

**As Reported by the Senate Government Oversight and Reform
Committee**

132nd General Assembly

**Regular Session
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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**

Senator Coley

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 287
commissioners of each subdivision that will be served by a 288
public safety answering point under the plan. 289

(B) The proposal and the final plan adopted by the 290
committee shall specify: 291

(1) Which telephone companies serving customers in the 292
county and, as authorized in division (A) (1) of section 128.03 293
of the Revised Code, in an adjacent county will participate in 294
the 9-1-1 system; 295

(2) The location and number of public safety answering 296
points; how they will be connected to a company's telephone 297
network; from what geographic territory each will receive 9-1-1 298
calls; whether basic or enhanced 9-1-1 service will be provided 299
within such territory; what subdivisions will be served by the 300
answering point; and whether an answering point will respond to 301
calls by directly dispatching an emergency service provider, by 302
relaying a message to the appropriate provider, or by 303
transferring the call to the appropriate provider; 304

(3) Which subdivision or regional council of governments 305
will establish, equip, furnish, operate, and maintain a 306
particular public safety answering point; 307

(4) A projection of the initial cost of establishing, 308
equipping, and furnishing and of the annual cost of the first 309
five years of operating and maintaining each public safety 310
answering point; 311

(5) Whether the cost of establishing, equipping, 312
furnishing, operating, or maintaining each public safety 313
answering point should be funded through charges imposed under 314
section 128.22 of the Revised Code or will be allocated among 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 345
record" has the same meaning as in section 9.312 of the Revised 346
Code. 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 board. 372
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The Ohio history connection shall faithfully expend and apply all moneys received from the state to the uses and purposes directed by law and for necessary administrative expenses. If the general assembly appropriates money to the Ohio history connection for grants or subsidies to other entities for their site-related programs, the Ohio history connection, except for good cause, shall distribute the money within ninety days of accepting a grant or subsidy application for the money. 374
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The Ohio history connection shall perform the public function of sending notice by ordinary or certified mail to the owner of any property at the time it is listed on the national register of historic places. The Ohio history connection shall accurately record all expenditures of such funds in conformity with generally accepted accounting principles. 382
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The auditor of state shall audit all funds and fiscal records of the Ohio history connection. 388
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The public functions to be performed by the Ohio history connection shall include all of the following: 390
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(A) Creating, supervising, operating, protecting, maintaining, and promoting for public use a system of state memorials, titles to which may reside wholly or in part with this state or wholly or in part with the Ohio history connection as provided in and in conformity to appropriate acts and resolves of the general assembly, and leasing for renewable periods of two years or less, with the advice and consent of the attorney general and the director of administrative services, lands and buildings owned by the state which are in the care, 392
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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

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| 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 | 520 |
| the contents of an adoption file maintained by the department of | 521 |
| health under sections 3705.12 to 3705.124 of the Revised Code; | 522 |
| (e) Information in a record contained in the putative | 523 |
| father registry established by section 3107.062 of the Revised | 524 |
| Code, regardless of whether the information is held by the | 525 |
| department of job and family services or, pursuant to section | 526 |
| 3111.69 of the Revised Code, the office of child support in the | 527 |
| department or a child support enforcement agency; | 528 |
| (f) Records specified in division (A) of section 3107.52 | 529 |
| of the Revised Code; | 530 |
| (g) Trial preparation records; | 531 |
| (h) Confidential law enforcement investigatory records; | 532 |
| (i) Records containing information that is confidential | 533 |
| under section 2710.03 or 4112.05 of the Revised Code; | 534 |
| (j) DNA records stored in the DNA database pursuant to | 535 |
| section 109.573 of the Revised Code; | 536 |
| (k) Inmate records released by the department of | 537 |
| rehabilitation and correction to the department of youth | 538 |
| services or a court of record pursuant to division (E) of | 539 |
| section 5120.21 of the Revised Code; | 540 |
| (l) Records maintained by the department of youth services | 541 |
| pertaining to children in its custody released by the department | 542 |
| of youth services to the department of rehabilitation and | 543 |
| correction pursuant to section 5139.05 of the Revised Code; | 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 | 563 564 565 566 567 568 569 570 571 572 573 |

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| (A) of section 307.626 of the Revised Code; | 574 |
| (t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section; | 575 576 577 578 579 |
| (u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer; | 580 581 582 583 584 585 |
| (v) Records the release of which is prohibited by state or federal law; | 586 587 |
| (w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code; | 588 589 590 |
| (x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency; | 591 592 593 594 595 596 |
| (y) Records listed in section 5101.29 of the Revised Code; | 597 |
| (z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section; | 598 599 600 |
| (aa) Usage information including names and addresses of | 601 |

specific residential and commercial customers of a municipally owned or operated public utility; 602
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(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division; 604
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(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code; 607
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(dd) Personal information, as defined in section 149.45 of the Revised Code; 610
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(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code. 612
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(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date 626
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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
official" have the same meanings as in section 109.43 of the 819
Revised Code. 820
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 public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

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

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

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the

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 certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The board shall notify the holder of the variance or certificate 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 its intent to revoke the variance or certificate under division (D) of this section and of the holder's right to a hearing before the board within thirty days of the mailing of the notice if the holder so requests. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by attorney, or by other representative, or the holder may present the holder's position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If no hearing is requested, the board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

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

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

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

(1) "Concentrated animal feeding facility" and "major concentrated animal feeding facility" have the same meanings as in section 903.01 of the Revised Code. 1318
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(2) "Facility" means a proposed new or expanded major concentrated animal feeding facility. 1321
1322

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

(B) A person who proposes to do any of the following shall provide written notification as required under division (C) of this section to the board of county commissioners of the county in which a facility is or is to be located: 1325
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(1) Establish a new major concentrated animal feeding facility; 1329
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(2) Increase the design capacity of an existing major concentrated animal feeding facility by ten per cent or more in excess of the design capacity set forth in the current permit for construction or modification of the facility or for installation or modification of the disposal system for manure at the facility issued under section 903.02 or division (J) of section 6111.03 of the Revised Code, as applicable; 1331
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(3) Increase the design capacity of an existing concentrated animal feeding facility by ten per cent or more in excess of the design capacity set forth in the current permit for construction or modification of the facility or for installation or modification of the disposal system for manure at the facility issued under section 903.02 or division (J) of section 6111.03 of the Revised Code, as applicable, and to a design capacity of more than ten times the number of animals specified in any of the categories in division (H) of section 1338
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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 1376
board's recommendations, the person shall notify the board 1377
either that the person agrees with the recommendations and will 1378
implement them or that the person is submitting reasonable 1379
alternative recommendations or modifications to the board. If 1380
the person agrees with the recommendations, they shall be 1381
considered to be the board's final recommendations. 1382

(3) If the board receives alternative recommendations or 1383
modifications under division (E) (2) of this section, the board 1384
shall select final recommendations and submit them to the person 1385
not later than thirty days after the receipt of the alternative 1386
recommendations or modifications. 1387

(F) (1) The board shall prepare a written, dated statement 1388
certifying that the written notification required under this 1389
section was submitted and that final recommendations were 1390
selected regarding needed improvements and the costs of those 1391
improvements. The board shall provide the person with the 1392
original of the statement so that the person can include it with 1393
the application for a permit to install for the facility as 1394
required under division (C) (4) of section 903.02 of the Revised 1395
Code. The board shall retain a copy of the statement for its 1396
records. 1397

(2) If the board fails to prepare a written, dated 1398
statement in accordance with division (F) (1) of this section 1399
within seventy-five days of receiving the initial written 1400
notification by certified mail from the person, the person 1401
instead shall file with the application for a permit to install 1402
for the facility a notarized affidavit declaring that the person 1403
has met the criteria established in this section and that a 1404

written, dated statement was not received by the person from the board. 1405
1406

(G) If the person receives a written, dated statement from the board as provided in division (F)(1) of this section, the person shall construct, modify, and maintain or finance the construction, modification, and maintenance of improvements as provided in the board's final recommendations and with the approval and oversight of the county engineer. If the person fails to do so, the board shall notify the person either by certified mail or, if the board has record of an internet identifier of record associated with the person, by ordinary mail and by that internet identifier of record that the board intends to initiate mediation with the person if the person remains out of compliance with the final recommendations. 1407
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The board shall allow sufficient time for the person to apply for and proceed to obtain, for the purpose of financing the construction, modification, or maintenance of the improvements, exemptions from taxation under sections 5709.63, 5709.632, 5709.73, and 5709.78 of the Revised Code or state or federal grants that may be available. 1419
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If the person remains out of compliance with the final recommendations, the board may initiate mediation with the person in order to resolve the differences between them. If mediation fails to resolve the differences, the board and the person first shall attempt to resolve the differences through any legal remedies before seeking redress through a court of common pleas. 1425
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(H) If the person subsequently submits an application under section 903.02 of the Revised Code for a permit to modify the facility, or if the routes of travel to or from the facility 1432
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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 attorney may request the attorney general to assist the prosecuting attorney in prosecuting and defending the challenge and, upon the prosecuting attorney's making of such a request, the attorney general shall assist the prosecuting attorney in performing that service if the resolution was drafted in accordance with legal guidance provided by the attorney general as described in division (B) (2) of section 503.52 of the Revised Code. The attorney general shall provide this assistance without charge to the township for which the service is performed. If a township adopts a resolution without the legal guidance of the attorney general, the attorney general is not required to provide assistance as described in this division to a prosecuting attorney.

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

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

(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~~ adviser 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
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(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
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(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
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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

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| 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 |
| Sec. 505.266. (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

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| Sec. 519.14. 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 3273
estate, and the payment by any person other than the person to 3274
whom the services are rendered for the personal services of 3275
another person, which contribution is made, received, or used 3276
for the purpose of influencing the results of an election. Any 3277
loan, gift, deposit, forgiveness of indebtedness, donation, 3278
advance, payment, or transfer of funds or of anything of value, 3279
including a transfer of funds from an inter vivos or 3280
testamentary trust or decedent's estate, and the payment by any 3281
campaign committee, political action committee, legislative 3282
campaign fund, political party, political contributing entity, 3283
or person other than the person to whom the services are 3284
rendered for the personal services of another person, that is 3285
made, received, or used by a state or county political party, 3286
other than moneys a state or county political party receives 3287
from the Ohio political party fund pursuant to section 3517.17 3288
of the Revised Code and the moneys an entity may receive under 3289
sections 3517.101, 3517.1012, and 3517.1013 of the Revised Code, 3290
shall be considered to be a "contribution" for the purpose of 3291
section 3517.10 of the Revised Code and shall be included on a 3292
statement of contributions filed under that section. 3293

"Contribution" does not include any of the following: 3294

(a) Services provided without compensation by individuals 3295
volunteering a portion or all of their time on behalf of a 3296
person; 3297

(b) Ordinary home hospitality; 3298

(c) The personal expenses of a volunteer paid for by that 3299
volunteer campaign worker; 3300

(d) Any gift given to an entity pursuant to section 3301

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 Revised Code, a general or residential real estate appraiser licensed or certified under Chapter 4763. of the Revised Code, or a real estate broker licensed under Chapter 4735. of the Revised Code, who is retained by such a person; or, if the property owner is a firm, company, association, partnership, limited liability company, corporation, or trust, an officer, a salaried employee, a partner, a member, or trustee of that property owner, may file a complaint in support of or objecting to the amount of alleged overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect determination stated in a previously filed complaint or objecting to the current valuation. Upon the filing of a complaint under this division, the board of education or the property owner shall be made a party to the action.

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

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

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

| | |
|--|------|
| <u>As used in this section, "internet identifier of record"</u> | 4287 |
| <u>has the same meaning as in section 9.312 of the Revised Code.</u> | 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 the 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 4705
from the certificate purchase price for the tax certificates; 4706

(2) Different time frames under which the certificate 4707
holder may initiate a foreclosure action than are otherwise 4708
allowed under sections 5721.30 to 5721.43 of the Revised Code, 4709
not to exceed six years after the date the tax certificate was 4710
sold or transferred; 4711

(3) The amount to be paid in private attorney's fees 4712
related to tax certificate foreclosures, subject to section 4713
5721.371 of the Revised Code; 4714

(4) Any other terms of the sale or transfer that the 4715
county treasurer, in the treasurer's discretion, determines 4716
appropriate or necessary for the sale or transfer. 4717

(B) The sale or transfer of tax certificates under this 4718
section shall be governed by the criteria established by the 4719
county treasurer pursuant to division (E) of this section. 4720

(C) The county treasurer may execute a tax certificate 4721
sale/purchase agreement and other necessary agreements with a 4722
designated purchaser or purchasers to complete a negotiated sale 4723
or transfer of tax certificates. 4724

(D) The tax certificate may be sold at a premium to or 4725
discount from the certificate purchase price. The county 4726
treasurer may establish as one of the terms of the negotiated 4727
sale the portion of the certificate purchase price, plus any 4728
applicable premium or less any applicable discount, that the 4729
purchaser or purchasers shall pay in cash on the date the tax 4730
certificates are sold and the portion, if any, of the 4731
certificate purchase price, plus any applicable premium or less 4732
any applicable discount, that the purchaser or purchasers shall 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