3713

**Sec. 4301.39.** (A) When the board of elections of any 3714  
county determines that a petition for a local option election 3715

presented pursuant to section 4301.33, 4301.331, 4301.332, 3716  
4301.333, 4303.29, or 4305.14 of the Revised Code is sufficient, 3717  
it shall forthwith, by mail, notify the division of liquor 3718  
control of the fact that the petition has been filed and 3719  
approved by it. Upon the determination of the results of any 3720  
such election, the board shall forthwith notify the division by 3721  
mail of the result and shall forward with the notice a plat of 3722  
the precinct in which the election was held and, if applicable, 3723  
shall separately identify the portion of the precinct affected 3724  
by the election. 3725

(B) On the plat of a precinct forwarded with the results 3726  
of an election that was held under section 4301.35, 4301.351, 3727  
4301.353, 4301.354, or 4303.29 of the Revised Code, the board 3728  
shall show and designate all of the streets and highways in the 3729  
precinct or relevant portion of the precinct. 3730

(C) On the plat of a precinct forwarded with the results 3731  
of an election that was held under section 4301.352 of the 3732  
Revised Code, the board shall show and designate all of the 3733  
following: 3734

(1) All of the streets and highways in the precinct; 3735

(2) The permit premises designated in the petition that 3736  
was filed under section 4301.331 of the Revised Code; 3737

(3) A class C or D permit holder's personal or corporate 3738  
name and, if it is different from the permit holder's personal 3739  
or corporate name, the name of the business conducted by the 3740  
permit holder on the designated premises; 3741

(4) The address of the designated premises. 3742

(D) On the plat of a precinct forwarded with the results 3743  
of an election that was held under section 4301.355 of the 3744

Revised Code, the board shall show and designate all of the 3745  
following: 3746

(1) All streets and highways in the precinct; 3747

(2) The address of the particular location within the 3748  
precinct to which the election results will apply as designated 3749  
in the petition that was filed under section 4301.333 of the 3750  
Revised Code; 3751

(3) The name of the applicant for the issuance or transfer 3752  
of the liquor permit, of the holder of the liquor permit, or of 3753  
the liquor agency store, including any trade or fictitious names 3754  
under which the applicant, holder, or operator intends to, or 3755  
does, do business at the particular location, as designated in 3756  
the petition that was filed under section 4301.333 of the 3757  
Revised Code. 3758

(E) With the results of an election that was held under 3759  
section 4301.356 of the Revised Code, the board shall designate 3760  
both of the following: 3761

(1) Each permit premises designated in the petition; 3762

(2) Each class C or D permit holder's personal or 3763  
corporate name and, if it is different from the personal or 3764  
corporate name, the name of the business conducted by the permit 3765  
holder on the designated premises. 3766

(F) If an application for recount is filed with the board 3767  
pursuant to section 3515.02 of the Revised Code or if an 3768  
election contest is commenced pursuant to section 3515.09 of the 3769  
Revised Code, the board shall send written notice of the recount 3770  
or contest, ~~by certified mail,~~ to the superintendent of liquor 3771  
control within two days from the date of the filing of the 3772  
application for recount or the commencement of an election 3773

contest either by certified mail or, if the board has record of 3774  
an internet identifier of record associated with the 3775  
superintendent, by ordinary mail and by that internet identifier 3776  
of record. Upon the final determination of an election recount 3777  
or contest, the board shall send notice of the final 3778  
determination, ~~by certified mail,~~ to the superintendent and the 3779  
liquor control commission either by certified mail or, if the 3780  
board has record of an internet identifier of record associated 3781  
with the superintendent or commission, by ordinary mail and an 3782  
internet identifier of record associated with the superintendent 3783  
or commission. 3784

(G) If, as the result of a local option election held 3785  
pursuant to section 4301.35, 4301.351, 4301.353, 4301.354, 3786  
4303.29, or 4305.14 of the Revised Code, the use of a permit is 3787  
made partially unlawful, the division shall, within thirty days 3788  
after receipt of the final notice of the result of the election, 3789  
pick up the permit, amend it by inserting appropriate 3790  
restrictions on it, and forthwith reissue it without charge or 3791  
refund to the permit holder, unless, prior to thirty days after 3792  
receipt of the final notice of the result of the election, both 3793  
of the following occur: 3794

(1) A petition is filed with the board pursuant to section 3795  
4301.333 of the Revised Code; 3796

(2) A copy of the petition filed with the board pursuant 3797  
to section 4301.333 of the Revised Code, bearing the file stamp 3798  
of the board, is filed with the superintendent of liquor 3799  
control. 3800

If both of those conditions are met, the results of the 3801  
election held pursuant to section 4301.35, 4301.351, 4301.353, 3802  
4301.354, 4303.29, or 4305.14 of the Revised Code shall not take 3803



effect as to the liquor permit holder specified in the petition 3804  
filed pursuant to section 4301.333 of the Revised Code until the 3805  
earlier of a determination by the board and receipt of 3806  
notification by the superintendent of liquor control of notice 3807  
that the petition is invalid or receipt by the superintendent of 3808  
final notice of the result of an election held pursuant to 3809  
section 4301.355 of the Revised Code concerning the holder of 3810  
the liquor permit that resulted in a majority "no" vote. 3811

(H) If, as the result of a local option election, except a 3812  
local option election held pursuant to section 4301.352 of the 3813  
Revised Code, the use of a permit is made wholly unlawful, the 3814  
permit holder may, within thirty days after the certification of 3815  
that final result by the board to the division, deliver the 3816  
permit holder's permit to the division for safekeeping as 3817  
provided in section 4303.272 of the Revised Code, or the permit 3818  
holder may avail itself of the remedy set forth in divisions (G) 3819  
(1) and (2) of this section. In such event, the results of the 3820  
election shall not take effect as to the liquor permit holder 3821  
specified in the petition pursuant to section 4301.333 of the 3822  
Revised Code until the earlier of a determination by the board 3823  
and receipt by the superintendent of liquor control of notice 3824  
that the petition is invalid or receipt by the superintendent of 3825  
the final notice of the result of an election held pursuant to 3826  
section 4301.355 of the Revised Code concerning the holder of 3827  
the liquor permit that resulted in a majority "no" vote. 3828

(I) As used in this section, "internet identifier of 3829  
record" has the same meaning as in section 9.312 of the Revised 3830  
Code. 3831

Sec. 4582.021. The board of directors of a port authority 3832  
created under section 4582.02 of the Revised Code may contract 3833

with the prosecuting attorney of a county, as provided in 3834  
section 309.09 of the Revised Code, to obtain legal services 3835  
from the prosecuting attorney. 3836

**Sec. 4582.23.** The board of directors of a port authority 3837  
created under section 4582.22 of the Revised Code may contract 3838  
with the prosecuting attorney of a county, as provided in 3839  
section 309.09 of the Revised Code, to obtain legal services 3840  
from the prosecuting attorney. 3841

**Sec. 5713.082.** (A) Whenever the county auditor reenters an 3842  
item of property to the tax list as provided in section 5713.08 3843  
of the Revised Code and there has been no conveyance of the 3844  
property between separate entities, the auditor shall send 3845  
notice ~~by certified mail~~ to the owner of the property either by 3846  
certified mail or, if the auditor has record of an internet 3847  
identifier of record associated with the owner, by ordinary mail 3848  
and by that internet identifier of record as defined in section 3849  
9.312 of the Revised Code that it is now subject to property 3850  
taxation as a result of such action. The auditor shall send the 3851  
notice at the same time the auditor certifies the real property 3852  
tax duplicate to the county treasurer. The notice shall describe 3853  
the property and indicate that the owner may reapply for tax 3854  
exemption by filing an application for exemption as provided in 3855  
section 5715.27 of the Revised Code, and that failure to file 3856  
such an application within the proper time period will result in 3857  
the owner having to pay the taxes even if the property continued 3858  
to be used for an exempt purpose. 3859

(B) If the auditor failed to send the notice required by 3860  
this section, and if the owner of the property subsequently 3861  
files an application for tax exemption for the property for the 3862  
current tax year, the tax commissioner or county auditor may 3863

grant exemption to the property, and the commissioner or auditor 3864  
shall remit all taxes and penalties for each prior year since 3865  
the property was reentered on the tax list, notwithstanding 3866  
division (A) of section 5713.081 of the Revised Code. 3867

**Sec. 5713.31.** (A) At any time after the first Monday in 3868  
January and prior to the first Monday in March of any year, an 3869  
owner of agricultural land may file an application with the 3870  
county auditor of the county in which such land is located, 3871  
requesting the auditor to value the land for real property tax 3872  
purposes at the current value such land has for agricultural 3873  
use, in accordance with section 5715.01 of the Revised Code and 3874  
the rules adopted by the commissioner for the valuation of such 3875  
land. An owner's first application with respect to the owner's 3876  
land shall be in the form of an initial application. Each 3877  
application filed in ensuing consecutive years after the initial 3878  
application by that owner shall be in the form of a renewal 3879  
application. The commissioner shall prescribe the form of the 3880  
initial and the renewal application, but the renewal application 3881  
shall require no more information than is necessary to establish 3882  
the applicant's continued eligibility to have the applicant's 3883  
land valued for agricultural use, for all lots, parcels, or 3884  
tracts of land, or portions thereof, within a county, that have 3885  
been valued at the current value of such land for agricultural 3886  
use in the preceding tax year. If, on the first day of January 3887  
of the tax year, any portion of the applicant's agricultural 3888  
land is used for a conservation practice or devoted to a land 3889  
retirement or conservation program under an agreement with an 3890  
agency of the federal government, the applicant shall so 3891  
indicate on the initial or renewal application. 3892

(B) On or before the second Tuesday after the first Monday 3893  
in March, the auditor shall determine whether the current owner 3894

of any lot, parcel, or tract of land or portion thereof 3895  
contained in the preceding tax year's agricultural land tax list 3896  
failed to file an initial or renewal application, as 3897  
appropriate, for the current tax year with respect to such lot, 3898  
parcel, or tract or portion thereof. The auditor shall forthwith 3899  
notify, ~~by certified mail,~~ each owner who failed to file an 3900  
application that unless application is filed with the auditor 3901  
prior to the first Monday of April of the current year, the land 3902  
will be valued for real property tax purposes in the current tax 3903  
year at its true value in money and that the recoupment required 3904  
by sections 5713.34 and 5713.35 of the Revised Code will be 3905  
placed on the current year's tax list and duplicate for 3906  
collection. The auditor shall send that notice either by 3907  
certified mail or, if the auditor has record of an internet 3908  
identifier of record associated with the owner, by ordinary mail 3909  
and by that internet identifier of record. 3910

(C) Each initial application shall be accompanied by a fee 3911  
of twenty-five dollars. Application fees shall be paid into the 3912  
county treasury to the credit of the real estate assessment fund 3913  
created under section 325.31 of the Revised Code. 3914

(D) Upon receipt of an application and payment of the 3915  
required fee the auditor shall determine whether the information 3916  
contained therein is correct and the application complete. 3917

(E) If the auditor determines the information is incorrect 3918  
or the application is incomplete, the auditor shall return the 3919  
application to the applicant ~~by certified mail~~ with an 3920  
enumeration of the items which are incorrect or incomplete. The 3921  
auditor shall return the application or a copy of the 3922  
application either by certified mail or, if the auditor has 3923  
record of an internet identifier of record associated with the 3924

applicant, by ordinary mail and by that internet identifier of 3925  
record. An applicant may file an amended application, without 3926  
charge, within fifteen days of the receipt of the returned 3927  
application. 3928

(F) If the auditor determines the application or amended 3929  
application is complete and the information therein is correct, 3930  
the auditor shall, prior to the first Monday in August, view or 3931  
cause to be viewed the land described in the application and 3932  
determine whether the land is land devoted exclusively to 3933  
agricultural use. 3934

(G) If the auditor determines, which determination shall 3935  
be made as of the first Monday of August, annually, that the 3936  
land is land devoted exclusively to agricultural use, the 3937  
auditor shall appraise it for real property tax purposes in 3938  
accordance with section 5715.01 of the Revised Code and the 3939  
rules adopted by the commissioner for the valuation of land 3940  
devoted exclusively to agricultural use and such appraised value 3941  
shall be the value used by the auditor in determining the 3942  
taxable value of such land for the current tax year under 3943  
section 5713.03 of the Revised Code and as shown on the general 3944  
tax list compiled under section 319.28 of the Revised Code. 3945

(H) The auditor shall enter on the real property record 3946  
required under section 5713.03 of the Revised Code for the 3947  
tract, lot, or parcel of land so appraised, in addition to the 3948  
other information required to be recorded thereon, its value as 3949  
land devoted exclusively to agricultural use based on the values 3950  
determined by the commissioner for each soil type present in the 3951  
tract, lot, or parcel. Subject to division (A)(1) of section 3952  
5713.34 of the Revised Code, tracts, lots, or parcels of land or 3953  
portions thereof used for a conservation practice or devoted to 3954

a land retirement or conservation program under an agreement 3955  
with an agency of the federal government on the first day of 3956  
January of the tax year shall be valued at the lowest valued of 3957  
all soil types listed in the commissioner's annual publication 3958  
of the per-acre agricultural use values for each soil type in 3959  
the state. 3960

(I) As used in this section, "internet identifier of 3961  
record" has the same meaning as in section 9.312 of the Revised 3962  
Code. 3963

**Sec. 5713.32.** (A) Prior to the first Monday in October, 3964  
the county auditor shall notify, ~~by certified mail,~~ each person 3965  
who filed an application or an amended application under section 3966  
5713.31 of the Revised Code and whose land the auditor 3967  
determines is not land devoted exclusively to agricultural use, 3968  
of the reason for such determination. The auditor shall send 3969  
that notice either by certified mail or, if the auditor has 3970  
record of an internet identifier of record associated with the 3971  
person, by ordinary mail and by that internet identifier of 3972  
record. As used in this division, "internet identifier of 3973  
record" has the same meaning as in section 9.312 of the Revised 3974  
Code. 3975

(B) A complaint against ~~such~~ the auditor's determination 3976  
may be made in the manner prescribed in section 5715.19 of the 3977  
Revised Code. 3978

**Sec. 5715.19.** (A) As used in this section, "member" has 3979  
the same meaning as in section 1705.01 of the Revised Code, and 3980  
"internet identifier of record" has the same meaning as in 3981  
section 9.312 of the Revised Code. 3982

(1) Subject to division (A)(2) of this section, a 3983

complaint against any of the following determinations for the 3984  
current tax year shall be filed with the county auditor on or 3985  
before the thirty-first day of March of the ensuing tax year or 3986  
the date of closing of the collection for the first half of real 3987  
and public utility property taxes for the current tax year, 3988  
whichever is later: 3989

(a) Any classification made under section 5713.041 of the 3990  
Revised Code; 3991

(b) Any determination made under section 5713.32 or 3992  
5713.35 of the Revised Code; 3993

(c) Any recoupment charge levied under section 5713.35 of 3994  
the Revised Code; 3995

(d) The determination of the total valuation or assessment 3996  
of any parcel that appears on the tax list, except parcels 3997  
assessed by the tax commissioner pursuant to section 5727.06 of 3998  
the Revised Code; 3999

(e) The determination of the total valuation of any parcel 4000  
that appears on the agricultural land tax list, except parcels 4001  
assessed by the tax commissioner pursuant to section 5727.06 of 4002  
the Revised Code; 4003

(f) Any determination made under division (A) of section 4004  
319.302 of the Revised Code. 4005

If such a complaint is filed by mail or certified mail, 4006  
the date of the United States postmark placed on the envelope or 4007  
sender's receipt by the postal service shall be treated as the 4008  
date of filing. A private meter postmark on an envelope is not a 4009  
valid postmark for purposes of establishing the filing date. 4010

Any person owning taxable real property in the county or 4011

in a taxing district with territory in the county; such a 4012  
person's spouse; an individual who is retained by such a person 4013  
and who holds a designation from a professional assessment 4014  
organization, such as the institute for professionals in 4015  
taxation, the national council of property taxation, or the 4016  
international association of assessing officers; a public 4017  
accountant who holds a permit under section 4701.10 of the 4018  
Revised Code, a general or residential real estate appraiser 4019  
licensed or certified under Chapter 4763. of the Revised Code, 4020  
or a real estate broker licensed under Chapter 4735. of the 4021  
Revised Code, who is retained by such a person; if the person is 4022  
a firm, company, association, partnership, limited liability 4023  
company, or corporation, an officer, a salaried employee, a 4024  
partner, or a member of that person; if the person is a trust, a 4025  
trustee of the trust; the board of county commissioners; the 4026  
prosecuting attorney or treasurer of the county; the board of 4027  
township trustees of any township with territory within the 4028  
county; the board of education of any school district with any 4029  
territory in the county; or the mayor or legislative authority 4030  
of any municipal corporation with any territory in the county 4031  
may file such a complaint regarding any such determination 4032  
affecting any real property in the county, except that a person 4033  
owning taxable real property in another county may file such a 4034  
complaint only with regard to any such determination affecting 4035  
real property in the county that is located in the same taxing 4036  
district as that person's real property is located. The county 4037  
auditor shall present to the county board of revision all 4038  
complaints filed with the auditor. 4039

(2) As used in division (A) (2) of this section, "interim 4040  
period" means, for each county, the tax year to which section 4041  
5715.24 of the Revised Code applies and each subsequent tax year 4042



until the tax year in which that section applies again. 4043

No person, board, or officer shall file a complaint 4044  
against the valuation or assessment of any parcel that appears 4045  
on the tax list if it filed a complaint against the valuation or 4046  
assessment of that parcel for any prior tax year in the same 4047  
interim period, unless the person, board, or officer alleges 4048  
that the valuation or assessment should be changed due to one or 4049  
more of the following circumstances that occurred after the tax 4050  
lien date for the tax year for which the prior complaint was 4051  
filed and that the circumstances were not taken into 4052  
consideration with respect to the prior complaint: 4053

(a) The property was sold in an arm's length transaction, 4054  
as described in section 5713.03 of the Revised Code; 4055

(b) The property lost value due to some casualty; 4056

(c) Substantial improvement was added to the property; 4057

(d) An increase or decrease of at least fifteen per cent 4058  
in the property's occupancy has had a substantial economic 4059  
impact on the property. 4060

(3) If a county board of revision, the board of tax 4061  
appeals, or any court dismisses a complaint filed under this 4062  
section or section 5715.13 of the Revised Code for the reason 4063  
that the act of filing the complaint was the unauthorized 4064  
practice of law or the person filing the complaint was engaged 4065  
in the unauthorized practice of law, the party affected by a 4066  
decrease in valuation or the party's agent, or the person owning 4067  
taxable real property in the county or in a taxing district with 4068  
territory in the county, may refile the complaint, 4069  
notwithstanding division (A) (2) of this section. 4070

(4) (a) No complaint filed under this section or section 4071

5715.13 of the Revised Code shall be dismissed for the reason 4072  
that the complaint fails to accurately identify the owner of the 4073  
property that is the subject of the complaint. 4074

(b) If a complaint fails to accurately identify the owner 4075  
of the property that is the subject of the complaint, the board 4076  
of revision shall exercise due diligence to ensure the correct 4077  
property owner is notified as required by divisions (B) and (C) 4078  
of this section. 4079

(5) Notwithstanding division (A) (2) of this section, a 4080  
person, board, or officer may file a complaint against the 4081  
valuation or assessment of any parcel that appears on the tax 4082  
list if it filed a complaint against the valuation or assessment 4083  
of that parcel for any prior tax year in the same interim period 4084  
if the person, board, or officer withdrew the complaint before 4085  
the complaint was heard by the board. 4086

(B) Within thirty days after the last date such complaints 4087  
may be filed, the auditor shall give notice of each complaint in 4088  
which the stated amount of overvaluation, undervaluation, 4089  
discriminatory valuation, illegal valuation, or incorrect 4090  
determination is at least seventeen thousand five hundred 4091  
dollars to each property owner whose property is the subject of 4092  
the complaint, if the complaint was not filed by the owner or 4093  
the owner's spouse, and to each board of education whose school 4094  
district may be affected by the complaint. Within thirty days 4095  
after receiving such notice, a board of education; a property 4096  
owner; the owner's spouse; an individual who is retained by such 4097  
an owner and who holds a designation from a professional 4098  
assessment organization, such as the institute for professionals 4099  
in taxation, the national council of property taxation, or the 4100  
international association of assessing officers; a public 4101

accountant who holds a permit under section 4701.10 of the 4102  
Revised Code, a general or residential real estate appraiser 4103  
licensed or certified under Chapter 4763. of the Revised Code, 4104  
or a real estate broker licensed under Chapter 4735. of the 4105  
Revised Code, who is retained by such a person; or, if the 4106  
property owner is a firm, company, association, partnership, 4107  
limited liability company, corporation, or trust, an officer, a 4108  
salaried employee, a partner, a member, or trustee of that 4109  
property owner, may file a complaint in support of or objecting 4110  
to the amount of alleged overvaluation, undervaluation, 4111  
discriminatory valuation, illegal valuation, or incorrect 4112  
determination stated in a previously filed complaint or 4113  
objecting to the current valuation. Upon the filing of a 4114  
complaint under this division, the board of education or the 4115  
property owner shall be made a party to the action. 4116

(C) Each board of revision shall notify any complainant 4117  
and also the property owner, if the property owner's address is 4118  
known, when a complaint is filed by one other than the property 4119  
owner, ~~by certified mail,~~ not less than ten days prior to the 4120  
hearing, either by certified mail or, if the board has record of 4121  
an internet identifier of record associated with the owner, by 4122  
ordinary mail and by that internet identifier of record of the 4123  
time and place the same will be heard. The board of revision 4124  
shall hear and render its decision on a complaint within ninety 4125  
days after the filing thereof with the board, except that if a 4126  
complaint is filed within thirty days after receiving notice 4127  
from the auditor as provided in division (B) of this section, 4128  
the board shall hear and render its decision within ninety days 4129  
after such filing. 4130

(D) The determination of any such complaint shall relate 4131  
back to the date when the lien for taxes or recoupment charges 4132

for the current year attached or the date as of which liability 4133  
for such year was determined. Liability for taxes and recoupment 4134  
charges for such year and each succeeding year until the 4135  
complaint is finally determined and for any penalty and interest 4136  
for nonpayment thereof within the time required by law shall be 4137  
based upon the determination, valuation, or assessment as 4138  
finally determined. Each complaint shall state the amount of 4139  
overvaluation, undervaluation, discriminatory valuation, illegal 4140  
valuation, or incorrect classification or determination upon 4141  
which the complaint is based. The treasurer shall accept any 4142  
amount tendered as taxes or recoupment charge upon property 4143  
concerning which a complaint is then pending, computed upon the 4144  
claimed valuation as set forth in the complaint. If a complaint 4145  
filed under this section for the current year is not determined 4146  
by the board within the time prescribed for such determination, 4147  
the complaint and any proceedings in relation thereto shall be 4148  
continued by the board as a valid complaint for any ensuing year 4149  
until such complaint is finally determined by the board or upon 4150  
any appeal from a decision of the board. In such case, the 4151  
original complaint shall continue in effect without further 4152  
filing by the original taxpayer, the original taxpayer's 4153  
assignee, or any other person or entity authorized to file a 4154  
complaint under this section. 4155

(E) If a taxpayer files a complaint as to the 4156  
classification, valuation, assessment, or any determination 4157  
affecting the taxpayer's own property and tenders less than the 4158  
full amount of taxes or recoupment charges as finally 4159  
determined, an interest charge shall accrue as follows: 4160

(1) If the amount finally determined is less than the 4161  
amount billed but more than the amount tendered, the taxpayer 4162  
shall pay interest at the rate per annum prescribed by section 4163

5703.47 of the Revised Code, computed from the date that the 4164  
taxes were due on the difference between the amount finally 4165  
determined and the amount tendered. This interest charge shall 4166  
be in lieu of any penalty or interest charge under section 4167  
323.121 of the Revised Code unless the taxpayer failed to file a 4168  
complaint and tender an amount as taxes or recoupment charges 4169  
within the time required by this section, in which case section 4170  
323.121 of the Revised Code applies. 4171

(2) If the amount of taxes finally determined is equal to 4172  
or greater than the amount billed and more than the amount 4173  
tendered, the taxpayer shall pay interest at the rate prescribed 4174  
by section 5703.47 of the Revised Code from the date the taxes 4175  
were due on the difference between the amount finally determined 4176  
and the amount tendered, such interest to be in lieu of any 4177  
interest charge but in addition to any penalty prescribed by 4178  
section 323.121 of the Revised Code. 4179

(F) Upon request of a complainant, the tax commissioner 4180  
shall determine the common level of assessment of real property 4181  
in the county for the year stated in the request that is not 4182  
valued under section 5713.31 of the Revised Code, which common 4183  
level of assessment shall be expressed as a percentage of true 4184  
value and the common level of assessment of lands valued under 4185  
such section, which common level of assessment shall also be 4186  
expressed as a percentage of the current agricultural use value 4187  
of such lands. Such determination shall be made on the basis of 4188  
the most recent available sales ratio studies of the 4189  
commissioner and such other factual data as the commissioner 4190  
deems pertinent. 4191

(G) A complainant shall provide to the board of revision 4192  
all information or evidence within the complainant's knowledge 4193

or possession that affects the real property that is the subject 4194  
of the complaint. A complainant who fails to provide such 4195  
information or evidence is precluded from introducing it on 4196  
appeal to the board of tax appeals or the court of common pleas, 4197  
except that the board of tax appeals or court may admit and 4198  
consider the evidence if the complainant shows good cause for 4199  
the complainant's failure to provide the information or evidence 4200  
to the board of revision. 4201

(H) In case of the pendency of any proceeding in court 4202  
based upon an alleged excessive, discriminatory, or illegal 4203  
valuation or incorrect classification or determination, the 4204  
taxpayer may tender to the treasurer an amount as taxes upon 4205  
property computed upon the claimed valuation as set forth in the 4206  
complaint to the court. The treasurer may accept the tender. If 4207  
the tender is not accepted, no penalty shall be assessed because 4208  
of the nonpayment of the full taxes assessed. 4209

**Sec. 5715.20.** (A) Whenever a county board of revision 4210  
renders a decision on a complaint filed under section 5715.19 of 4211  
the Revised Code or on an application for remission under 4212  
section 5715.39 of the Revised Code, it shall ~~certify-give~~ 4213  
notice of its action by certified mail to the person in whose 4214  
name the property is listed or sought to be listed and, if the 4215  
complainant or applicant is not the person in whose name the 4216  
property is listed or sought to be listed, to the complainant or 4217  
applicant. The notice shall be given either by certified mail 4218  
or, if the board has record of an internet identifier of record 4219  
associated with a person, by ordinary mail and by that internet 4220  
identifier of record as defined in section 9.312 of the Revised 4221  
Code. A person's time to file an appeal under section 5717.01 of 4222  
the Revised Code commences with the mailing of notice of the 4223  
decision to that person as provided in this section. The tax 4224

commissioner's time to file an appeal under section 5717.01 of 4225  
the Revised Code commences with the last mailing to a person 4226  
required to be mailed notice of the decision as provided in this 4227  
division. 4228

(B) The tax commissioner may order the county auditor to 4229  
send to the commissioner the decisions of the board of revision 4230  
rendered on complaints filed under section 5715.19 of the 4231  
Revised Code or on applications for remission filed under 4232  
section 5715.39 of the Revised Code in the manner and for the 4233  
time period that the commissioner prescribes. Nothing in this 4234  
division extends the commissioner's time to file an appeal under 4235  
section 5717.01 of the Revised Code. 4236

**Sec. 5717.01.** An appeal from a decision of a county board 4237  
of revision may be taken to the board of tax appeals within 4238  
thirty days after notice of the decision of the county board of 4239  
revision is mailed as provided in division (A) of section 4240  
5715.20 of the Revised Code. Such an appeal may be taken by the 4241  
county auditor, the tax commissioner, or any board, legislative 4242  
authority, public official, or taxpayer authorized by section 4243  
5715.19 of the Revised Code to file complaints against 4244  
valuations or assessments with the auditor. Such appeal shall be 4245  
taken by the filing of a notice of appeal, in person or by 4246  
certified mail, express mail, facsimile transmission, electronic 4247  
transmission, or by authorized delivery service, with the board 4248  
of tax appeals and with the county board of revision. If notice 4249  
of appeal is filed by certified mail, express mail, or 4250  
authorized delivery service as provided in section 5703.056 of 4251  
the Revised Code, the date of the United States postmark placed 4252  
on the sender's receipt by the postal service or the date of 4253  
receipt recorded by the authorized delivery service shall be 4254  
treated as the date of filing. If notice of appeal is filed by 4255

facsimile transmission or electronic transmission, the date and 4256  
time the notice is received by the board shall be the date and 4257  
time reflected on a timestamp provided by the board's electronic 4258  
system, and the appeal shall be considered filed with the board 4259  
on the date reflected on that timestamp. Any timestamp provided 4260  
by another computer system or electronic submission device shall 4261  
not affect the time and date the notice is received by the 4262  
board. Upon receipt of such notice of appeal such county board 4263  
of revision shall ~~by certified mail~~ notify all persons thereof 4264  
who were parties to the proceeding before such county board of 4265  
revision by either certified mail or, if the board has record of 4266  
an internet identifier of record associated with such a person, 4267  
by ordinary mail and by that internet identifier of record, and 4268  
shall file proof of such notice or, in the case of ordinary 4269  
mail, an affidavit attesting that the board sent the notice with 4270  
the board of tax appeals. The county board of revision shall 4271  
thereupon certify to the board of tax appeals a transcript of 4272  
the record of the proceedings of the county board of revision 4273  
pertaining to the original complaint, and all evidence offered 4274  
in connection therewith. Such appeal may be heard by the board 4275  
of tax appeals at its offices in Columbus or in the county where 4276  
the property is listed for taxation, or the board of tax appeals 4277  
may cause its examiners to conduct such hearing and to report to 4278  
it their findings for affirmation or rejection. An appeal may 4279  
proceed pursuant to section 5703.021 of the Revised Code on the 4280  
small claims docket if the appeal qualifies under that section. 4281

The board of tax appeals may order the appeal to be heard 4282  
on the record and the evidence certified to it by the county 4283  
board of revision, or it may order the hearing of additional 4284  
evidence, and it may make such investigation concerning the 4285  
appeal as it deems proper. 4286



As used in this section, "internet identifier of record" 4287  
has the same meaning as in section 9.312 of the Revised Code. 4288

**Sec. 5721.30.** As used in sections 5721.30 to 5721.43 of 4289  
the Revised Code: 4290

(A) "Tax certificate," "certificate," or "duplicate 4291  
certificate" means a document that may be issued as a physical 4292  
certificate, in book-entry form, or through an electronic 4293  
medium, at the discretion of the county treasurer. Such document 4294  
shall contain the information required by section 5721.31 of the 4295  
Revised Code and shall be prepared, transferred, or redeemed in 4296  
the manner prescribed by sections 5721.30 to 5721.43 of the 4297  
Revised Code. As used in those sections, "tax certificate," 4298  
"certificate," and "duplicate certificate" do not refer to the 4299  
delinquent land tax certificate or the delinquent vacant land 4300  
tax certificate issued under section 5721.13 of the Revised 4301  
Code. 4302

(B) "Certificate parcel" means the parcel of delinquent 4303  
land that is the subject of and is described in a tax 4304  
certificate. 4305

(C) "Certificate holder" means a person, including a 4306  
county land reutilization corporation, that purchases or 4307  
otherwise acquires a tax certificate under section 5721.32, 4308  
5721.33, or 5721.42 of the Revised Code, or a person to whom a 4309  
tax certificate has been transferred pursuant to section 5721.36 4310  
of the Revised Code. 4311

(D) "Certificate purchase price" means, with respect to 4312  
the sale of tax certificates under sections 5721.32, 5721.33, 4313  
and 5721.42 of the Revised Code, the amount equal to delinquent 4314  
taxes charged against a certificate parcel at the time the tax 4315

certificate respecting that parcel is sold or transferred, not 4316  
including any delinquent taxes the lien for which has been 4317  
conveyed to a certificate holder through a prior sale of a tax 4318  
certificate respecting that parcel. Payment of the certificate 4319  
purchase price in a sale under section 5721.33 of the Revised 4320  
Code may be made wholly in cash or partially in cash and 4321  
partially by noncash consideration acceptable to the county 4322  
treasurer from the purchaser, and, in the case of a county land 4323  
reutilization corporation, with notes. In the event that any 4324  
such noncash consideration is delivered to pay a portion of the 4325  
certificate purchase price, such noncash consideration may be 4326  
subordinate to the rights of the holders of other obligations 4327  
whose proceeds paid the cash portion of the certificate purchase 4328  
price. 4329

"Certificate purchase price" also includes the amount of 4330  
the fee charged by the county treasurer to the purchaser of the 4331  
certificate under division (H) of section 5721.32 of the Revised 4332  
Code. 4333

(E) (1) With respect to a sale of tax certificates under 4334  
section 5721.32 of the Revised Code, and except as provided in 4335  
division (E) (2) of this section, "certificate redemption price" 4336  
means the certificate purchase price plus the greater of the 4337  
following: 4338

(a) Simple interest, at the certificate rate of interest, 4339  
accruing during the certificate interest period on the 4340  
certificate purchase price, calculated in accordance with 4341  
section 5721.41 of the Revised Code; 4342

(b) Six per cent of the certificate purchase price. 4343

(2) If the certificate rate of interest equals zero, the 4344

certificate redemption price equals the certificate purchase 4345  
price plus the fee charged by the county treasurer to the 4346  
purchaser of the certificate under division (H) of section 4347  
5721.32 of the Revised Code. 4348

(F) With respect to a sale or transfer of tax certificates 4349  
under section 5721.33 of the Revised Code, "certificate 4350  
redemption price" means the amount equal to the sum of the 4351  
following: 4352

(1) The certificate purchase price; 4353

(2) Interest accrued on the certificate purchase price at 4354  
the certificate rate of interest from the date on which a tax 4355  
certificate is delivered through and including the day 4356  
immediately preceding the day on which the certificate 4357  
redemption price is paid; 4358

(3) The fee, if any, charged by the county treasurer to 4359  
the purchaser of the certificate under division (J) of section 4360  
5721.33 of the Revised Code; 4361

(4) Any other fees charged by any county office in 4362  
connection with the recording of tax certificates. 4363

(G) "Certificate rate of interest" means the rate of 4364  
simple interest per year bid by the winning bidder in an auction 4365  
of a tax certificate held under section 5721.32 of the Revised 4366  
Code, or the rate of simple interest per year not to exceed 4367  
eighteen per cent per year fixed pursuant to section 5721.42 of 4368  
the Revised Code or by the county treasurer with respect to any 4369  
tax certificate sold or transferred pursuant to a negotiated 4370  
sale under section 5721.33 of the Revised Code. The certificate 4371  
rate of interest shall not be less than zero per cent per year. 4372

(H) "Cash" means United States currency, certified checks, 4373

money orders, bank drafts, electronic transfer of funds, or 4374  
other forms of payment authorized by the county treasurer, and 4375  
excludes any other form of payment not so authorized. 4376

(I) "The date on which a tax certificate is sold or 4377  
transferred," "the date the certificate was sold or 4378  
transferred," "the date the certificate is purchased," and any 4379  
other phrase of similar content mean, with respect to a sale 4380  
pursuant to an auction under section 5721.32 of the Revised 4381  
Code, the date designated by the county treasurer for the 4382  
submission of bids and, with respect to a negotiated sale or 4383  
transfer under section 5721.33 of the Revised Code, the date of 4384  
delivery of the tax certificates to the purchasers thereof 4385  
pursuant to a tax certificate sale/purchase agreement. 4386

(J) "Certificate interest period" means, with respect to a 4387  
tax certificate sold under section 5721.32 or 5721.42 of the 4388  
Revised Code and for the purpose of accruing interest under 4389  
section 5721.41 of the Revised Code, the period beginning on the 4390  
date on which the certificate is purchased and, with respect to 4391  
a tax certificate sold or transferred under section 5721.33 of 4392  
the Revised Code, the period beginning on the date of delivery 4393  
of the tax certificate, and in either case ending on one of the 4394  
following dates: 4395

(1) The date the certificate holder files a request for 4396  
foreclosure or notice of intent to foreclose under division (A) 4397  
of section 5721.37 of the Revised Code and submits the payment 4398  
required under division (B) of that section; 4399

(2) The date the owner of record of the certificate 4400  
parcel, or any other person entitled to redeem that parcel, 4401  
redeems the certificate parcel under division (A) or (C) of 4402  
section 5721.38 of the Revised Code or redeems the certificate 4403

under section 5721.381 of the Revised Code. 4404

(K) "Qualified trustee" means a trust company within the 4405  
state or a bank having the power of a trust company within the 4406  
state with a combined capital stock, surplus, and undivided 4407  
profits of at least one hundred million dollars. 4408

(L) "Tax certificate sale/purchase agreement" means the 4409  
purchase and sale agreement described in division (C) of section 4410  
5721.33 of the Revised Code setting forth the certificate 4411  
purchase price, plus any applicable premium or less any 4412  
applicable discount, including, without limitation, the amount 4413  
to be paid in cash and the amount and nature of any noncash 4414  
consideration, the date of delivery of the tax certificates, and 4415  
the other terms and conditions of the sale, including, without 4416  
limitation, the rate of interest that the tax certificates shall 4417  
bear. 4418

(M) "Noncash consideration" means any form of 4419  
consideration other than cash, including, but not limited to, 4420  
promissory notes whether subordinate or otherwise. 4421

(N) "Private attorney" means any attorney licensed to 4422  
practice law in this state whose license has not been revoked 4423  
and is not currently suspended, and who is retained to bring 4424  
foreclosure proceedings pursuant to section 5721.37 of the 4425  
Revised Code on behalf of a certificate holder. 4426

(O) "Related certificate parcel" means, with respect to a 4427  
certificate holder, the certificate parcel with respect to which 4428  
the certificate holder has purchased and holds a tax certificate 4429  
pursuant to sections 5721.30 to 5721.43 of the Revised Code and, 4430  
with respect to a tax certificate, the certificate parcel 4431  
against which the tax certificate has been sold pursuant to 4432

those sections. 4433

(P) "Delinquent taxes" means delinquent taxes as defined 4434  
in section 323.01 of the Revised Code and includes assessments 4435  
and charges, and penalties and interest computed under section 4436  
323.121 of the Revised Code. 4437

(Q) "Certificate period" means the period of time after 4438  
the sale or delivery of a tax certificate within which a 4439  
certificate holder must initiate an action to foreclose the tax 4440  
lien represented by the certificate as specified under division 4441  
(A) of section 5721.32 of the Revised Code or as negotiated 4442  
under section 5721.33 of the Revised Code. 4443

(R) "Internet identifier of record" has the same meaning 4444  
as in section 9.312 of the Revised Code. 4445

**Sec. 5721.31.** (A) (1) After receipt of a duplicate of the 4446  
delinquent land list compiled under section 5721.011 of the 4447  
Revised Code, or a delinquent land list compiled previously 4448  
under that section, the county treasurer may select from the 4449  
list parcels of delinquent land the lien against which the 4450  
county treasurer may attempt to transfer by the sale of tax 4451  
certificates under sections 5721.30 to 5721.43 of the Revised 4452  
Code. None of the following parcels may be selected for a tax 4453  
certificate sale: 4454

(a) A parcel for which the full amount of taxes, 4455  
assessments, penalties, interest, and charges have been paid; 4456

(b) A parcel for which a valid contract under section 4457  
323.122, 323.31, or 5713.20 of the Revised Code is in force; 4458

(c) A parcel the owner of which has filed a petition in 4459  
bankruptcy, so long as the parcel is property of the bankruptcy 4460  
estate. 4461

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

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

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

(2) Except as otherwise provided in division (B) (3) of this section, when tax certificates are to be sold or transferred under section 5721.33 of the Revised Code with respect to parcels, the county treasurer, at least thirty days prior to the date of sale or transfer of such tax certificates, shall send written notice of the sale or transfer by certified mail to the last known tax-mailing address of the record owner of the property or parcel and may send such notice to all

parties with an interest in the property that has been recorded 4492  
in the property records of the county pursuant to section 317.08 4493  
of the Revised Code. The notice shall state that a tax 4494  
certificate will be offered for sale or transfer on the parcel, 4495  
and that the owner or interested parties may incur additional 4496  
expenses as a result of the sale or transfer. 4497

(3) The county treasurer is not required to send a notice 4498  
under division (B) (1) or (B) (2) of this section if the treasurer 4499  
previously has attempted to send such notice to the owner of the 4500  
parcel and the notice has been returned by the post office as 4501  
undeliverable. The absence of a valid tax-mailing address for 4502  
the owner of a parcel does not preclude the county treasurer 4503  
from selling or transferring a tax certificate for the parcel. 4504

(C) The county treasurer shall advertise the sale of tax 4505  
certificates under section 5721.32 of the Revised Code in a 4506  
newspaper of general circulation in the county once a week for 4507  
two consecutive weeks. The newspaper shall meet the requirements 4508  
of section 7.12 of the Revised Code. The advertisement shall 4509  
include the date, the time, and the place of the public auction, 4510  
abbreviated legal descriptions of the parcels, and the names of 4511  
the owners of record of the parcels. The advertisement also 4512  
shall include the certificate purchase prices of the parcels or 4513  
the total purchase price of tax certificates for sale in blocks 4514  
of tax certificates. 4515

(D) After the county treasurer has compiled the list of 4516  
parcels selected for tax certificate sales but before a tax 4517  
certificate respecting a parcel is sold or transferred, if the 4518  
owner of record of the parcel pays to the county treasurer in 4519  
cash the delinquent taxes respecting the parcel or otherwise 4520  
acts so that any condition in division (A) (1) (a), (b), or (c) of 4521



this section applies to the parcel, the owner of record of the 4522  
parcel also shall pay a fee in an amount prescribed by the 4523  
treasurer to cover the administrative costs of the treasurer 4524  
under this section respecting the parcel. The fee shall be 4525  
deposited in the county treasury to the credit of the tax 4526  
certificate administration fund. 4527

(E) A tax certificate administration fund shall be created 4528  
in the county treasury of each county selling tax certificates 4529  
under sections 5721.30 to 5721.43 of the Revised Code. The fund 4530  
shall be administered by the county treasurer, and used solely 4531  
for the purposes of sections 5721.30 to 5721.43 of the Revised 4532  
Code or as otherwise permitted in this division. Any fee 4533  
received by the treasurer under sections 5721.30 to 5721.43 of 4534  
the Revised Code shall be credited to the fund, except the 4535  
bidder registration fee under division (B) of section 5721.32 of 4536  
the Revised Code and the county prosecuting attorney's fee under 4537  
division (B) (3) of section 5721.37 of the Revised Code. To the 4538  
extent there is a surplus in the fund from time to time, the 4539  
surplus may, with the approval of the county treasurer, be 4540  
utilized for the purposes of a county land reutilization 4541  
corporation operating in the county. 4542

(F) The county treasurers of more than one county may 4543  
jointly conduct a regional sale of tax certificates under 4544  
section 5721.32 of the Revised Code. A regional sale shall be 4545  
held at a single location in one county, where the tax 4546  
certificates from each of the participating counties shall be 4547  
offered for sale at public auction. Before the regional sale, 4548  
each county treasurer shall advertise the sale for the parcels 4549  
in the treasurer's county as required by division (C) of this 4550  
section. At the regional sale, tax certificates shall be sold on 4551  
parcels from one county at a time, with all of the certificates 4552

for one county offered for sale before any certificates for the 4553  
next county are offered for sale. 4554

(G) The tax commissioner shall prescribe the form of the 4555  
tax certificate under this section, and county treasurers shall 4556  
use the form so prescribed. 4557

**Sec. 5721.32.** (A) The sale of tax certificates by public 4558  
auction may be conducted at any time after completion of the 4559  
advertising of the sale under section 5721.31 of the Revised 4560  
Code, on the date and at the time and place designated in the 4561  
advertisements, and may be continued from time to time as the 4562  
county treasurer directs. The county treasurer may offer the tax 4563  
certificates for sale in blocks of tax certificates, consisting 4564  
of any number of tax certificates as determined by the county 4565  
treasurer, and may specify a certificate period of not less than 4566  
three years and not more than six years. 4567

(B) (1) The sale of tax certificates under this section 4568  
shall be conducted at a public auction by the county treasurer 4569  
or a designee of the county treasurer. 4570

(2) No person shall be permitted to bid without completing 4571  
a bidder registration form, in the form prescribed by the tax 4572  
commissioner, and without filing the form with the county 4573  
treasurer prior to the start of the auction, together with 4574  
remittance of a registration fee, in cash, of five hundred 4575  
dollars. The bidder registration form shall include a tax 4576  
identification number of the registrant. The registration fee is 4577  
refundable at the end of bidding on the day of the auction, 4578  
unless the registrant is the winning bidder for one or more tax 4579  
certificates or one or more blocks of tax certificates, in which 4580  
case the fee may be applied toward the deposit required by this 4581  
section. 4582

(3) The county treasurer may require a person who wishes 4583  
to bid on one or more parcels to submit a letter from a 4584  
financial institution stating that the bidder has sufficient 4585  
funds available to pay the purchase price of the parcels and a 4586  
written authorization for the treasurer to verify such 4587  
information with the financial institution. The county treasurer 4588  
may require submission of the letter and authorization 4589  
sufficiently in advance of the auction to allow for 4590  
verification. No person who fails to submit the required letter 4591  
and authorization, or whose financial institution fails to 4592  
provide the requested verification, shall be permitted to bid. 4593

(C) At the public auction, the county treasurer or the 4594  
treasurer's designee or agent shall begin the bidding at 4595  
eighteen per cent per year simple interest, and accept lower 4596  
bids in even increments of one-fourth of one per cent to the 4597  
rate of zero per cent. The county treasurer, designee, or agent 4598  
shall award the tax certificate to the person bidding the lowest 4599  
certificate rate of interest. The county treasurer shall decide 4600  
which person is the winning bidder in the event of a tie for the 4601  
lowest bid offered, or if a person contests the lowest bid 4602  
offered. The county treasurer's decision is not appealable. 4603

(D) (1) The winning bidder shall pay the county treasurer a 4604  
cash deposit of at least ten per cent of the certificate 4605  
purchase price not later than the close of business on the day 4606  
of the sale. The winning bidder shall pay the balance and the 4607  
fee required under division (H) of this section not later than 4608  
five business days after the day on which the certificate is 4609  
sold. Except as provided under division (D) (2) of this section, 4610  
if the winning bidder fails to pay the balance and fee within 4611  
the prescribed time, the bidder forfeits the deposit, and the 4612  
county treasurer shall retain the tax certificate and may 4613

attempt to sell it at any auction conducted at a later date. 4614

(2) At the request of a winning bidder, the county 4615  
treasurer may release the bidder from the bidder's tax 4616  
certificate purchase obligation. The county treasurer may retain 4617  
all or any portion of the deposit of a bidder granted a release. 4618  
After granting a release under this division, the county 4619  
treasurer may award the tax certificate to the person that 4620  
submitted the second lowest bid at the auction. 4621

(3) The county treasurer shall deposit 4622  
forfeited or retained under ~~divisions~~division (D) (1) or (2) of 4623  
this section in the county treasury to the credit of the tax 4624  
certificate administration fund. 4625

(E) Upon receipt of the full payment of the certificate 4626  
purchase price from the purchaser, the county treasurer shall 4627  
issue the tax certificate and record the tax certificate sale by 4628  
entering into a tax certificate register the certificate 4629  
purchase price, the certificate rate of interest, the date the 4630  
certificate was sold, the certificate period, the name and 4631  
address of the certificate holder, and any other information the 4632  
county treasurer considers necessary. The county treasurer may 4633  
keep the tax certificate register in a hard-copy format or in an 4634  
electronic format. The name and address of the certificate 4635  
holder may be, upon receipt of instructions from the purchaser, 4636  
that of the secured party of the actual purchaser, or an agent 4637  
or custodian for the purchaser or secured party. The county 4638  
treasurer also shall transfer the tax certificate to the 4639  
certificate holder. The county treasurer shall apportion the 4640  
part of the proceeds from the sale representing taxes, 4641  
penalties, and interest among the several taxing districts in 4642  
the same proportion that the amount of taxes levied by each 4643

district against the certificate parcel in the preceding tax 4644  
year bears to the taxes levied by all such districts against the 4645  
certificate parcel in the preceding tax year, and credit the 4646  
part of the proceeds representing assessments and other charges 4647  
to the items of assessments and charges in the order in which 4648  
those items became due. Upon issuing a tax certificate, the 4649  
delinquent taxes that make up the certificate purchase price are 4650  
transferred, and the superior lien of the state and its taxing 4651  
districts for those delinquent taxes is conveyed intact to the 4652  
certificate holder. 4653

(F) If a tax certificate is offered for sale under this 4654  
section but is not sold, the county treasurer may sell the 4655  
certificate in a negotiated sale authorized under section 4656  
5721.33 of the Revised Code, or may strike the corresponding 4657  
certificate parcel from the list of parcels selected for tax 4658  
certificate sales. The lien for taxes, assessments, charges, 4659  
penalties, and interest against a parcel stricken from the list 4660  
thereafter may be foreclosed in the manner prescribed by section 4661  
323.25, sections 323.65 to 323.79, or section 5721.14 or 5721.18 4662  
of the Revised Code unless, prior to the institution of such 4663  
proceedings against the parcel, the county treasurer restores 4664  
the parcel to the list of parcels selected for tax certificate 4665  
sales. 4666

(G) A certificate holder shall not be liable for damages 4667  
arising from a violation of sections 3737.87 to 3737.891 or 4668  
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., 4669  
or 6111. of the Revised Code, or a rule adopted or order, 4670  
permit, license, variance, or plan approval issued under any of 4671  
those chapters, that is or was committed by another person in 4672  
connection with the parcel for which the tax certificate is 4673  
held. 4674

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

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

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

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

- (1) A premium to be added to or discount to be subtracted from the certificate purchase price for the tax certificates; 4705  
4706
- (2) Different time frames under which the certificate holder may initiate a foreclosure action than are otherwise allowed under sections 5721.30 to 5721.43 of the Revised Code, not to exceed six years after the date the tax certificate was sold or transferred; 4707  
4708  
4709  
4710  
4711
- (3) The amount to be paid in private attorney's fees related to tax certificate foreclosures, subject to section 5721.371 of the Revised Code; 4712  
4713  
4714
- (4) Any other terms of the sale or transfer that the county treasurer, in the treasurer's discretion, determines appropriate or necessary for the sale or transfer. 4715  
4716  
4717
- (B) The sale or transfer of tax certificates under this section shall be governed by the criteria established by the county treasurer pursuant to division (E) of this section. 4718  
4719  
4720
- (C) The county treasurer may execute a tax certificate sale/purchase agreement and other necessary agreements with a designated purchaser or purchasers to complete a negotiated sale or transfer of tax certificates. 4721  
4722  
4723  
4724
- (D) The tax certificate may be sold at a premium to or discount from the certificate purchase price. The county treasurer may establish as one of the terms of the negotiated sale the portion of the certificate purchase price, plus any applicable premium or less any applicable discount, that the purchaser or purchasers shall pay in cash on the date the tax certificates are sold and the portion, if any, of the certificate purchase price, plus any applicable premium or less any applicable discount, that the purchaser or purchasers shall 4725  
4726  
4727  
4728  
4729  
4730  
4731  
4732  
4733

pay in noncash consideration and the nature of that 4734  
consideration. 4735

The county treasurer shall sell such tax certificates at a 4736  
certificate purchase price, plus any applicable premium and less 4737  
any applicable discount, and at a certificate rate of interest 4738  
that, in the treasurer's determination, are in the best 4739  
interests of the county. 4740

(E) (1) The county treasurer shall adopt rules governing 4741  
the eligibility of persons to purchase tax certificates or to 4742  
otherwise participate in a negotiated sale under this section. 4743  
The rules may provide for precertification of such persons, 4744  
including a requirement for disclosure of income, assets, and 4745  
any other financial information the county treasurer determines 4746  
appropriate. The rules also may prohibit any person that is 4747  
delinquent in the payment of any tax to the county or to the 4748  
state, or that is in default in or on any other obligation to 4749  
the county or to the state, from purchasing a tax certificate or 4750  
otherwise participating in a negotiated sale of tax certificates 4751  
under this section. The rules may also authorize the purchase of 4752  
certificates by a county land reutilization corporation, and 4753  
authorize the county treasurer to receive notes in lieu of cash, 4754  
with such notes being payable to the treasurer upon the receipt 4755  
or enforcement of such taxes, assessments, charges, costs, 4756  
penalties, and interest, and as otherwise further agreed between 4757  
the corporation and the treasurer. The eligibility information 4758  
required shall include the tax identification number of the 4759  
purchaser and may include the tax identification number of the 4760  
participant. The county treasurer, upon request, shall provide a 4761  
copy of the rules adopted under this section. 4762

(2) Any person that intends to purchase a tax certificate 4763



in a negotiated sale shall submit an affidavit to the county 4764  
treasurer that establishes compliance with the applicable 4765  
eligibility criteria and includes any other information required 4766  
by the treasurer. Any person that fails to submit such an 4767  
affidavit is ineligible to purchase a tax certificate. Any 4768  
person that knowingly submits a false or misleading affidavit 4769  
shall forfeit any tax certificate or certificates purchased by 4770  
the person at a sale for which the affidavit was submitted, 4771  
shall be liable for payment of the full certificate purchase 4772  
price, plus any applicable premium and less any applicable 4773  
discount, of the tax certificate or certificates, and shall be 4774  
disqualified from participating in any tax certificate sale 4775  
conducted in the county during the next five years. 4776

(3) A tax certificate shall not be sold to the owner of 4777  
the certificate parcel or to any corporation, partnership, or 4778  
association in which such owner has an interest. No person that 4779  
purchases a tax certificate in a negotiated sale shall assign or 4780  
transfer the tax certificate to the owner of the certificate 4781  
parcel or to any corporation, partnership, or association in 4782  
which the owner has an interest. Any person that knowingly or 4783  
negligently transfers or assigns a tax certificate to the owner 4784  
of the certificate parcel or to any corporation, partnership, or 4785  
association in which such owner has an interest shall be liable 4786  
for payment of the full certificate purchase price, plus any 4787  
applicable premium and less any applicable discount, and shall 4788  
not be entitled to a refund of any amount paid. Such tax 4789  
certificate shall be deemed void and the tax lien sold under the 4790  
tax certificate shall revert to the county as if no sale of the 4791  
tax certificate had occurred. 4792

(F) The purchaser in a negotiated sale under this section 4793  
shall deliver the certificate purchase price or other 4794

consideration, plus any applicable premium and less any 4795  
applicable discount and including any noncash consideration, to 4796  
the county treasurer not later than the close of business on the 4797  
date the tax certificates are delivered to the purchaser. The 4798  
certificate purchase price, less any applicable discount, or 4799  
portion of the price, that is paid in cash shall be deposited in 4800  
the county's general fund to the credit of the account to which 4801  
ad valorem real property taxes are credited and further credited 4802  
as provided in division (G) of this section. Any applicable 4803  
premium that is paid shall be, at the discretion of the county 4804  
treasurer, apportioned to and deposited in any authorized county 4805  
fund. The purchaser also shall pay on the date the tax 4806  
certificates are delivered to the purchaser the fee, if any, 4807  
negotiated under division (J) of this section. If the purchaser 4808  
fails to pay the certificate purchase price, plus any applicable 4809  
premium and less any applicable discount, and any such fee, 4810  
within the time periods required by this section, the county 4811  
treasurer shall retain the tax certificate and may attempt to 4812  
sell it at any auction or negotiated sale conducted at a later 4813  
date. 4814

(G) Upon receipt of the full payment from the purchaser of 4815  
the certificate purchase price or other agreed-upon 4816  
consideration, plus any applicable premium and less any 4817  
applicable discount, and the negotiated fee, if any, the county 4818  
treasurer, or a qualified trustee whom the treasurer has engaged 4819  
for such purpose, shall issue the tax certificate and record the 4820  
tax certificate sale by entering into a tax certificate register 4821  
the certificate purchase price, any premium paid or discount 4822  
taken, the certificate rate of interest, the date the 4823  
certificates were sold, the name and address of the certificate 4824  
holder or, in the case of issuance of the tax certificates in a 4825

book-entry system, the name and address of the nominee, and any 4826  
other information the county treasurer considers necessary. The 4827  
county treasurer may keep the tax certificate register in a 4828  
hard-copy format or an electronic format. The name and address 4829  
of the certificate holder or nominee may be, upon receipt of 4830  
instructions from the purchaser, that of the secured party of 4831  
the actual purchaser, or an agent or custodian for the purchaser 4832  
or secured party. The county treasurer also shall transfer the 4833  
tax certificates to the certificate holder. The county treasurer 4834  
shall apportion the part of the cash proceeds from the sale 4835  
representing taxes, penalties, and interest among the several 4836  
taxing districts in the same proportion that the amount of taxes 4837  
levied by each district against the certificate parcels in the 4838  
preceding tax year bears to the taxes levied by all such 4839  
districts against the certificate parcels in the preceding tax 4840  
year, and credit the part of the proceeds representing 4841  
assessments and other charges to the items of assessments and 4842  
charges in the order in which those items became due. If the 4843  
cash proceeds from the sale are not sufficient to fully satisfy 4844  
the items of taxes, assessments, penalties, interest, and 4845  
charges on the certificate parcels against which tax 4846  
certificates were sold, the county treasurer shall credit the 4847  
cash proceeds to such items pro rata based upon the proportion 4848  
that each item of taxes, assessments, penalties, interest, and 4849  
charges bears to the aggregate of all such items, or by any 4850  
other method that the county treasurer, in the treasurer's sole 4851  
discretion, determines is equitable. Upon issuing the tax 4852  
certificates, the delinquent taxes that make up the certificate 4853  
purchase price are transferred, and the superior lien of the 4854  
state and its taxing districts for those delinquent taxes is 4855  
conveyed intact to the certificate holder or holders. 4856

(H) If a tax certificate is offered for sale under this 4857  
section but is not sold, the county treasurer may strike the 4858  
corresponding certificate parcel from the list of parcels 4859  
selected for tax certificate sales. The lien for taxes, 4860  
assessments, charges, penalties, and interest against a parcel 4861  
stricken from the list thereafter may be foreclosed in the 4862  
manner prescribed by section 323.25, 5721.14, or 5721.18 of the 4863  
Revised Code unless, prior to the institution of such 4864  
proceedings against the parcel, the county treasurer restores 4865  
the parcel to the list of parcels selected for tax certificate 4866  
sales. 4867

(I) Neither a certificate holder nor its secured party, if 4868  
any, shall be liable for damages arising from a violation of 4869  
sections 3737.87 to 3737.891 or Chapter 3704., 3734., 3745., 4870  
3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, 4871  
or a rule adopted or order, permit, license, variance, or plan 4872  
approval issued under any of those chapters, that is or was 4873  
committed by another person in connection with the parcel for 4874  
which the tax certificate is held. 4875

(J) When selling or transferring a tax certificate under 4876  
this section, the county treasurer may negotiate with the 4877  
purchaser of the certificate for fees paid by the purchaser to 4878  
the county treasurer to reimburse the treasurer for any part or 4879  
all of the treasurer's costs of preparing for and administering 4880  
the sale of the tax certificate and any fees set forth by the 4881  
county treasurer in the tax certificate sale/purchase agreement. 4882  
Such fees, if any, shall be added to the certificate purchase 4883  
price and shall be paid by the purchaser on the date of delivery 4884  
of the tax certificate. The county treasurer shall deposit the 4885  
fees in the county treasury to the credit of the tax certificate 4886  
administration fund. 4887

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

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

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

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

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

(4) "Full-time equivalent employee" means the total number of employee-hours for which compensation was paid to individuals

employed at a qualified energy project for services performed at 4917  
the project during the calendar year divided by two thousand 4918  
eighty hours. 4919

(5) "Solar energy project" means an energy project 4920  
composed of an energy facility using solar panels to generate 4921  
electricity. 4922

(6) "Internet identifier of record" has the same meaning 4923  
as in section 9.312 of the Revised Code. 4924

(B) (1) Tangible personal property of a qualified energy 4925  
project using renewable energy resources is exempt from taxation 4926  
for tax years 2011 through 2021 if all of the following 4927  
conditions are satisfied: 4928

(a) On or before December 31, 2020, the owner or a lessee 4929  
pursuant to a sale and leaseback transaction of the project 4930  
submits an application to the power siting board for a 4931  
certificate under section 4906.20 of the Revised Code, or if 4932  
that section does not apply, submits an application for any 4933  
approval, consent, permit, or certificate or satisfies any 4934  
condition required by a public agency or political subdivision 4935  
of this state for the construction or initial operation of an 4936  
energy project. 4937

(b) Construction or installation of the energy facility 4938  
begins on or after January 1, 2009, and before January 1, 2021. 4939  
For the purposes of this division, construction begins on the 4940  
earlier of the date of application for a certificate or other 4941  
approval or permit described in division (B) (1) (a) of this 4942  
section, or the date the contract for the construction or 4943  
installation of the energy facility is entered into. 4944

(c) For a qualified energy project with a nameplate 4945

capacity of five megawatts or greater, a board of county 4946  
commissioners of a county in which property of the project is 4947  
located has adopted a resolution under division (E) (1) (b) or (c) 4948  
of this section to approve the application submitted under 4949  
division (E) of this section to exempt the property located in 4950  
that county from taxation. A board's adoption of a resolution 4951  
rejecting an application or its failure to adopt a resolution 4952  
approving the application does not affect the tax-exempt status 4953  
of the qualified energy project's property that is located in 4954  
another county. 4955

(2) If tangible personal property of a qualified energy 4956  
project using renewable energy resources was exempt from 4957  
taxation under this section beginning in any of tax years 2011 4958  
through 2021, and the certification under division (E) (2) of 4959  
this section has not been revoked, the tangible personal 4960  
property of the qualified energy project is exempt from taxation 4961  
for tax year 2022 and all ensuing tax years if the property was 4962  
placed into service before January 1, 2022, as certified in the 4963  
construction progress report required under division (F) (2) of 4964  
this section. Tangible personal property that has not been 4965  
placed into service before that date is taxable property subject 4966  
to taxation. An energy project for which certification has been 4967  
revoked is ineligible for further exemption under this section. 4968  
Revocation does not affect the tax-exempt status of the 4969  
project's tangible personal property for the tax year in which 4970  
revocation occurs or any prior tax year. 4971

(C) Tangible personal property of a qualified energy 4972  
project using clean coal technology, advanced nuclear 4973  
technology, or cogeneration technology is exempt from taxation 4974  
for the first tax year that the property would be listed for 4975  
taxation and all subsequent years if all of the following 4976

circumstances are met: 4977

(1) The property was placed into service before January 1, 4978  
2021. Tangible personal property that has not been placed into 4979  
service before that date is taxable property subject to 4980  
taxation. 4981

(2) For such a qualified energy project with a nameplate 4982  
capacity of five megawatts or greater, a board of county 4983  
commissioners of a county in which property of the qualified 4984  
energy project is located has adopted a resolution under 4985  
division (E) (1) (b) or (c) of this section to approve the 4986  
application submitted under division (E) of this section to 4987  
exempt the property located in that county from taxation. A 4988  
board's adoption of a resolution rejecting the application or 4989  
its failure to adopt a resolution approving the application does 4990  
not affect the tax-exempt status of the qualified energy 4991  
project's property that is located in another county. 4992

(3) The certification for the qualified energy project 4993  
issued under division (E) (2) of this section has not been 4994  
revoked. An energy project for which certification has been 4995  
revoked is ineligible for exemption under this section. 4996  
Revocation does not affect the tax-exempt status of the 4997  
project's tangible personal property for the tax year in which 4998  
revocation occurs or any prior tax year. 4999

(D) Except as otherwise provided in this section, real 5000  
property of a qualified energy project is exempt from taxation 5001  
for any tax year for which the tangible personal property of the 5002  
qualified energy project is exempted under this section. 5003

(E) (1) (a) A person may apply to the director of 5004  
development services for certification of an energy project as a 5005



qualified energy project on or before the following dates: 5006

(i) December 31, 2020, for an energy project using 5007  
renewable energy resources; 5008

(ii) December 31, 2017, for an energy project using clean 5009  
coal technology, advanced nuclear technology, or cogeneration 5010  
technology. 5011

(b) The director shall forward a copy of each application 5012  
for certification of an energy project with a nameplate capacity 5013  
of five megawatts or greater to the board of county 5014  
commissioners of each county in which the project is located and 5015  
to each taxing unit with territory located in each of the 5016  
affected counties. Any board that receives from the director a 5017  
copy of an application submitted under this division shall adopt 5018  
a resolution approving or rejecting the application unless it 5019  
has adopted a resolution under division (E) (1) (c) of this 5020  
section. A resolution adopted under division (E) (1) (b) or (c) of 5021  
this section may require an annual service payment to be made in 5022  
addition to the service payment required under division (G) of 5023  
this section. The sum of the service payment required in the 5024  
resolution and the service payment required under division (G) 5025  
of this section shall not exceed nine thousand dollars per 5026  
megawatt of nameplate capacity located in the county. The 5027  
resolution shall specify the time and manner in which the 5028  
payments required by the resolution shall be paid to the county 5029  
treasurer. The county treasurer shall deposit the payment to the 5030  
credit of the county's general fund to be used for any purpose 5031  
for which money credited to that fund may be used. 5032

The board shall send copies of the resolution ~~by certified~~ 5033  
~~mail~~ to the owner of the facility and the director by certified 5034  
mail or, if the board has record of an internet identifier of 5035

record associated with the owner or director, by ordinary mail 5036  
and by that internet identifier of record. The board shall send 5037  
such notice within thirty days after receipt of the application, 5038  
or a longer period of time if authorized by the director. 5039

(c) A board of county commissioners may adopt a resolution 5040  
declaring the county to be an alternative energy zone and 5041  
declaring all applications submitted to the director of 5042  
development services under this division after the adoption of 5043  
the resolution, and prior to its repeal, to be approved by the 5044  
board. 5045

All tangible personal property and real property of an 5046  
energy project with a nameplate capacity of five megawatts or 5047  
greater is taxable if it is located in a county in which the 5048  
board of county commissioners adopted a resolution rejecting the 5049  
application submitted under this division or failed to adopt a 5050  
resolution approving the application under division (E) (1) (b) or 5051  
(c) of this section. 5052

(2) The director shall certify an energy project if all of 5053  
the following circumstances exist: 5054

(a) The application was timely submitted. 5055

(b) For an energy project with a nameplate capacity of 5056  
five megawatts or greater, a board of county commissioners of at 5057  
least one county in which the project is located has adopted a 5058  
resolution approving the application under division (E) (1) (b) or 5059  
(c) of this section. 5060

(c) No portion of the project's facility was used to 5061  
supply electricity before December 31, 2009. 5062

(3) The director shall deny a certification application if 5063  
the director determines the person has failed to comply with any 5064

requirement under this section. The director may revoke a 5065  
certification if the director determines the person, or 5066  
subsequent owner or lessee pursuant to a sale and leaseback 5067  
transaction of the qualified energy project, has failed to 5068  
comply with any requirement under this section. Upon 5069  
certification or revocation, the director shall notify the 5070  
person, owner, or lessee, the tax commissioner, and the county 5071  
auditor of a county in which the project is located of the 5072  
certification or revocation. Notice shall be provided in a 5073  
manner convenient to the director. 5074

(F) The owner or a lessee pursuant to a sale and leaseback 5075  
transaction of a qualified energy project shall do each of the 5076  
following: 5077

(1) Comply with all applicable regulations; 5078

(2) File with the director of development services a 5079  
certified construction progress report before the first day of 5080  
March of each year during the energy facility's construction or 5081  
installation indicating the percentage of the project completed, 5082  
and the project's nameplate capacity, as of the preceding 5083  
thirty-first day of December. Unless otherwise instructed by the 5084  
director of development services, the owner or lessee of an 5085  
energy project shall file a report with the director on or 5086  
before the first day of March each year after completion of the 5087  
energy facility's construction or installation indicating the 5088  
project's nameplate capacity as of the preceding thirty-first 5089  
day of December. Not later than sixty days after June 17, 2010, 5090  
the owner or lessee of an energy project, the construction of 5091  
which was completed before June 17, 2010, shall file a 5092  
certificate indicating the project's nameplate capacity. 5093

(3) File with the director of development services, in a 5094

manner prescribed by the director, a report of the total number 5095  
of full-time equivalent employees, and the total number of full- 5096  
time equivalent employees domiciled in Ohio, who are employed in 5097  
the construction or installation of the energy facility; 5098

(4) For energy projects with a nameplate capacity of five 5099  
megawatts or greater, repair all roads, bridges, and culverts 5100  
affected by construction as reasonably required to restore them 5101  
to their preconstruction condition, as determined by the county 5102  
engineer in consultation with the local jurisdiction responsible 5103  
for the roads, bridges, and culverts. In the event that the 5104  
county engineer deems any road, bridge, or culvert to be 5105  
inadequate to support the construction or decommissioning of the 5106  
energy facility, the road, bridge, or culvert shall be rebuilt 5107  
or reinforced to the specifications established by the county 5108  
engineer prior to the construction or decommissioning of the 5109  
facility. The owner or lessee of the facility shall post a bond 5110  
in an amount established by the county engineer and to be held 5111  
by the board of county commissioners to ensure funding for 5112  
repairs of roads, bridges, and culverts affected during the 5113  
construction. The bond shall be released by the board not later 5114  
than one year after the date the repairs are completed. The 5115  
energy facility owner or lessee pursuant to a sale and leaseback 5116  
transaction shall post a bond, as may be required by the Ohio 5117  
power siting board in the certificate authorizing commencement 5118  
of construction issued pursuant to section 4906.10 of the 5119  
Revised Code, to ensure funding for repairs to roads, bridges, 5120  
and culverts resulting from decommissioning of the facility. The 5121  
energy facility owner or lessee and the county engineer may 5122  
enter into an agreement regarding specific transportation plans, 5123  
reinforcements, modifications, use and repair of roads, 5124  
financial security to be provided, and any other relevant issue. 5125

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

(6) Maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than eighty per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project. In the case of an energy project for which certification from the power siting board is required under section 4906.20 of the Revised Code, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed in the certificate application, if such projection is required under regulations adopted pursuant to section 4906.03 of the Revised Code, whichever is greater. For all other energy projects, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed by the director of development services, whichever is greater. To estimate the number of employees to be employed in the construction or installation of an energy project, the director shall use a generally accepted job-estimating model in use for renewable energy projects, including but not limited to the job and economic development impact model. The director may adjust

an estimate produced by a model to account for variables not 5157  
accounted for by the model. 5158

(7) For energy projects with a nameplate capacity in 5159  
excess of two megawatts, establish a relationship with a member 5160  
of the university system of Ohio as defined in section 3345.011 5161  
of the Revised Code or with a person offering an apprenticeship 5162  
program registered with the employment and training 5163  
administration within the United States department of labor or 5164  
with the apprenticeship council created by section 4139.02 of 5165  
the Revised Code, to educate and train individuals for careers 5166  
in the wind or solar energy industry. The relationship may 5167  
include endowments, cooperative programs, internships, 5168  
apprenticeships, research and development projects, and 5169  
curriculum development. 5170

(8) Offer to sell power or renewable energy credits from 5171  
the energy project to electric distribution utilities or 5172  
electric service companies subject to renewable energy resource 5173  
requirements under section 4928.64 of the Revised Code that have 5174  
issued requests for proposal for such power or renewable energy 5175  
credits. If no electric distribution utility or electric service 5176  
company issues a request for proposal on or before December 31, 5177  
2010, or accepts an offer for power or renewable energy credits 5178  
within forty-five days after the offer is submitted, power or 5179  
renewable energy credits from the energy project may be sold to 5180  
other persons. Division (F)(8) of this section does not apply 5181  
if: 5182

(a) The owner or lessee is a rural electric company or a 5183  
municipal power agency as defined in section 3734.058 of the 5184  
Revised Code. 5185

(b) The owner or lessee is a person that, before 5186

completion of the energy project, contracted for the sale of 5187  
power or renewable energy credits with a rural electric company 5188  
or a municipal power agency. 5189

(c) The owner or lessee contracts for the sale of power or 5190  
renewable energy credits from the energy project before June 17, 5191  
2010. 5192

(9) Make annual service payments as required by division 5193  
(G) of this section and as may be required in a resolution 5194  
adopted by a board of county commissioners under division (E) of 5195  
this section. 5196

(G) The owner or a lessee pursuant to a sale and leaseback 5197  
transaction of a qualified energy project shall make annual 5198  
service payments in lieu of taxes to the county treasurer on or 5199  
before the final dates for payments of taxes on public utility 5200  
personal property on the real and public utility personal 5201  
property tax list for each tax year for which property of the 5202  
energy project is exempt from taxation under this section. The 5203  
county treasurer shall allocate the payment on the basis of the 5204  
project's physical location. Upon receipt of a payment, or if 5205  
timely payment has not been received, the county treasurer shall 5206  
certify such receipt or non-receipt to the director of 5207  
development services and tax commissioner in a form determined 5208  
by the director and commissioner, respectively. Each payment 5209  
shall be in the following amount: 5210

(1) In the case of a solar energy project, seven thousand 5211  
dollars per megawatt of nameplate capacity located in the county 5212  
as of December 31, 2010, for tax year 2011, as of December 31, 5213  
2011, for tax year 2012, as of December 31, 2012, for tax year 5214  
2013, as of December 31, 2013, for tax year 2014, as of December 5215  
31, 2014, for tax year 2015, as of December 31, 2015, for tax 5216

year 2016, and as of December 31, 2016, for tax year 2017 and 5217  
each tax year thereafter; 5218

(2) In the case of any other energy project using 5219  
renewable energy resources, the following: 5220

(a) If the project maintains during the construction or 5221  
installation of the energy facility a ratio of Ohio-domiciled 5222  
full-time equivalent employees to total full-time equivalent 5223  
employees of not less than seventy-five per cent, six thousand 5224  
dollars per megawatt of nameplate capacity located in the county 5225  
as of the thirty-first day of December of the preceding tax 5226  
year; 5227

(b) If the project maintains during the construction or 5228  
installation of the energy facility a ratio of Ohio-domiciled 5229  
full-time equivalent employees to total full-time equivalent 5230  
employees of less than seventy-five per cent but not less than 5231  
sixty per cent, seven thousand dollars per megawatt of nameplate 5232  
capacity located in the county as of the thirty-first day of 5233  
December of the preceding tax year; 5234

(c) If the project maintains during the construction or 5235  
installation of the energy facility a ratio of Ohio-domiciled 5236  
full-time equivalent employees to total full-time equivalent 5237  
employees of less than sixty per cent but not less than fifty 5238  
per cent, eight thousand dollars per megawatt of nameplate 5239  
capacity located in the county as of the thirty-first day of 5240  
December of the preceding tax year. 5241

(3) In the case of an energy project using clean coal 5242  
technology, advanced nuclear technology, or cogeneration 5243  
technology, the following: 5244

(a) If the project maintains during the construction or 5245



installation of the energy facility a ratio of Ohio-domiciled 5246  
full-time equivalent employees to total full-time equivalent 5247  
employees of not less than seventy-five per cent, six thousand 5248  
dollars per megawatt of nameplate capacity located in the county 5249  
as of the thirty-first day of December of the preceding tax 5250  
year; 5251

(b) If the project maintains during the construction or 5252  
installation of the energy facility a ratio of Ohio-domiciled 5253  
full-time equivalent employees to total full-time equivalent 5254  
employees of less than seventy-five per cent but not less than 5255  
sixty per cent, seven thousand dollars per megawatt of nameplate 5256  
capacity located in the county as of the thirty-first day of 5257  
December of the preceding tax year; 5258

(c) If the project maintains during the construction or 5259  
installation of the energy facility a ratio of Ohio-domiciled 5260  
full-time equivalent employees to total full-time equivalent 5261  
employees of less than sixty per cent but not less than fifty 5262  
per cent, eight thousand dollars per megawatt of nameplate 5263  
capacity located in the county as of the thirty-first day of 5264  
December of the preceding tax year. 5265

(H) The director of development services in consultation 5266  
with the tax commissioner shall adopt rules pursuant to Chapter 5267  
119. of the Revised Code to implement and enforce this section. 5268

**Section 2.** That existing sections 9.312, 109.43, 124.327, 5269  
128.07, 149.30, 149.43, 303.14, 307.204, 309.09, 340.02, 343.01, 5270  
505.266, 519.14, 713.21, 902.04, 929.02, 931.03, 940.20, 5271  
3517.01, 3517.11, 4301.39, 5713.082, 5713.31, 5713.32, 5715.19, 5272  
5715.20, 5717.01, 5721.30, 5721.31, 5721.32, 5721.33, and 5273  
5727.75 of the Revised Code are hereby repealed. 5274