

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 34**

**Representatives Hambley, Ryan**

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

---

**A BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

particular public safety answering point; 199

(4) A projection of the initial cost of establishing, 200  
equipping, and furnishing and of the annual cost of the first 201  
five years of operating and maintaining each public safety 202  
answering point; 203

(5) Whether the cost of establishing, equipping, 204  
furnishing, operating, or maintaining each public safety 205  
answering point should be funded through charges imposed under 206  
section 128.22 of the Revised Code or will be allocated among 207  
the subdivisions served by the answering point and, if any such 208  
cost is to be allocated, the formula for so allocating it; 209

(6) How each emergency service provider will respond to a 210  
misdirected call. 211

(C) Following the meeting required by this section, the 9- 212  
1-1 planning committee may modify the implementation proposal 213  
and, no later than nine months after the resolution authorized 214  
by section 128.06 of the Revised Code is adopted, may adopt, by 215  
majority vote, a final plan for implementing a countywide 9-1-1 216  
system. If a planning committee and wireline service provider do 217  
not agree on whether the wireline service provider is capable of 218  
providing the wireline telephone network as described under 219  
division (A) of section 128.03 of the Revised Code and the 220  
planning committee refers that question to the steering 221  
committee, the steering committee may extend the nine-month 222  
deadline established by this division to twelve months. 223  
Immediately on completion of the plan, the planning committee 224  
shall send a copy of the final plan: 225

(1) ~~By certified mail to~~ To the board of county 226  
commissioners of the county, to the legislative authority of 227



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

delivery; 346

(K) Providing advisory and technical assistance to local 347  
societies for the preservation and restoration of historic and 348  
archaeological sites; 349

(L) Devising uniform criteria for the designation of 350  
historic and archaeological sites throughout the state and 351  
advising local historical societies of the criteria and their 352  
application; 353

(M) Taking inventory, in cooperation with the Ohio arts 354  
council, the Ohio archaeological council, and the archaeological 355  
society of Ohio, of significant designated and undesignated 356  
state and local sites and keeping an active registry of all 357  
designated sites within the state; 358

(N) Contracting with the owners or persons having an 359  
interest in designated historic or archaeological sites or 360  
property adjacent or contiguous to those sites, or acquiring, by 361  
purchase, gift, or devise, easements in those sites or in 362  
property adjacent or contiguous to those sites, in order to 363  
control or restrict the use of those historic or archaeological 364  
sites or adjacent or contiguous property for the purpose of 365  
restoring or preserving the historical or archaeological 366  
significance or educational value of those sites; 367

(O) Constructing a monument honoring Governor James A. 368  
Rhodes, which shall stand on the northeast quadrant of the 369  
grounds surrounding the capitol building. The monument shall be 370  
constructed with private funds donated to the Ohio history 371  
connection and designated for this purpose. No public funds 372  
shall be expended to construct this monument. The department of 373  
administrative services shall cooperate with the Ohio history 374

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any political subdivision or subdivisions or any 578  
corporation that owns a sports facility that is both constructed 579  
under section 307.696 of the Revised Code and includes property 580  
exempt from taxation under division (B) of section 5709.081 of 581  
the Revised Code, shall make an annual service payment in lieu 582  
of taxes on the exempt property for each tax year beginning with 583  
the first tax year in which the facility or part thereof is used 584  
by a major league professional athletic team for its home 585  
schedule. The amount of the service payment for a tax year shall 586  
be determined by the county auditor under division (D) of this 587  
section. 588

(C) On or before the first day of September each year, the 589  
owner of property to which this section applies shall file both 590  
of the following with the county auditor: 591

(1) A return in the same form as under section 5711.02 of 592  
the Revised Code listing all its exempt tangible personal 593  
property as of the first day of August of that year; 594

(2) An audited financial statement certified by the owner 595  
and reflecting the actual receipts, revenue, expenses, 596  
expenditures, net income, and residual cash derived from the 597  
property during the most recently ended calendar year. 598

For the purposes of this section, the county auditor shall 599  
determine the true value of the real and tangible personal 600  
property owned by the political subdivision or subdivisions or 601  
the corporation and included in the sports facility, including 602  
the taxable portion thereof, by capitalizing at an appropriate 603  
rate the net income of the owner derived from that property. The 604  
auditor shall use the net income as certified in the owner's 605  
financial statement, unless ~~he~~ the auditor determines that the 606  
amount so certified is inaccurate, in which event ~~he~~ the auditor 607

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If a municipal corporation is located in more than one 911

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

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

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

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



majority vote is required for the board to act. 942

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(L) As used in this chapter: 1398

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

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

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

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

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

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



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

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

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

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

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

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

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

(M) As used in this section: 1486

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

recycling the materials at a legitimate recycling facility. 1490

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

convention or conference of a political party. 2030

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

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

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

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

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

(b) Ordinary home hospitality; 2070

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



(13) "Public official or employee" has the same meaning as 2147  
in section 102.01 of the Revised Code. 2148

(14) "Caucus" means all of the members of the house of 2149  
representatives or all of the members of the senate of the 2150  
general assembly who are members of the same political party. 2151

(15) "Legislative campaign fund" means a fund that is 2152  
established as an auxiliary of a state political party and 2153  
associated with one of the houses of the general assembly. 2154

(16) "In-kind contribution" means anything of value other 2155  
than money that is used to influence the results of an election 2156  
or is transferred to or used in support of or in opposition to a 2157  
candidate, campaign committee, legislative campaign fund, 2158  
political party, political action committee, or political 2159  
contributing entity and that is made with the consent of, in 2160  
coordination, cooperation, or consultation with, or at the 2161  
request or suggestion of the benefited candidate, committee, 2162  
fund, party, or entity. The financing of the dissemination, 2163  
distribution, or republication, in whole or part, of any 2164  
broadcast or of any written, graphic, or other form of campaign 2165  
materials prepared by the candidate, the candidate's campaign 2166  
committee, or their authorized agents is an in-kind contribution 2167  
to the candidate and an expenditure by the candidate. 2168

(17) "Independent expenditure" means an expenditure by a 2169  
person advocating the election or defeat of an identified 2170  
candidate or candidates, that is not made with the consent of, 2171  
in coordination, cooperation, or consultation with, or at the 2172  
request or suggestion of any candidate or candidates or of the 2173  
campaign committee or agent of the candidate or candidates. As 2174  
used in division (C)(17) of this section: 2175

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

amended statement. 2294

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The address of the designated premises. 2615

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

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

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



Revised Code; 2624

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Substantial improvement was added to the property; 2833

(d) An increase or decrease of at least fifteen per cent 2834  
in the property's occupancy has had a substantial economic 2835  
impact on the property. 2836

(3) If a county board of revision, the board of tax 2837  
appeals, or any court dismisses a complaint filed under this 2838  
section or section 5715.13 of the Revised Code for the reason 2839  
that the act of filing the complaint was the unauthorized 2840  
practice of law or the person filing the complaint was engaged 2841  
in the unauthorized practice of law, the party affected by a 2842  
decrease in valuation or the party's agent, or the person owning 2843  
taxable real property in the county or in a taxing district with 2844  
territory in the county, may refile the complaint, 2845  
notwithstanding division (A) (2) of this section. 2846

(4) Notwithstanding division (A) (2) of this section, a 2847  
person, board, or officer may file a complaint against the 2848  
valuation or assessment of any parcel that appears on the tax 2849  
list if it filed a complaint against the valuation or assessment 2850  
of that parcel for any prior tax year in the same interim period 2851  
if the person, board, or officer withdrew the complaint before 2852  
the complaint was heard by the board. 2853

(B) Within thirty days after the last date such complaints 2854  
may be filed, the auditor shall give notice of each complaint in 2855  
which the stated amount of overvaluation, undervaluation, 2856  
discriminatory valuation, illegal valuation, or incorrect 2857  
determination is at least seventeen thousand five hundred 2858  
dollars to each property owner whose property is the subject of 2859  
the complaint, if the complaint was not filed by the owner or 2860  
the owner's spouse, and to each board of education whose school 2861  
district may be affected by the complaint. Within thirty days 2862



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



section 5721.41 of the Revised Code; 3106

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

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

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

(1) The certificate purchase price; 3117

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the certificate parcel. 3463

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The application was timely submitted. 3819

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



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

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

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

(1) Comply with all applicable regulations; 3842

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

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

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

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

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

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

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

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

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

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

(a) The owner or lessee is a rural electric company or a 3947  
municipal power agency as defined in section 3734.058 of the 3948  
Revised Code. 3949

(b) The owner or lessee is a person that, before 3950  
completion of the energy project, contracted for the sale of 3951  
power or renewable energy credits with a rural electric company 3952  
or a municipal power agency. 3953

(c) The owner or lessee contracts for the sale of power or 3954  
renewable energy credits from the energy project before June 17, 3955  
2010. 3956

(9) Make annual service payments as required by division 3957  
(G) of this section and as may be required in a resolution 3958  
adopted by a board of county commissioners under division (E) of 3959  
this section. 3960

(G) The owner or a lessee pursuant to a sale and leaseback 3961  
transaction of a qualified energy project shall make annual 3962  
service payments in lieu of taxes to the county treasurer on or 3963  
before the final dates for payments of taxes on public utility 3964  
personal property on the real and public utility personal 3965  
property tax list for each tax year for which property of the 3966  
energy project is exempt from taxation under this section. The 3967  
county treasurer shall allocate the payment on the basis of the 3968  
project's physical location. Upon receipt of a payment, or if 3969  
timely payment has not been received, the county treasurer shall 3970  
certify such receipt or non-receipt to the director of 3971  
development services and tax commissioner in a form determined 3972  
by the director and commissioner, respectively. Each payment 3973  
shall be in the following amount: 3974

(1) In the case of a solar energy project, seven thousand 3975

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

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

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

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

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

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

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

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

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

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

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

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