

As Reported by the House State and Local Government Committee

132nd General Assembly

Regular Session

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Sub. H. B. No. 34

Representatives Hambley, Ryan

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

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, 505.266, 505.391, 505.511, 519.14, 3
902.04, 931.03, 940.20, 3517.01, 3517.11, 4
3791.12, 4301.39, 5713.082, 5715.12, 5715.19, 5
5715.20, 5717.01, 5721.30, 5721.31, 5721.32, 6
5721.33, and 5727.75 of the Revised Code to 7
authorize certain state agencies, local 8
governments, and other boards, commissions, and 9
officers to deliver certain notices by ordinary 10
mail and electronically instead of by certified 11
mail. 12

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

Section 1. That sections 9.312, 124.327, 128.07, 149.30, 13
303.14, 307.204, 307.699, 340.02, 343.01, 505.109, 505.266, 14
505.391, 505.511, 519.14, 902.04, 931.03, 940.20, 3517.01, 15
3517.11, 3791.12, 4301.39, 5713.082, 5715.12, 5715.19, 5715.20, 16
5717.01, 5721.30, 5721.31, 5721.32, 5721.33, and 5727.75 of the 17
Revised Code be amended to read as follows: 18

Sec. 9.312. (A) If a state agency or political subdivision 19
is required by law or by an ordinance or resolution adopted 20
under division (C) of this section to award a contract to the 21
lowest responsive and responsible bidder, a bidder on the 22
contract shall be considered responsive if the bidder's proposal 23
responds to bid specifications in all material respects and 24
contains no irregularities or deviations from the specifications 25
which would affect the amount of the bid or otherwise give the 26
bidder a competitive advantage. The factors that the state 27
agency or political subdivision shall consider in determining 28
whether a bidder on the contract is responsible include the 29
experience of the bidder, the bidder's financial condition, 30
conduct and performance on previous contracts, facilities, 31
management skills, and ability to execute the contract properly. 32

For purposes of this division, the provision of a bid 33
guaranty in accordance with divisions (A)(1) and (B) of section 34
153.54 of the Revised Code issued by a surety licensed to do 35
business in this state is evidence of financial responsibility, 36
but a state agency or political subdivision may request 37
additional financial information for review from an apparent low 38
bidder after it opens all submitted bids. A state agency or 39
political subdivision shall keep additional financial 40
information it receives pursuant to a request under this 41
division confidential, except under proper order of a court. The 42
additional financial information is not a public record under 43
section 149.43 of the Revised Code. 44

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

shall be given in writing and either by certified mail or, if 50
the state agency or political subdivision has record of an 51
internet identifier of record associated with the bidder, by 52
ordinary mail and by that internet identifier of record. When 53
awarding contracts pursuant to section 125.11 of the Revised 54
Code, the department may send such notice in writing by first 55
class mail or by electronic means. 56

(B) Where a state agency or a political subdivision that 57
has adopted an ordinance or resolution under division (C) of 58
this section determines to award a contract to a bidder other 59
than the apparent low bidder or bidders for the construction, 60
reconstruction, improvement, enlargement, alteration, repair, 61
painting, or decoration of a public improvement, it shall meet 62
with the apparent low bidder or bidders upon a filing of a 63
timely written protest. The protest must be received within five 64
days of the notification required in division (A) of this 65
section. No final award shall be made until the state agency or 66
political subdivision either affirms or reverses its earlier 67
determination. Notwithstanding any other provisions of the 68
Revised Code, the procedure described in this division is not 69
subject to Chapter 119. of the Revised Code. 70

(C) A municipal corporation, township, school district, 71
board of county commissioners, any other county board or 72
commission, or any other political subdivision required by law 73
to award contracts by competitive bidding may by ordinance or 74
resolution adopt a policy of requiring each competitively bid 75
contract it awards to be awarded to the lowest responsive and 76
responsible bidder in accordance with this section. 77

(D) As used in this section, "internet identifier of 78
record" means an electronic mail address, or any other 79

designation used for self-identification or routing in internet 80
communication or posting, provided for the purpose of receiving 81
communication. 82

Sec. 124.327. (A) Employees who have been laid off or 83
have, by virtue of exercising their displacement rights, been 84
displaced to a lower classification in their classification 85
series, shall be placed on appropriate layoff lists. Those 86
employees with the most retention points within each category of 87
order of layoff, as established in section 124.323 of the 88
Revised Code, shall be placed at the top of the layoff list to 89
be followed by employees ranked in descending total retention 90
order. Laid-off employees shall be placed on layoff lists for 91
each classification in the classification series equal to or 92
lower than the classification in which the employee was employed 93
at the time of layoff. 94

(B) An employee who is laid off retains reinstatement 95
rights in the agency from which the employee was laid off. 96
Reinstatement rights continue for one year from the date of 97
layoff. During this one-year period, in any layoff jurisdiction 98
in which an appointing authority has an employee on a layoff 99
list, the appointing authority shall not hire or promote anyone 100
into a position within that classification until all laid-off 101
persons on a layoff list for that classification who are 102
qualified to perform the duties of the position are reinstated 103
or decline the position when it is offered. 104

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

applicable collective bargaining agreement. 110

(C) Each laid-off or displaced employee, in addition to 111
reinstatement rights within the employee's appointing authority, 112
has the right to reemployment with any other state agency, 113
board, commission, or independent institution described in 114
division (B) (1) of section 124.326 of the Revised Code, if the 115
employee meets all applicable position-specific minimum 116
qualifications developed by the other agency, board, commission, 117
or independent institution and reviewed for validity by the 118
department of administrative services or, in the absence of 119
position-specific minimum qualifications so developed and 120
reviewed, meets the qualifications described in the applicable 121
classification, but only in the same classification from which 122
the employee was initially laid off or displaced. Layoff lists 123
for each appointing authority must be exhausted before other 124
jurisdiction reemployment layoff lists are used. 125

(D) Any employee accepting or declining reinstatement to 126
the same classification and same appointment type from which the 127
employee was laid off or displaced shall be removed from the 128
appointing authority's layoff list. 129

(E) Any employee accepting or declining reemployment to 130
the same classification and the same appointment type from which 131
the employee was laid off or displaced shall be removed from the 132
layoff list for the jurisdiction in which the employee accepted 133
or declined that reemployment as determined under division (C) 134
of this section. 135

(F) An employee who does not exercise the option to 136
displace under section 124.324 of the Revised Code shall only be 137
entitled to reinstatement or reemployment in the classification 138
from which the employee was displaced or laid off. 139

(G) Except as otherwise provided in this division, an 140
employee who declines reinstatement to a classification lower in 141
the classification series than the classification from which the 142
employee was laid off or displaced, thereafter is only entitled 143
to reinstatement to a classification higher, up to and including 144
the classification from which the employee was laid off or 145
displaced, in the classification series than the classification 146
that was declined. This division does not apply when an 147
employee, who was a full-time employee at the time of layoff or 148
displacement, declines reinstatement in a part-time position. 149

(H) Any employee reinstated or reemployed under this 150
section shall not serve a probationary period upon reinstatement 151
or reemployment, except that an employee laid off during an 152
original or promotional probationary period shall begin a new 153
probationary period. 154

(I) For the purposes of this section, employees whose 155
salary or wage is not paid directly by warrant of the director 156
of budget and management shall be placed on layoff lists of 157
their appointing authority only. 158

(J) A state agency shall notify an employee recalled from 159
layoff of the offer of reinstatement or reemployment either by 160
certified letter or, if the agency has record of an internet 161
identifier of record associated with the employee, by ordinary 162
mail and by that internet identifier of record. As used in this 163
division, "internet identifier of record" has the same meaning 164
as in section 9.312 of the Revised Code. 165

Sec. 128.07. (A) The 9-1-1 planning committee shall 166
prepare a proposal on the implementation of a countywide 9-1-1 167
system and shall hold a public meeting on the proposal to 168
explain the system to and receive comments from public 169

officials. At least thirty but not more than sixty days before 170
the meeting, the committee shall send a copy of the 171
implementation proposal and written notice of the meeting: 172

(1) ~~By certified mail, to~~ To the board of county 173
commissioners, the legislative authority of each municipal 174
corporation in the county, and to the board of trustees of each 175
township in the county, either by certified mail or, if the 176
committee has record of an internet identifier of record 177
associated with the board or legislative authority, by ordinary 178
mail and by that internet identifier of record; and 179

(2) To the board of trustees, directors, or park 180
commissioners of each subdivision that will be served by a 181
public safety answering point under the plan. 182

(B) The proposal and the final plan adopted by the 183
committee shall specify: 184

(1) Which telephone companies serving customers in the 185
county and, as authorized in division (A) (1) of section 128.03 186
of the Revised Code, in an adjacent county will participate in 187
the 9-1-1 system; 188

(2) The location and number of public safety answering 189
points; how they will be connected to a company's telephone 190
network; from what geographic territory each will receive 9-1-1 191
calls; whether basic or enhanced 9-1-1 service will be provided 192
within such territory; what subdivisions will be served by the 193
answering point; and whether an answering point will respond to 194
calls by directly dispatching an emergency service provider, by 195
relaying a message to the appropriate provider, or by 196
transferring the call to the appropriate provider; 197

(3) Which subdivision or regional council of governments 198

will establish, equip, furnish, operate, and maintain a 199
particular public safety answering point; 200

(4) A projection of the initial cost of establishing, 201
equipping, and furnishing and of the annual cost of the first 202
five years of operating and maintaining each public safety 203
answering point; 204

(5) Whether the cost of establishing, equipping, 205
furnishing, operating, or maintaining each public safety 206
answering point should be funded through charges imposed under 207
section 128.22 of the Revised Code or will be allocated among 208
the subdivisions served by the answering point and, if any such 209
cost is to be allocated, the formula for so allocating it; 210

(6) How each emergency service provider will respond to a 211
misdirected call. 212

(C) Following the meeting required by this section, the 9- 213
1-1 planning committee may modify the implementation proposal 214
and, no later than nine months after the resolution authorized 215
by section 128.06 of the Revised Code is adopted, may adopt, by 216
majority vote, a final plan for implementing a countywide 9-1-1 217
system. If a planning committee and wireline service provider do 218
not agree on whether the wireline service provider is capable of 219
providing the wireline telephone network as described under 220
division (A) of section 128.03 of the Revised Code and the 221
planning committee refers that question to the steering 222
committee, the steering committee may extend the nine-month 223
deadline established by this division to twelve months. 224
Immediately on completion of the plan, the planning committee 225
shall send a copy of the final plan: 226

(1) ~~By certified mail to~~ To the board of county 227

commissioners of the county, to the legislative authority of 228
each municipal corporation in the county, and to the board of 229
township trustees of each township in the county either by 230
certified mail or, if the committee has record of an internet 231
identifier of record associated with the board or legislative 232
authority, by ordinary mail and by that internet identifier of 233
record; and 234

(2) To the board of trustees, directors, or park 235
commissioners of each subdivision that will be served by a 236
public safety answering point under the plan. 237

(D) As used in this section, "internet identifier of 238
record" has the same meaning as in section 9.312 of the Revised 239
Code. 240

Sec. 149.30. The Ohio history connection, chartered by 241
this state as a corporation not for profit to promote a 242
knowledge of history and archaeology, especially of Ohio, and 243
operated continuously in the public interest since 1885, may 244
perform public functions as prescribed by law. 245

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

appropriated. The governor may request on behalf of the Ohio 258
history connection, and the controlling board may release, 259
additional funds to the Ohio history connection for survey, 260
salvage, repair, or rehabilitation of an emergency nature for 261
which funds have not been appropriated, and acceptance by the 262
Ohio history connection of those funds constitutes an agreement 263
on the part of the Ohio history connection to expend those funds 264
only for the purpose for which released by the controlling 265
board. 266

The Ohio history connection shall faithfully expend and 267
apply all moneys received from the state to the uses and 268
purposes directed by law and for necessary administrative 269
expenses. If the general assembly appropriates money to the Ohio 270
history connection for grants or subsidies to other entities for 271
their site-related programs, the Ohio history connection, except 272
for good cause, shall distribute the money within ninety days of 273
accepting a grant or subsidy application for the money. 274

The Ohio history connection shall perform the public 275
function of sending notice by ordinary or certified mail to the 276
owner of any property at the time it is listed on the national 277
register of historic places. The Ohio history connection shall 278
accurately record all expenditures of such funds in conformity 279
with generally accepted accounting principles. 280

The auditor of state shall audit all funds and fiscal 281
records of the Ohio history connection. 282

The public functions to be performed by the Ohio history 283
connection shall include all of the following: 284

(A) Creating, supervising, operating, protecting, 285
maintaining, and promoting for public use a system of state 286

memorials, titles to which may reside wholly or in part with 287
this state or wholly or in part with the Ohio history connection 288
as provided in and in conformity to appropriate acts and 289
resolves of the general assembly, and leasing for renewable 290
periods of two years or less, with the advice and consent of the 291
attorney general and the director of administrative services, 292
lands and buildings owned by the state which are in the care, 293
custody, and control of the Ohio history connection, all of 294
which shall be maintained and kept for public use at reasonable 295
hours; 296

(B) Making alterations and improvements, marking, and 297
constructing, reconstructing, protecting, or restoring 298
structures, earthworks, and monuments in its care, and equipping 299
such facilities with appropriate educational maintenance 300
facilities; 301

(C) Serving as the archives administration for the state 302
and its political subdivisions as provided in sections 149.31 to 303
149.42 of the Revised Code; 304

(D) Administering a state historical museum, to be the 305
headquarters of the society and its principal museum and 306
library, which shall be maintained and kept for public use at 307
reasonable hours; 308

(E) Establishing a marking system to identify all 309
designated historic and archaeological sites within the state 310
and marking or causing to be marked historic sites and 311
communities considered by the society to be historically or 312
archaeologically significant; 313

(F) Publishing books, pamphlets, periodicals, and other 314
publications about history, archaeology, and natural science and 315

offering one copy of each regular periodical issue to all public 316
libraries in this state at a reasonable price, which shall not 317
exceed one hundred ten per cent more than the total cost of 318
publication; 319

(G) Engaging in research in history, archaeology, and 320
natural science and providing historical information upon 321
request to all state agencies; 322

(H) Collecting, preserving, and making available by all 323
appropriate means and under approved safeguards all manuscript, 324
print, or near-print library collections and all historical 325
objects, specimens, and artifacts which pertain to the history 326
of Ohio and its people, including the following original 327
documents: Ohio Constitution of 1802; Ohio Constitution of 1851; 328
proposed Ohio Constitution of 1875; design and the letters of 329
patent and assignment of patent for the state flag; S.J.R. 13 330
(1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); 331
H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 332
(1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); 333
H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 334
(1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 335
(1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); 336
S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936); 337
petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 338
8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 339
(1947); and H.J.R. 48 (1947); 340

(I) Encouraging and promoting the organization and 341
development of county and local historical societies; 342

(J) Providing to Ohio schools such materials as the Ohio 343
history connection may prepare to facilitate the instruction of 344
Ohio history at a reasonable price, which shall not exceed one 345

hundred ten per cent more than the total cost of preparation and 346
delivery; 347

(K) Providing advisory and technical assistance to local 348
societies for the preservation and restoration of historic and 349
archaeological sites; 350

(L) Devising uniform criteria for the designation of 351
historic and archaeological sites throughout the state and 352
advising local historical societies of the criteria and their 353
application; 354

(M) Taking inventory, in cooperation with the Ohio arts 355
council, the Ohio archaeological council, and the archaeological 356
society of Ohio, of significant designated and undesignated 357
state and local sites and keeping an active registry of all 358
designated sites within the state; 359

(N) Contracting with the owners or persons having an 360
interest in designated historic or archaeological sites or 361
property adjacent or contiguous to those sites, or acquiring, by 362
purchase, gift, or devise, easements in those sites or in 363
property adjacent or contiguous to those sites, in order to 364
control or restrict the use of those historic or archaeological 365
sites or adjacent or contiguous property for the purpose of 366
restoring or preserving the historical or archaeological 367
significance or educational value of those sites; 368

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

administrative services shall cooperate with the Ohio history 375
connection in carrying out this function and shall maintain the 376
monument in a manner compatible with the grounds of the capitol 377
building. 378

(P) Commissioning a portrait of each departing governor, 379
which shall be displayed in the capitol building. The Ohio 380
history connection may accept private contributions designated 381
for this purpose and, at the discretion of its board of 382
trustees, also may apply for the same purpose funds appropriated 383
by the general assembly to the Ohio history connection pursuant 384
to this section. 385

(Q) Submitting an annual report of its activities, 386
programs, and operations to the governor within two months after 387
the close of each fiscal year of the state. 388

The Ohio history connection shall not sell, mortgage, 389
transfer, or dispose of historical or archaeological sites to 390
which it has title and in which the state has monetary interest 391
except by action of the general assembly. 392

In consideration of the public functions performed by the 393
Ohio history connection for the state, employees of the Ohio 394
history connection shall be considered public employees within 395
the meaning of section 145.01 of the Revised Code. 396

Sec. 303.14. The county board of zoning appeals may: 397

(A) Hear and decide appeals where it is alleged there is 398
error in any order, requirement, decision, or determination made 399
by an administrative official in the enforcement of sections 400
303.01 to 303.25 of the Revised Code, or of any resolution 401
adopted pursuant thereto; 402

(B) Authorize upon appeal, in specific cases, such 403

variance from the terms of the zoning resolution as will not be 404
contrary to the public interest, where, owing to special 405
conditions, a literal enforcement of the resolution will result 406
in unnecessary hardship, and so that the spirit of the 407
resolution shall be observed and substantial justice done; 408

(C) Grant conditional zoning certificates for the use of 409
land, buildings, or other structures if such certificates for 410
specific uses are provided for in the zoning resolution. If the 411
board considers conditional zoning certificates for activities 412
that are permitted and regulated under Chapter 1514. of the 413
Revised Code or activities that are related to making finished 414
aggregate products, the board shall proceed in accordance with 415
section 303.141. of the Revised Code. 416

(D) Revoke an authorized variance or conditional zoning 417
certificate granted for the extraction of minerals, if any 418
condition of the variance or certificate is violated. 419

The board shall notify the holder of the variance or 420
certificate either by certified mail or, if the board has record 421
of an internet identifier of record associated with the holder, 422
by ordinary mail and by that internet identifier of record of 423
its intent to revoke the variance or certificate under division 424
(D) of this section and of the holder's right to a hearing 425
before the board within thirty days of the mailing of the notice 426
if the holder so requests. If the holder requests a hearing, the 427
board shall set a time and place for the hearing and notify the 428
holder. At the hearing, the holder may appear in person, by 429
attorney, or by other representative, or the holder may present 430
the holder's position in writing. The holder may present 431
evidence and examine witnesses appearing for or against the 432
holder. If no hearing is requested, the board may revoke the 433

variance or certificate without a hearing. The authority to 434
revoke a variance or certificate is in addition to any other 435
means of zoning enforcement provided by law. 436

In exercising the above-mentioned powers, the board may, 437
in conformity with such sections, reverse or affirm, wholly or 438
partly, or modify the order, requirement, decision, or 439
determination appealed from and may make such order, 440
requirement, decision, or determination as ought to be made, and 441
to that end has all powers of the officer from whom the appeal 442
is taken. 443

As used in this section, "internet identifier of record" 444
has the same meaning as in section 9.312 of the Revised Code. 445

Sec. 307.204. (A) As used in this section: 446

(1) "Concentrated animal feeding facility" and "major 447
concentrated animal feeding facility" have the same meanings as 448
in section 903.01 of the Revised Code. 449

(2) "Facility" means a proposed new or expanded major 450
concentrated animal feeding facility. 451

(3) "Improvement" means the construction, modification, or 452
both of county infrastructure. 453

(B) A person who proposes to do any of the following shall 454
provide written notification as required under division (C) of 455
this section to the board of county commissioners of the county 456
in which a facility is or is to be located: 457

(1) Establish a new major concentrated animal feeding 458
facility; 459

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

excess of the design capacity set forth in the current permit 462
for construction or modification of the facility or for 463
installation or modification of the disposal system for manure 464
at the facility issued under section 903.02 or division (J) of 465
section 6111.03 of the Revised Code, as applicable; 466

(3) Increase the design capacity of an existing 467
concentrated animal feeding facility by ten per cent or more in 468
excess of the design capacity set forth in the current permit 469
for construction or modification of the facility or for 470
installation or modification of the disposal system for manure 471
at the facility issued under section 903.02 or division (J) of 472
section 6111.03 of the Revised Code, as applicable, and to a 473
design capacity of more than ten times the number of animals 474
specified in any of the categories in division (H) of section 475
903.01 of the Revised Code. 476

(C) The person shall notify the board in writing by 477
certified mail of the proposed construction or expansion of the 478
facility and include the following information: 479

(1) The anticipated travel routes of motor vehicles to and 480
from the facility; 481

(2) The anticipated number and weights of motor vehicles 482
traveling to and from the facility. 483

(D) At the request of the board, the county engineer may 484
review the written notification and advise the board on both of 485
the following: 486

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

roads; 491

(2) The projected costs of the improvements and 492
maintenance. 493

Not later than ten days after receiving the written 494
notification, the board may request the person to provide 495
additional reasonable and relevant information regarding the 496
impact of the facility on county infrastructure. The person 497
shall provide the information not later than ten days after the 498
request is made. 499

(E) (1) Not later than thirty days after the initial 500
written notification is received by the board, the board shall 501
submit to the person its recommendations, if any, concerning the 502
improvements that will be needed as a result of the facility and 503
the cost of those improvements. 504

(2) Not later than fifteen days after receipt of the 505
board's recommendations, the person shall notify the board 506
either that the person agrees with the recommendations and will 507
implement them or that the person is submitting reasonable 508
alternative recommendations or modifications to the board. If 509
the person agrees with the recommendations, they shall be 510
considered to be the board's final recommendations. 511

(3) If the board receives alternative recommendations or 512
modifications under division (E) (2) of this section, the board 513
shall select final recommendations and submit them to the person 514
not later than thirty days after the receipt of the alternative 515
recommendations or modifications. 516

(F) (1) The board shall prepare a written, dated statement 517
certifying that the written notification required under this 518
section was submitted and that final recommendations were 519

selected regarding needed improvements and the costs of those 520
improvements. The board shall provide the person with the 521
original of the statement so that the person can include it with 522
the application for a permit to install for the facility as 523
required under division (C)(4) of section 903.02 of the Revised 524
Code. The board shall retain a copy of the statement for its 525
records. 526

(2) If the board fails to prepare a written, dated 527
statement in accordance with division (F)(1) of this section 528
within seventy-five days of receiving the initial written 529
notification by certified mail from the person, the person 530
instead shall file with the application for a permit to install 531
for the facility a notarized affidavit declaring that the person 532
has met the criteria established in this section and that a 533
written, dated statement was not received by the person from the 534
board. 535

(G) If the person receives a written, dated statement from 536
the board as provided in division (F)(1) of this section, the 537
person shall construct, modify, and maintain or finance the 538
construction, modification, and maintenance of improvements as 539
provided in the board's final recommendations and with the 540
approval and oversight of the county engineer. If the person 541
fails to do so, the board shall notify the person either by 542
certified mail or, if the board has record of an internet 543
identifier of record associated with the person, by ordinary 544
mail and by that internet identifier of record that the board 545
intends to initiate mediation with the person if the person 546
remains out of compliance with the final recommendations. 547

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

the construction, modification, or maintenance of the 550
improvements, exemptions from taxation under sections 5709.63, 551
5709.632, 5709.73, and 5709.78 of the Revised Code or state or 552
federal grants that may be available. 553

If the person remains out of compliance with the final 554
recommendations, the board may initiate mediation with the 555
person in order to resolve the differences between them. If 556
mediation fails to resolve the differences, the board and the 557
person first shall attempt to resolve the differences through 558
any legal remedies before seeking redress through a court of 559
common pleas. 560

(H) If the person subsequently submits an application 561
under section 903.02 of the Revised Code for a permit to modify 562
the facility, or if the routes of travel to or from the facility 563
change for any reason other than road construction conducted by 564
the county, the board or the person may request that additional 565
information be provided in writing and shall proceed as provided 566
in this section for the notification and recommendation 567
proceedings. 568

(I) As used in this section, "internet identifier of 569
record" has the same meaning as in section 9.312 of the Revised 570
Code. 571

Sec. 307.699. (A) As used in this section: 572

(1) "Sports facility" has the same meaning as in section 573
307.696 of the Revised Code. 574

(2) "Residual cash" has the same meaning as in division 575
(B) (5) of section 5709.081 of the Revised Code. 576

(3) "Internet identifier of record" has the same meaning 577
as in section 9.312 of the Revised Code. 578

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

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

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

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

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

shall determine the accurate amount of net income to be 609
capitalized. The county auditor shall compute net income before 610
debt service, and shall not include any revenue from county 611
taxes as defined in division (A) (1) of section 307.696 of the 612
Revised Code. The true value so determined shall be allocated 613
between real and tangible personal property and assessed for the 614
purposes of this section at the appropriate percentages provided 615
by law for determining taxable values. 616

Using information reported or determined under this 617
division, the county auditor shall determine the amount of 618
putative taxes for the property for that tax year. As used in 619
this section, "putative taxes" means the greater of one million 620
dollars or the amount of property taxes that would have been 621
charged and payable if all the real and tangible personal 622
property owned by the political subdivision or subdivisions or 623
the corporation and included in the sports facility was subject 624
to taxation. 625

(D) On or before the date that is sixty days before the 626
date that the first payment of real property taxes are due 627
without penalty under Chapter 323. of the Revised Code each tax 628
year, the county auditor shall determine the amount of service 629
payments for that tax year for property to which this section 630
applies in the following manner: 631

(1) The county auditor shall deduct from the amount of 632
putative taxes under division (C) of this section any taxes 633
assessed against the taxable portion of the sports facility 634
owned by any of the entities in division (B) (1) of section 635
5709.081 of the Revised Code, any amounts paid by a municipal 636
corporation under section 5709.082 of the Revised Code as a 637
result of the exempt property, and any amounts available in the 638

construction payments account established under division (G) (1) 639
of this section as are required to make the total deductions 640
under this division equal to one million dollars. 641

(2) The county auditor shall fix the amount of the service 642
payments for a tax year at the amount of the putative taxes 643
minus deductions under division (D) (1) of this section. However, 644
any amount of service payments required because the putative 645
taxes exceed one million dollars shall not exceed the amount of 646
residual cash of the owner of the exempt property as reported in 647
division (C) of this section that would otherwise accrue to the 648
political subdivision or subdivisions pursuant to division (B) 649
(5) of section 5709.081 of the Revised Code if no service 650
payments were imposed under this section. 651

(3) If the exempt property is an improvement under 652
division (C) (2) of section 5709.081 of the Revised Code, the 653
county auditor shall determine the percentage which such 654
improvement constitutes of the total sports facility and shall 655
substitute for the one-million-dollar amount, wherever it 656
appears in this section, an amount equal to such percentage 657
multiplied by one million dollars. The percentage shall be 658
determined by dividing the reproduction cost new of the 659
improvement by the reproduction cost new of the total sports 660
facility including the improvement, owned by any of the entities 661
under division (B) (1) of section 5709.081 of the Revised Code. 662

(E) On or before the date that is sixty days before the 663
date that the first payment of real property taxes are due 664
without penalty under Chapter 323. of the Revised Code each tax 665
year, the county auditor shall certify and send notice ~~by~~ 666
~~certified mail~~ to the owner of the property either by certified 667
mail or, if the auditor has record of an internet identifier of 668

record associated with the owner, by ordinary mail and by that 669
internet identifier of record, of the amount and the calculation 670
of the service payments charged that tax year, including the 671
separate valuations determined for the real and tangible 672
personal property, the capitalization rate used, the separate 673
deductions allowed under division (D) of this section, and any 674
claimed inaccuracies in net income determined under division (C) 675
of this section. 676

The service payments for a tax year shall be charged and 677
collected in the same manner as real property taxes for that tax 678
year. Revenue collected as service payments shall be distributed 679
to the taxing districts that would have received property tax 680
revenue from the exempt property if it was not exempt, for the 681
tax year for which the payments are made, in the same 682
proportions as property taxes are distributed. However, if the 683
sum of the deductions allowed under division (D) of this section 684
and the service payments exceeds one million dollars, any 685
service payments in excess of one million dollars shall first be 686
paid to the municipal corporation to reimburse it for the 687
payments made under section 5709.082 of the Revised Code from 688
the inception of such payments. Any such payments to the 689
municipal corporation shall be deducted from the municipal 690
payments account established under division (G) (2) of this 691
section. 692

(F) The owner of property exempt from taxation under 693
section 5709.081 of the Revised Code or persons and political 694
subdivisions entitled to file complaints under section 5715.19 695
of the Revised Code may appeal the determination of the annual 696
service payments required by this section to the board of 697
revision in the county in which the exempt property is located 698
within the time period for filing complaints under section 699

5715.19 of the Revised Code. The appeal shall be taken by filing 700
a complaint with that board which need not be on the form 701
prescribed for other complaints filed under section 5715.19 of 702
the Revised Code but which shall include an identification of 703
the exempt property, a copy of the auditor's certification to 704
the owner, a calculation of the service payments claimed to be 705
correct and a statement of the errors in the auditor's 706
determination. Upon receipt of such complaint, the board of 707
revision shall notify the county auditor of the county in which 708
the exempt property is located, who shall, within thirty days of 709
such notice, certify to the board of revision a transcript of 710
the record of the proceedings of the county auditor pertaining 711
to the determination of the annual service payments. Any 712
complaint filed under this section shall be regarded as a 713
complaint for the purposes of divisions (B), (C), (E), (F), (G), 714
and (H) of section 5715.19 of the Revised Code. The board of 715
revision shall order the hearing of evidence and shall determine 716
the amount of service payments due and payable pursuant to this 717
section. 718

(G) The county auditor of the county in which the exempt 719
property is located shall establish the following two accounts: 720

(1) A construction payments account to which shall be 721
posted all payments made by a municipal corporation pursuant to 722
section 5709.082 of the Revised Code on account of such property 723
derived from persons employed at the site of the sports facility 724
in the construction of the facility. Deductions shall be made 725
from such account as provided in division (D) of this section 726
until the amounts so posted are exhausted. 727

(2) A municipal payments reimbursement account to which 728
shall be posted all payments made by a municipal corporation 729

pursuant to section 5709.082 of the Revised Code on account of 730
such property including those posted under division (G) (1) of 731
this section. Deductions shall be made from the municipal 732
payments reimbursement account for reimbursements to the 733
municipal corporation made under division (E) of this section 734
until the amounts posted are exhausted. 735

Sec. 340.02. (A) For each alcohol, drug addiction, and 736
mental health service district, there shall be appointed a board 737
of alcohol, drug addiction, and mental health services 738
consisting of eighteen members or fourteen members. Should the 739
board of alcohol, drug addiction, and mental health services 740
elect to remain at eighteen members, as provided under section 741
340.02 of the Revised Code as it existed immediately prior to 742
the date of this amendment, the board of alcohol, drug 743
addiction, and mental health services and the board of county 744
commissioners shall not be required to take any action. Should 745
the board of alcohol, drug addiction, and mental health services 746
elect a recommendation to become a fourteen-member board, that 747
recommendation must be approved by the board of county 748
commissioners of the county in which the alcohol, drug 749
addiction, and mental health district is located in order for 750
the transition to a fourteen-member board to occur. Not later 751
than September 30, 2013, each board of alcohol, drug addiction, 752
and mental health services wishing to become a fourteen-member 753
board shall notify the board of county commissioners of that 754
recommendation. Failure of the board of county commissioners to 755
take action within thirty days after receipt of the 756
recommendation shall be deemed agreement by the board of county 757
commissioners to transition to a fourteen-member board of 758
alcohol, drug addiction, and mental health services. Should the 759
board of county commissioners reject the recommendation, the 760

board of county commissioners shall adopt a resolution stating 761
that rejection within thirty days after receipt of the 762
recommendation. Upon adoption of the resolution, the board of 763
county commissioners shall meet with the board of alcohol, drug 764
addiction, and mental health services to discuss the matter. 765
After the meeting, the board of county commissioners shall 766
notify the department of mental health and addiction services of 767
its election not later than January 1, 2014. In a joint-county 768
district, a majority of the boards of county commissioners must 769
not reject the recommendation of a joint-county board to become 770
a fourteen-member board in order for the transition to a 771
fourteen-member board to occur. Should the joint-county district 772
have an even number of counties, and the boards of county 773
commissioners of these counties tie in terms of whether or not 774
to accept the recommendation of the alcohol, drug addiction, and 775
mental health services board, the recommendation of the alcohol, 776
drug addiction, and mental health service board to become a 777
fourteen-member board shall prevail. The election shall be 778
final. Failure to provide notice of its election to the 779
department on or before January 1, 2014, shall constitute an 780
election to continue to operate as an eighteen-member board, 781
which election shall also be final. If an existing board 782
provides timely notice of its election to transition to operate 783
as a fourteen-member board, the number of board members may 784
decline from eighteen to fourteen by attrition as current 785
members' terms expire. However, the composition of the board 786
must reflect the requirements set forth in this section for 787
fourteen-member boards. For all boards, half of the members 788
shall be interested in mental health services and half of the 789
members shall be interested in alcohol, drug, or gambling 790
addiction services. All members shall be residents of the 791
service district. The membership shall, as nearly as possible, 792

reflect the composition of the population of the service 793
district as to race and sex. 794

(B) For boards operating as eighteen-member boards, the 795
director of mental health and addiction services shall appoint 796
eight members of the board and the board of county commissioners 797
shall appoint ten members. For boards operating as fourteen- 798
member boards, the director of mental health and addiction 799
services shall appoint six members of the board and the board of 800
county commissioners shall appoint eight members. In a joint- 801
county district, the county commissioners of each participating 802
county shall appoint members in as nearly as possible the same 803
proportion as that county's population bears to the total 804
population of the district, except that at least one member 805
shall be appointed from each participating county. 806

(C) The director of mental health and addiction services 807
shall ensure that at least one member of the board is a 808
clinician with experience in the delivery of mental health 809
services, at least one member of the board is a person who has 810
received or is receiving mental health services, at least one 811
member of the board is a parent or other relative of such a 812
person, at least one member of the board is a clinician with 813
experience in the delivery of addiction services, at least one 814
member of the board is a person who has received or is receiving 815
addiction services, and at least one member of the board is a 816
parent or other relative of such a person. A single member who 817
meets both qualifications may fulfill the requirement for a 818
clinician with experience in the delivery of mental health 819
services and a clinician with experience in the delivery of 820
addiction services. 821

(D) No member or employee of a board of alcohol, drug 822

addiction, and mental health services shall serve as a member of 823
the board of any provider with which the board of alcohol, drug 824
addiction, and mental health services has entered into a 825
contract for the provision of services or facilities. No member 826
of a board of alcohol, drug addiction, and mental health 827
services shall be an employee of any provider with which the 828
board has entered into a contract for the provision of services 829
or facilities. No person shall be an employee of a board and 830
such a provider unless the board and provider both agree in 831
writing. 832

(E) No person shall serve as a member of the board of 833
alcohol, drug addiction, and mental health services whose 834
spouse, child, parent, brother, sister, grandchild, stepparent, 835
stepchild, stepbrother, stepsister, father-in-law, mother-in- 836
law, son-in-law, daughter-in-law, brother-in-law, or sister-in- 837
law serves as a member of the board of any provider with which 838
the board of alcohol, drug addiction, and mental health services 839
has entered into a contract for the provision of services or 840
facilities. No person shall serve as a member or employee of the 841
board whose spouse, child, parent, brother, sister, stepparent, 842
stepchild, stepbrother, stepsister, father-in-law, mother-in- 843
law, son-in-law, daughter-in-law, brother-in-law, or sister-in- 844
law serves as a county commissioner of a county or counties in 845
the alcohol, drug addiction, and mental health service district. 846

(F) Each year each board member shall attend at least one 847
inservice training session provided or approved by the 848
department of mental health and addiction services. 849

(G) For boards operating as eighteen-member boards, each 850
member shall be appointed for a term of four years, commencing 851
the first day of July, except that one-third of initial 852

appointments to a newly established board, and to the extent 853
possible to expanded boards, shall be for terms of two years, 854
one-third of initial appointments shall be for terms of three 855
years, and one-third of initial appointments shall be for terms 856
of four years. For boards operating as fourteen-member boards, 857
each member shall be appointed for a term of four years, 858
commencing the first day of July, except that four of the 859
initial appointments to a newly established board, and to the 860
extent possible to expanded boards, shall be for terms of two 861
years, five initial appointments shall be for terms of three 862
years, and five initial appointments shall be for terms of four 863
years. No member shall serve more than two consecutive four-year 864
terms under the same appointing authority. A member may serve 865
for three consecutive terms under the same appointing authority 866
only if one of the terms is for less than two years. A member 867
who has served two consecutive four-year terms or three 868
consecutive terms totaling less than ten years is eligible for 869
reappointment by the same appointing authority one year 870
following the end of the second or third term, respectively. 871

When a vacancy occurs, appointment for the expired or 872
unexpired term shall be made in the same manner as an original 873
appointment. The board shall notify the appointing authority 874
~~shall be notified either by~~ certified mail ~~or, if the board has~~ 875
~~record of an internet identifier of record associated with the~~ 876
~~authority, by ordinary mail and by that internet identifier of~~ 877
~~record of~~ any vacancy and shall fill the vacancy within sixty 878
days following that notice. 879

Any member of the board may be removed from office by the 880
appointing authority for neglect of duty, misconduct, or 881
malfeasance in office, and shall be removed by the appointing 882
authority if the member is barred by this section from serving 883

as a board member. The member shall be informed in writing of 884
the charges and afforded an opportunity for a hearing. Upon the 885
absence of a member within one year from either four board 886
meetings or from two board meetings without prior notice, the 887
board shall notify the appointing authority, which may vacate 888
the appointment and appoint another person to complete the 889
member's term. 890

Members of the board shall serve without compensation, but 891
shall be reimbursed for actual and necessary expenses incurred 892
in the performance of their official duties, as defined by rules 893
of the department of mental health and addiction services. 894

(H) As used in this section, "internet identifier of 895
record" has the same meaning as in section 9.312 of the Revised 896
Code. 897

Sec. 343.01. (A) In order to comply with division (B) of 898
section 3734.52 of the Revised Code, the board of county 899
commissioners of each county shall do one of the following: 900

(1) Establish, by resolution, and maintain a county solid 901
waste management district under this chapter that consists of 902
all the incorporated and unincorporated territory within the 903
county except as otherwise provided in division (A) of this 904
section; 905

(2) With the boards of county commissioners of one or more 906
other counties establish, by agreement, and maintain a joint 907
solid waste management district under this chapter that consists 908
of all the incorporated and unincorporated territory within the 909
counties forming the joint district except as otherwise provided 910
in division (A) of this section. 911

If a municipal corporation is located in more than one 912

solid waste management district, the entire municipal 913
corporation shall be considered to be included in and shall be 914
under the jurisdiction of the district in which a majority of 915
the population of the municipal corporation resides. 916

A county and joint district established to comply with 917
division (B) of section 3734.52 of the Revised Code shall have a 918
population of not less than one hundred twenty thousand unless, 919
in the instance of a county district, the board of county 920
commissioners has obtained an exemption from that requirement 921
under division (C) (1) or (2) of that section. Each joint 922
district established to comply with an order issued under 923
division (D) of that section shall have a population of at least 924
one hundred twenty thousand. 925

(B) The boards of county commissioners of the counties 926
establishing a joint district constitute, collectively, the 927
board of directors of the joint district, except that if a 928
county with a form of legislative authority other than a board 929
of county commissioners participates, it shall be represented on 930
the board of directors by three persons appointed by the 931
legislative authority. 932

The agreement to establish and maintain a joint district 933
shall be ratified by resolution of the board of county 934
commissioners of each participating county. Upon ratification, 935
the board of directors shall take control of and manage the 936
joint district subject to this chapter, except that, in the case 937
of a joint district formed pursuant to division (C), (D), or (E) 938
of section 343.012 of the Revised Code, the board of directors 939
shall take control of and manage the district when the formation 940
of the district becomes final under the applicable division. A 941
majority of the board of directors constitutes a quorum, and a 942

majority vote is required for the board to act. 943

A county participating in a joint district may contribute 944
lands or rights or interests therein, money, other personal 945
property or rights or interests therein, or services to the 946
district. The agreement shall specify any contributions of 947
participating counties and the rights of the participating 948
counties in lands or personal property, or rights or interests 949
therein, contributed to or otherwise acquired by the joint 950
district. The agreement may be amended or added to by a majority 951
vote of the board of directors, but no amendment or addition 952
shall divest a participating county of any right or interest in 953
lands or personal property without its consent. 954

The board of directors may appoint and fix the 955
compensation of employees of, accept gifts, devises, and 956
bequests for, and take other actions necessary to control and 957
manage the joint district. Employees of the district shall be 958
considered county employees for the purposes of Chapter 124. of 959
the Revised Code and other provisions of state law applicable to 960
employees. Instead of or in addition to appointing employees of 961
the district, the board of directors may agree to use employees 962
of one or more of the participating counties in the service of 963
the joint district and to share in their compensation in any 964
manner that may be agreed upon. 965

The board of directors shall do one of the following: 966

(1) Designate the county auditor, including any other 967
official acting in a capacity similar to a county auditor under 968
a county charter, of a county participating in the joint 969
district as the fiscal officer of the district, and the county 970
treasurer, or other official acting in a capacity similar to a 971
county treasurer under a county charter, of that county as the 972

treasurer of the district. The designated county officials shall 973
perform any applicable duties for the district as each typically 974
performs for the county of which the individual is an official, 975
except as otherwise may be provided in any bylaws or resolutions 976
adopted by the board of directors. The board of directors may 977
pay to that county any amount agreed upon by the board of 978
directors and the board of county commissioners of that county 979
to reimburse that county for the cost properly allocable to the 980
service of its officials as fiscal officer and treasurer of the 981
joint district. 982

(2) Appoint one individual who is neither a county auditor 983
nor a county treasurer, and who may be an employee of the 984
district, to serve as both the treasurer of the district and its 985
fiscal officer. That individual shall act as custodian of the 986
funds of the board and the district and shall maintain all 987
accounts of the district. Any reference in this chapter or 988
Chapter 3734. of the Revised Code to a county auditor or county 989
treasurer serving as fiscal officer of a district or custodian 990
of any funds of a board or district is deemed to refer to an 991
individual appointed under division (B) (2) of this section. 992

The fiscal officer of a district shall establish a general 993
fund and any other necessary funds for the district. 994

(C) A board of county commissioners of a county district 995
or board of directors of a joint district may acquire, by 996
purchase or lease, construct, improve, enlarge, replace, 997
maintain, and operate such solid waste collection systems within 998
their respective districts and such solid waste facilities 999
within or outside their respective districts as are necessary 1000
for the protection of the public health. A board of county 1001
commissioners may acquire within its county real property or any 1002

estate, interest, or right therein, by appropriation or any 1003
other method, for use by a county or joint district in 1004
connection with such facilities. Appropriation proceedings shall 1005
be conducted in accordance with sections 163.01 to 163.22 of the 1006
Revised Code. 1007

(D) The sanitary engineer or sanitary engineering 1008
department of a county maintaining a district and any sanitary 1009
engineer or sanitary engineering department of a county in a 1010
joint district, as determined by the board of directors, in 1011
addition to other duties assigned to that engineer or 1012
department, shall assist the board of county commissioners or 1013
directors in the performance of their duties under this chapter 1014
and sections 3734.52 to 3734.575 of the Revised Code and shall 1015
be charged with any other duties and services in relation 1016
thereto that the board prescribes. A board may employ registered 1017
professional engineers to assist the sanitary engineer in those 1018
duties and also may employ financial advisers and any other 1019
professional services it considers necessary to assist it in the 1020
construction, financing, and maintenance of solid waste 1021
collection or other solid waste facilities. Such contracts of 1022
employment shall not require the certificate provided in section 1023
5705.41 of the Revised Code. Payment for such services may be 1024
made from the general fund or any other fund legally available 1025
for that use at times that are agreed upon or as determined by 1026
the board of county commissioners or directors, and the funds 1027
may be reimbursed from the proceeds of bonds or notes issued to 1028
pay the cost of any improvement to which the services related. 1029

(E) (1) The prosecuting attorney of the county shall serve 1030
as the legal advisor of a county district and shall provide such 1031
services to the board of county commissioners of the district as 1032
are required or authorized to be provided to other county boards 1033

under Chapter 309. of the Revised Code, except that, if the 1034
board considers it to be necessary or appropriate, the board, on 1035
its own initiative, may employ an attorney or other legal 1036
counsel on an annual basis to serve as the legal advisor of the 1037
district in place of the prosecuting attorney. When the 1038
prosecuting attorney is serving as the district's legal advisor 1039
and the board considers it to be necessary or appropriate, the 1040
board, on its own initiative, may employ an attorney or other 1041
legal counsel to represent or advise the board regarding a 1042
particular matter in place of the prosecuting attorney. The 1043
employment of an attorney or other legal counsel on an annual 1044
basis or in a particular matter is not subject to or governed by 1045
sections 305.14 and 309.09 of the Revised Code. 1046

Notwithstanding the employment of an attorney or other 1047
legal counsel on an annual basis to serve as the district's 1048
legal advisor, the board may require written opinions or 1049
instructions from the prosecuting attorney under section 309.09 1050
of the Revised Code in matters connected with its official 1051
duties as though the prosecuting attorney were serving as the 1052
legal advisor of the district. 1053

(2) The board of directors of a joint district may 1054
designate the prosecuting attorney of one of the counties 1055
forming the district to serve as the legal advisor of the 1056
district. When so designated, the prosecuting attorney shall 1057
provide such services to the joint district as are required or 1058
authorized to be provided to county boards under Chapter 309. of 1059
the Revised Code. The board of directors may pay to that county 1060
any amount agreed upon by the board of directors and the board 1061
of county commissioners of that county to reimburse that county 1062
for the cost properly allocable to the services of its 1063
prosecuting attorney as the legal advisor of the joint district. 1064

When that prosecuting attorney is so serving and the board 1065
considers it to be necessary or appropriate, the board, on its 1066
own initiative, may employ an attorney or other legal counsel to 1067
represent or advise the board regarding a particular matter in 1068
place of the prosecuting attorney. 1069

Instead of designating the prosecuting attorney of one of 1070
the counties forming the district to be the legal advisor of the 1071
district, the board of directors may employ on an annual basis 1072
an attorney or other legal counsel to serve as the district's 1073
legal advisor. Notwithstanding the employment of an attorney or 1074
other legal counsel as the district's legal advisor, the board 1075
of directors may require written opinions or instructions from 1076
the prosecuting attorney of any of the counties forming the 1077
district in matters connected with the board's official duties, 1078
and the prosecuting attorney shall provide the written opinion 1079
or instructions as though the prosecuting attorney had been 1080
designated to serve as the district's legal advisor under 1081
division (E) (2) of this section. 1082

(F) A board of county commissioners may issue bonds or 1083
bond anticipation notes of the county to pay the cost of 1084
preparing general and detailed plans and other data required for 1085
the construction of solid waste facilities in connection with a 1086
county or joint district. A board of directors of a joint solid 1087
waste management district may issue bonds or bond anticipation 1088
notes of the joint solid waste management district to pay the 1089
cost of preparing general and detailed plans and other data 1090
required for the construction of solid waste facilities in 1091
connection with a joint district. The bonds and notes shall be 1092
issued in accordance with Chapter 133. of the Revised Code, 1093
except that the maximum maturity of bonds issued for that 1094
purpose shall not exceed ten years. Bond anticipation notes may 1095

be paid from the proceeds of bonds issued either to pay the cost 1096
of the solid waste facilities or to pay the cost of the plans 1097
and other data. 1098

(G) To the extent authorized by the solid waste management 1099
plan of the district approved under section 3734.521 or 3734.55 1100
of the Revised Code or subsequent amended plans of the district 1101
approved under section 3734.521 or 3734.56 of the Revised Code, 1102
the board of county commissioners of a county district or board 1103
of directors of a joint district may adopt, publish, and enforce 1104
rules doing any of the following: 1105

(1) Prohibiting or limiting the receipt of solid wastes 1106
generated outside the district or outside a service area 1107
prescribed in the solid waste management plan or amended plan, 1108
at facilities located within the solid waste management 1109
district, consistent with the projections contained in the plan 1110
or amended plan under divisions (A) (6) and (7) of section 1111
3734.53 of the Revised Code. However, rules adopted by a board 1112
under division (G) (1) of this section may be adopted and 1113
enforced with respect to solid waste disposal facilities in the 1114
solid waste management district that are not owned by a county 1115
or the solid waste management district only if the board submits 1116
an application to the director of environmental protection that 1117
demonstrates that there is insufficient capacity to dispose of 1118
all solid wastes that are generated within the district at the 1119
solid waste disposal facilities located within the district and 1120
the director approves the application. The demonstration in the 1121
application shall be based on projections contained in the plan 1122
or amended plan of the district. The director shall establish 1123
the form of the application. The approval or disapproval of such 1124
an application by the director is an action that is appealable 1125
under section 3745.04 of the Revised Code. 1126

In addition, the director of environmental protection may 1127
issue an order modifying a rule adopted under division (G) (1) of 1128
this section to allow the disposal in the district of solid 1129
wastes from another county or joint solid waste management 1130
district if all of the following apply: 1131

(a) The district in which the wastes were generated does 1132
not have sufficient capacity to dispose of solid wastes 1133
generated within it for six months following the date of the 1134
director's order. 1135

(b) No new solid waste facilities will begin operation 1136
during those six months in the district in which the wastes were 1137
generated and, despite good faith efforts to do so, it is 1138
impossible to site new solid waste facilities within the 1139
district because of its high population density. 1140

(c) The district in which the wastes were generated has 1141
made good faith efforts to negotiate with other districts to 1142
incorporate its disposal needs within those districts' solid 1143
waste management plans, including efforts to develop joint 1144
facilities authorized under section 343.02 of the Revised Code, 1145
and the efforts have been unsuccessful. 1146

(d) The district in which the wastes were generated has 1147
located a facility willing to accept the district's solid wastes 1148
for disposal within the receiving district. 1149

(e) The district in which the wastes were generated has 1150
demonstrated to the director that the conditions specified in 1151
divisions (G) (1) (a) to (d) of this section have been met. 1152

(f) The director finds that the issuance of the order will 1153
be consistent with the state solid waste management plan and 1154
that receipt of the out-of-district wastes will not limit the 1155

capacity of the receiving district to dispose of its in-district 1156
wastes to less than eight years. 1157

Any order issued under division (G) (1) of this section 1158
shall not become final until thirty days after it has been 1159
served ~~by certified mail~~ upon the county or joint solid waste 1160
management district that will receive the out-of-district wastes 1161
either by certified mail or, if the director has record of an 1162
internet identifier of record associated with the district, by 1163
ordinary mail and by that internet identifier of record. 1164

(2) Governing the maintenance, protection, and use of 1165
solid waste collection or other solid waste facilities located 1166
within its district. The rules adopted under division (G) (2) of 1167
this section shall not establish design standards for solid 1168
waste facilities and shall be consistent with the solid waste 1169
provisions of Chapter 3734. of the Revised Code and the rules 1170
adopted under those provisions. The rules adopted under division 1171
(G) (2) of this section may prohibit any person, municipal 1172
corporation, township, or other political subdivision from 1173
constructing, enlarging, or modifying any solid waste facility 1174
until general plans and specifications for the proposed 1175
improvement have been submitted to and approved by the board of 1176
county commissioners or board of directors as complying with the 1177
solid waste management plan or amended plan of the district. The 1178
construction of such a facility shall be done under the 1179
supervision of the county sanitary engineer or, in the case of a 1180
joint district, a county sanitary engineer designated by the 1181
board of directors, and any person, municipal corporation, 1182
township, or other political subdivision proposing or 1183
constructing such improvements shall pay to the county or joint 1184
district all expenses incurred by the board in connection 1185
therewith. The sanitary engineer may enter upon any public or 1186

private property for the purpose of making surveys or 1187
examinations necessary for designing solid waste facilities or 1188
for supervising the construction, enlargement, modification, or 1189
operation of any such facilities. No person, municipal 1190
corporation, township, or other political subdivision shall 1191
forbid or interfere with the sanitary engineer or the sanitary 1192
engineer's authorized assistants entering upon such property for 1193
that purpose. If actual damage is done to property by the making 1194
of the surveys and examinations, a board shall pay the 1195
reasonable value of that damage to the owner of the property 1196
damaged, and the cost shall be included in the financing of the 1197
improvement for which the surveys and examinations are made. 1198

(3) Governing the development and implementation of a 1199
program for the inspection of solid wastes generated outside the 1200
boundaries of this state that are disposed of at solid waste 1201
facilities included in the district's solid waste management 1202
plan or amended plan. A board of county commissioners or board 1203
of directors or its authorized representative may enter upon the 1204
premises of any solid waste facility included in the district's 1205
solid waste management plan or amended plan for the purpose of 1206
conducting the inspections required or authorized by the rules 1207
adopted under division (G) (3) of this section. No person, 1208
municipal corporation, township, or other political subdivision 1209
shall forbid or interfere with a board of county commissioners 1210
or directors or its authorized representative entering upon the 1211
premises of any such solid waste facility for that purpose. 1212

(4) Exempting the owner or operator of any existing or 1213
proposed solid waste facility provided for in the plan or 1214
amended plan from compliance with any amendment to a township 1215
zoning resolution adopted under section 519.12 of the Revised 1216
Code or to a county rural zoning resolution adopted under 1217

section 303.12 of the Revised Code that rezoned or redistricted 1218
the parcel or parcels upon which the facility is to be 1219
constructed or modified and that became effective within two 1220
years prior to the filing of an application for a permit 1221
required under division (A)(2)(a) of section 3734.05 of the 1222
Revised Code to open a new or modify an existing solid waste 1223
facility. 1224

(H) A board of county commissioners or board of directors 1225
may enter into a contract with any person, municipal 1226
corporation, township, or other political subdivision for the 1227
operation and maintenance of any solid waste facilities 1228
regardless of whether the facilities are owned or leased by the 1229
county or joint district or the contractor. 1230

(I)(1) No person, municipal corporation, township, or 1231
other political subdivision shall tamper with or damage any 1232
solid waste facility constructed under this chapter or any 1233
apparatus or accessory connected therewith or pertaining 1234
thereto, fail or refuse to comply with the applicable rules 1235
adopted by a board of county commissioners or directors under 1236
division (G)(1), (2), (3), or (4) of this section, refuse to 1237
permit an inspection or examination by a sanitary engineer as 1238
authorized under division (G)(2) of this section, or refuse to 1239
permit an inspection by a board of county commissioners or 1240
directors or its authorized representative as required or 1241
authorized by rules adopted under division (G)(3) of this 1242
section. 1243

(2) If the board of county commissioners of a county 1244
district or board of directors of a joint district has 1245
established facility designations under section 343.013, 1246
343.014, or 343.015 of the Revised Code, or the director has 1247

established facility designations in the initial or amended plan 1248
of the district prepared and ordered to be implemented under 1249
section 3734.521, 3734.55, or 3734.56 of the Revised Code, no 1250
person, municipal corporation, township, or other political 1251
subdivision shall deliver, or cause the delivery of, any solid 1252
wastes generated within a county or joint district to any solid 1253
waste facility other than the facility designated under section 1254
343.013, 343.014, or 343.015 of the Revised Code, or in the 1255
initial or amended plan of the district prepared and ordered to 1256
be implemented under section 3734.521, 3734.55, or 3734.56 of 1257
the Revised Code, as applicable, except that source separated 1258
recyclable materials may be taken to any legitimate recycling 1259
facility. Upon the request of a person or the legislative 1260
authority of a municipal corporation or township, the board of 1261
county commissioners of a county district or board of directors 1262
of a joint district may grant a waiver authorizing the delivery 1263
of all or any portion of the solid wastes generated in a 1264
municipal corporation or township to a solid waste facility 1265
other than the facility designated under section 343.013, 1266
343.014, or 343.015 of the Revised Code, or in the initial or 1267
amended plan of the district prepared and ordered to be 1268
implemented under section 3734.521, 3734.55, or 3734.56 of the 1269
Revised Code, as applicable, regardless of whether the other 1270
facility is located within or outside of the district, if the 1271
board finds that delivery of those solid wastes to the other 1272
facility is not inconsistent with the projections contained in 1273
the district's initial or amended plan under divisions (A) (6) 1274
and (7) of section 3734.53 of the Revised Code as approved or 1275
ordered to be implemented and will not adversely affect the 1276
implementation and financing of the district's initial or 1277
amended plan pursuant to the implementation schedule contained 1278
in it under divisions (A) (12) (a) to (d) of that section. The 1279

board shall act on a request for such a waiver within ninety 1280
days after receiving the request. Upon granting such a waiver, 1281
the board shall send notice of that fact to the director. The 1282
notice shall indicate to whom the waiver was granted. Any waiver 1283
or authorization granted by a board on or before October 29, 1284
1993, shall continue in force until the board takes action 1285
concerning the same entity under this division or until action 1286
is taken under division (G) of section 343.014 of the Revised 1287
Code. 1288

(J) Divisions (G) (1) to (4) and (I) (2) of this section do 1289
not apply to the construction, operation, use, repair, 1290
enlargement, or modification of either of the following: 1291

(1) A solid waste facility owned by a generator of solid 1292
wastes when the solid waste facility exclusively disposes of 1293
solid wastes generated at one or more premises owned by the 1294
generator regardless of whether the facility is located on a 1295
premises where the wastes are generated; 1296

(2) A facility that exclusively disposes of wastes that 1297
are generated from the combustion of coal, or from the 1298
combustion of primarily coal in combination with scrap tires, 1299
that is not combined in any way with garbage at one or more 1300
premises owned by the generator. 1301

(K) (1) A member of the board of county commissioners of a 1302
county solid waste management district, member of the board of 1303
directors of a joint solid waste management district, member of 1304
the board of trustees of a regional solid waste management 1305
authority managing a county or joint solid waste management 1306
district, or officer or employee of any solid waste management 1307
district, for the purposes of sections 102.03, 102.04, 2921.41, 1308
and 2921.42 of the Revised Code, shall not be considered to be 1309

directly or indirectly interested in, or improperly influenced 1310
by, any of the following: 1311

(a) A contract entered into under this chapter or section 1312
307.15 or sections 3734.52 to 3734.575 of the Revised Code 1313
between the district and any county forming the district, 1314
municipal corporation or township located within the district, 1315
or health district having territorial jurisdiction within the 1316
district, of which that member, officer, or employee also is an 1317
officer or employee, but only to the extent that any interest or 1318
influence could arise from holding public office or employment 1319
with the political subdivision or health district; 1320

(b) A contract entered into under this chapter or section 1321
307.15 or sections 3734.52 to 3734.575 of the Revised Code 1322
between the district and a county planning commission organized 1323
under section 713.22 of the Revised Code, or regional planning 1324
commission created under section 713.21 of the Revised Code, 1325
having territorial jurisdiction within the district, of which 1326
that member also is a member, officer, or employee, but only to 1327
the extent that any interest or influence could arise from 1328
holding public office or employment with the commission; 1329

(c) An expenditure of money made by the district for the 1330
benefit of any county forming the district, municipal 1331
corporation or township located within the district, or health 1332
district or county or regional planning commission having 1333
territorial jurisdiction within the district, of which that 1334
member also is a member, officer, or employee, but only to the 1335
extent that any interest or influence could arise from holding 1336
public office or employment with the political subdivision, 1337
health district, or commission; 1338

(d) An expenditure of money made for the benefit of the 1339

district by any county forming the district, municipal 1340
corporation or township located within the district, or health 1341
district or county or regional planning commission having 1342
territorial jurisdiction within the district, of which that 1343
member also is a member, officer, or employee, but only to the 1344
extent that any interest or influence could arise from holding 1345
public office or employment with the political subdivision, 1346
health district, or commission. 1347

(2) A solid waste management district, county, municipal 1348
corporation, township, health district, or planning commission 1349
described or referred to in divisions (K)(1)(a) to (d) of this 1350
section shall not be construed to be the business associate of a 1351
person who is concurrently a member of the board of county 1352
commissioners, directors, or trustees, or an officer or 1353
employee, of the district and an officer or employee of that 1354
municipal corporation, county, township, health district, or 1355
planning commission for the purposes of sections 102.03, 1356
2921.42, and 2921.43 of the Revised Code. Any person who is 1357
concurrently a member of the board of county commissioners, 1358
directors, or trustees, or an officer or employee, of a solid 1359
waste management district so described or referred to and an 1360
officer or employee of a county, municipal corporation, 1361
township, health district, or planning commission so described 1362
or referred to may participate fully in deliberations concerning 1363
and vote on or otherwise participate in the approval or 1364
disapproval of any contract or expenditure of funds described in 1365
those divisions as a member of the board of county commissioners 1366
or directors, or an officer or employee, of a county or joint 1367
solid waste management district; member of the board of 1368
trustees, or an officer or employee, of a regional solid waste 1369
management authority managing a county or joint solid waste 1370

management district; member of the legislative authority, or an 1371
officer or employee, of a county forming the district; member of 1372
the legislative authority, or an officer or employee, of a 1373
municipal corporation or township located within the district; 1374
member of the board of health, or an officer or employee, of a 1375
health district having territorial jurisdiction within the 1376
district; or member of the planning commission, or an officer or 1377
employee of a county or regional planning commission having 1378
territorial jurisdiction within the district. 1379

(3) Nothing in division (K) (1) or (2) of this section 1380
shall be construed to exempt any member of the board of county 1381
commissioners, directors, or trustees, or an officer or 1382
employee, of a solid waste management district from a conflict 1383
of interest arising because of a personal or private business 1384
interest. 1385

(4) A member of the board of county commissioners of a 1386
county solid waste management district, board of directors of a 1387
joint solid waste management district, or board of trustees of a 1388
regional solid waste management authority managing a county or 1389
joint solid waste management district, or an officer or 1390
employee, of any such solid waste management district, neither 1391
shall be disqualified from holding any other public office or 1392
position of employment nor be required to forfeit any other 1393
public office or position of employment by reason of serving as 1394
a member of the board of county commissioners, directors, or 1395
trustees, or as an officer or employee, of the district, 1396
notwithstanding any requirement to the contrary under the common 1397
law of this state or the Revised Code. 1398

(L) As used in this chapter: 1399

(1) "Board of health," "disposal," "health district," 1400

"scrap tires," and "solid waste transfer facility" have the same 1401
meanings as in section 3734.01 of the Revised Code. 1402

(2) "Change in district composition" and "change" have the 1403
same meaning as in section 3734.521 of the Revised Code. 1404

(3) (a) Except as provided in division (L) (3) (b) or (c), 1405
and (d), of this section, "solid wastes" has the same meaning as 1406
in section 3734.01 of the Revised Code. 1407

(b) If the solid waste management district is not one that 1408
resulted from proceedings for a change in district composition 1409
under sections 343.012 and 3734.521 of the Revised Code, until 1410
such time as an amended solid waste management plan is approved 1411
under section 3734.56 of the Revised Code, "solid wastes" need 1412
not include scrap tires unless the solid waste management policy 1413
committee established under section 3734.54 of the Revised Code 1414
for the district chooses to include the management of scrap 1415
tires in the district's initial solid waste management plan 1416
prepared under sections 3734.54 and 3734.55 of the Revised Code. 1417

(c) If the solid waste management district is one 1418
resulting from proceedings for a change in district composition 1419
under sections 343.012 and 3734.521 of the Revised Code and if 1420
the change involves an existing district that is operating under 1421
either an initial solid waste management plan approved or 1422
prepared and ordered to be implemented under section 3734.55 of 1423
the Revised Code or an initial or amended plan approved or 1424
prepared and ordered to be implemented under section 3734.521 of 1425
the Revised Code that does not provide for the management of 1426
scrap tires and scrap tire facilities, until such time as the 1427
amended plan of the district resulting from the change is 1428
approved under section 3734.56 of the Revised Code, "solid 1429
wastes" need not include scrap tires unless the solid waste 1430

management policy committee established under division (C) of 1431
section 3734.521 of the Revised Code for the district chooses to 1432
include the management of scrap tires in the district's initial 1433
or amended solid waste management plan prepared under section 1434
3734.521 of the Revised Code in connection with the change 1435
proceedings. 1436

(d) If the policy committee chooses to include the 1437
management of scrap tires in an initial plan prepared under 1438
sections 3734.54 and 3734.55 of the Revised Code or in an 1439
initial or amended plan prepared under section 3734.521 of the 1440
Revised Code, the board of county commissioners or directors 1441
shall execute all of the duties imposed and may exercise any or 1442
all of the rights granted under this section for the purpose of 1443
managing solid wastes that consist of scrap tires. 1444

(4) (a) Except as provided in division (L) (4) (b) or (c), 1445
and (d) of this section, "facility" has the same meaning as in 1446
section 3734.01 of the Revised Code and also includes any solid 1447
waste transfer, recycling, or resource recovery facility. 1448

(b) If the solid waste management district is not one that 1449
resulted from proceedings for a change in district composition 1450
under sections 343.012 and 3734.521 of the Revised Code, until 1451
such time as an amended solid waste management plan is approved 1452
under section 3734.56 of the Revised Code, "facility" need not 1453
include any scrap tire collection, storage, monocell, monofill, 1454
or recovery facility unless the solid waste management policy 1455
committee established under section 3734.54 of the Revised Code 1456
for the district chooses to include the management of scrap tire 1457
facilities in the district's initial solid waste management plan 1458
prepared under sections 3734.54 and 3734.55 of the Revised Code. 1459

(c) If the solid waste management district is one 1460

resulting from proceedings for a change in district composition 1461
under sections 343.012 and 3734.521 of the Revised Code and if 1462
the change involves an existing district that is operating under 1463
either an initial solid waste management plan approved under 1464
section 3734.55 of the Revised Code or an initial or amended 1465
plan approved or prepared and ordered to be implemented under 1466
section 3734.521 of the Revised Code that does not provide for 1467
the management of scrap tires and scrap tire facilities, until 1468
such time as the amended plan of the district resulting from the 1469
change is approved under section 3734.56 of the Revised Code, 1470
"facility" need not include scrap tires unless the solid waste 1471
management policy committee established under division (C) of 1472
section 3734.521 of the Revised Code for the district chooses to 1473
include the management of scrap tires in the district's initial 1474
or amended solid waste management plan prepared under section 1475
3734.521 of the Revised Code in connection with the change 1476
proceedings. 1477

(d) If the policy committee chooses to include the 1478
management of scrap tires in an initial plan prepared under 1479
sections 3734.54 and 3734.55 of the Revised Code or in an 1480
initial or amended plan prepared under section 3734.521 of the 1481
Revised Code, the board of county commissioners or directors 1482
shall execute all of the duties imposed and may exercise any or 1483
all of the rights granted under this section for the purpose of 1484
managing solid waste facilities that are scrap tire collection, 1485
storage, monocell, monofill, or recovery facilities. 1486

(M) As used in this section: 1487

(1) "Source separated recyclable materials" means 1488
materials that are separated from other solid wastes at the 1489
location where the materials are generated for the purpose of 1490

recycling the materials at a legitimate recycling facility. 1491

(2) "Legitimate recycling facility" has the same meaning 1492
as in rule 3745-27-01 of the Administrative Code. 1493

(3) "Internet identifier of record" has the same meaning 1494
as in section 9.312 of the Revised Code. 1495

Sec. 505.109. Upon the sale of any unclaimed property as 1496
provided in section 505.108 of the Revised Code, if any of the 1497
unclaimed property was ordered removed to a place of storage or 1498
stored, or both, by or under the direction of the head of the 1499
organized police department of the township, township police 1500
district, joint police district, or office of a township 1501
constable, any expenses or charges for the removal or storage, 1502
or both, and costs of sale, provided they are approved by the 1503
head of the department, district, or office, shall first be paid 1504
from the proceeds of the sale. Notice shall be given ~~by~~ 1505
~~certified mail,~~ thirty days before the date of the sale, to the 1506
owner and mortgagee, or other lienholder either by certified 1507
mail or, if the department, district, or office has record of an 1508
internet identifier of record associated with the owner, 1509
mortgagee, or lienholder, by ordinary mail and by that internet 1510
identifier of record. Mail shall be delivered at ~~their~~ the 1511
owner's, mortgagee's, or lienholder's last known ~~addresses~~ 1512
address. As used in this section, "internet identifier of 1513
record" has the same meaning as in section 9.312 of the Revised 1514
Code. 1515

Sec. 505.266. (A) As used in this section: 1516

(1) "Concentrated animal feeding facility" and "major 1517
concentrated animal feeding facility" have the same meanings as 1518
in section 903.01 of the Revised Code. 1519

(2) "Facility" means a proposed new or expanded major 1520
concentrated animal feeding facility. 1521

(3) "Improvement" means the construction, modification, or 1522
both of township infrastructure. 1523

(B) A person who proposes to do any of the following shall 1524
provide written notification as required under division (C) of 1525
this section to the board of township trustees of the township 1526
in which a facility is or is to be located: 1527

(1) Establish a new major concentrated animal feeding 1528
facility; 1529

(2) Increase the design capacity of an existing major 1530
concentrated animal feeding facility by ten per cent or more in 1531
excess of the design capacity set forth in the current permit 1532
for construction or modification of the facility or for 1533
installation or modification of the disposal system for manure 1534
at the facility issued under section 903.02 or division (J) of 1535
section 6111.03 of the Revised Code, as applicable; 1536

(3) Increase the design capacity of an existing 1537
concentrated animal feeding facility by ten per cent or more in 1538
excess of the design capacity set forth in the current permit 1539
for construction or modification of the facility or for 1540
installation or modification of the disposal system for manure 1541
at the facility issued under section 903.02 or division (J) of 1542
section 6111.03 of the Revised Code, as applicable, and to a 1543
design capacity of more than ten times the number of animals 1544
specified in any of the categories in division (M) of section 1545
903.01 of the Revised Code. 1546

(C) The person shall notify the board in writing by 1547
certified mail of the proposed construction or expansion of the 1548

facility and include the following information: 1549

(1) The anticipated travel routes of motor vehicles to and 1550
from the facility; 1551

(2) The anticipated number and weights of motor vehicles 1552
traveling to and from the facility. 1553

(D) At the request of the board, the county engineer may 1554
review the written notification and advise the board on both of 1555
the following: 1556

(1) Improvements and maintenance of improvements that are 1557
reasonably needed in order to accommodate the impact on township 1558
infrastructure that is anticipated as a result of the facility, 1559
including increased travel or the types of vehicles on township 1560
roads; 1561

(2) The projected costs of the improvements and 1562
maintenance. 1563

Not later than ten days after receiving the written 1564
notification, the board may request the person to provide 1565
additional reasonable and relevant information regarding the 1566
impact of the facility on township infrastructure. The person 1567
shall provide the information not later than ten days after the 1568
request is made. 1569

(E) (1) Not later than thirty days after the initial 1570
written notification is received by the board, the board shall 1571
submit to the person its recommendations, if any, concerning the 1572
improvements that will be needed as a result of the facility and 1573
the cost of those improvements. 1574

(2) Not later than fifteen days after receipt of the 1575
board's recommendations, the person shall notify the board 1576

either that the person agrees with the recommendations and will 1577
implement them or that the person is submitting reasonable 1578
alternative recommendations or modifications to the board. If 1579
the person agrees with the recommendations, they shall be 1580
considered to be the board's final recommendations. 1581

(3) If the board receives alternative recommendations or 1582
modifications under division (E) (2) of this section, the board 1583
shall select final recommendations and submit them to the person 1584
not later than thirty days after the receipt of the alternative 1585
recommendations or modifications. 1586

(F) (1) The board shall prepare a written, dated statement 1587
certifying that the written notification required under this 1588
section was submitted and that final recommendations were 1589
selected regarding needed improvements and the costs of those 1590
improvements. The board shall provide the person with the 1591
original of the statement so that the person can include it with 1592
the application for a permit to install for the facility as 1593
required under division (C) (5) of section 903.02 of the Revised 1594
Code. The board shall retain a copy of the statement for its 1595
records. 1596

(2) If the board fails to prepare a written, dated 1597
statement in accordance with division (F) (1) of this section 1598
within seventy-five days of receiving the initial written 1599
notification by certified mail from the person, the person 1600
instead shall file with the application for a permit to install 1601
for the facility a notarized affidavit declaring that the person 1602
has met the criteria established in this section and that a 1603
written, dated statement was not received by the person from the 1604
board. 1605

(G) If the person receives a written, dated statement from 1606

the board as provided in division (F)(1) of this section, the 1607
person shall construct, modify, and maintain or finance the 1608
construction, modification, and maintenance of improvements as 1609
provided in the board's final recommendations and with the 1610
approval and oversight of the county engineer. If the person 1611
fails to do so, the board shall notify the person either by 1612
certified mail or, if the board has record of an internet 1613
identifier of record associated with the person, by ordinary 1614
mail and by that internet identifier of record that the board 1615
intends to initiate mediation with the person if the person 1616
remains out of compliance with the final recommendations. 1617

The board shall allow sufficient time for the person to 1618
apply for and proceed to obtain, for the purpose of financing 1619
the construction, modification, or maintenance of the 1620
improvements, exemptions from taxation under sections 5709.63, 1621
5709.632, 5709.73, and 5709.78 of the Revised Code or state or 1622
federal grants that may be available. 1623

If the person remains out of compliance with the final 1624
recommendations, the board may initiate mediation with the 1625
person in order to resolve the differences between them. If 1626
mediation fails to resolve the differences, the board and the 1627
person first shall attempt to resolve the differences through 1628
any legal remedies before seeking redress through a court of 1629
common pleas. 1630

(H) If the person subsequently submits an application 1631
under section 903.02 of the Revised Code for a permit to modify 1632
the facility, or if the routes of travel to or from the facility 1633
change for any reason other than road construction conducted by 1634
the township, the board or the person may request that 1635
additional information be provided in writing and shall proceed 1636

as provided in this section for the notification and 1637
recommendation proceedings. 1638

(I) As used in this section, "internet identifier of 1639
record" has the same meaning as in section 9.312 of the Revised 1640
Code. 1641

Sec. 505.391. (A) If, after the fire department of a 1642
township, township fire district, or joint fire district, or a 1643
private fire company with which the fire department of a 1644
township, township fire district, or joint fire district 1645
contracts for fire protection, responds to a false alarm from an 1646
automatic fire alarm system at a commercial establishment or 1647
residential building, the board of township trustees gives 1648
written notice either by certified mail or, if the board has 1649
record of an internet identifier of record associated with the 1650
building's owner, by ordinary mail and by that internet 1651
identifier of record that it-the board may assess a charge of up 1652
to three hundred dollars for each subsequent false alarm 1653
occurring after three false alarms by that system within the 1654
same calendar year, the board of township trustees may assess 1655
that charge. This notice shall be mailed to the owner and the 1656
lessee, if any, of the building in which the system is 1657
installed. After the board gives this notice, the board need not 1658
give any additional written notices before assessing a charge 1659
for a false alarm as provided by this section. 1660

(B) If payment of the bill assessing a charge for a false 1661
alarm is not received within thirty days, the township fiscal 1662
officer shall send a notice ~~by certified mail~~ to the manager and 1663
to the owner, if different, of the real estate of which the 1664
commercial establishment is a part, or to the occupant, lessee, 1665
agent, or tenant and to the owner, if different, of the real 1666

estate of which the residential building is a part, by either 1667
certified mail or, if the fiscal officer has record of an 1668
internet identifier of record associated with such a person, by 1669
ordinary mail and by that internet identifier of record 1670
indicating that failure to pay the bill within thirty days, or 1671
to show just cause why the bill should not be paid within thirty 1672
days, will result in the assessment of a lien upon the real 1673
estate in the amount of the bill. If payment is not received or 1674
just cause for nonpayment is not shown within those thirty days, 1675
the amount of the bill shall be entered upon the tax duplicate, 1676
shall be a lien upon the real estate from the date of the entry, 1677
and shall be collected as other taxes and returned to the 1678
township treasury to be earmarked for use for fire services. 1679

(C) As used in this section, ~~"commercial":~~ 1680

(1) "Commercial establishment" means a building or 1681
buildings in an area used primarily for nonresidential, 1682
commercial purposes. 1683

(2) "Internet identifier of record" has the same meaning 1684
as in section 9.312 of the Revised Code. 1685

Sec. 505.511. (A) A board of township trustees that 1686
operates a township police department, the board of township 1687
trustees of a township police district, or a joint police 1688
district board may, after police constables, the township 1689
police, a law enforcement agency with which the township 1690
contracts for police services, the joint police district police, 1691
and the county sheriff or the sheriff's deputy have answered a 1692
combined total of three false alarms from the same commercial or 1693
residential security alarm system within the township in the 1694
same calendar year, cause the township fiscal officer to mail 1695
the manager of the commercial establishment or the occupant, 1696

lessee, agent, or tenant of the residence a bill for each 1697
subsequent false alarm from the same alarm system during that 1698
year, to defray the costs incurred. The bill's amount shall be 1699
as follows: 1700

(1) For the fourth false alarm of that year \$50.00; 1701

(2) For the fifth false alarm of that year \$100.00; 1702

(3) For all false alarms in that year occurring after the 1703
fifth false alarm \$150.00. 1704

If payment of the bill is not received within thirty days, 1705
the township fiscal officer or joint police district treasurer 1706
shall send a notice ~~by certified mail~~ to the manager and to the 1707
owner, if different, of the real estate of which the commercial 1708
establishment is a part, or to the occupant, lessee, agent, or 1709
tenant and to the owner, if different, of the real estate of 1710
which the residence is a part, by either certified mail or, if 1711
the fiscal officer has record of an internet identifier of 1712
record associated with such a person, by ordinary mail and by 1713
that internet identifier of record indicating that failure to 1714
pay the bill within thirty days, or to show just cause why the 1715
bill should not be paid, will result in the assessment of a lien 1716
upon the real estate in the amount of the bill. If payment is 1717
not received within those thirty days or if just cause is not 1718
shown, the amount of the bill shall be entered upon the tax 1719
duplicate, shall be a lien upon the real estate from the date of 1720
the entry, and shall be collected as other taxes and returned to 1721
the township treasury to be earmarked for use for police 1722
services. 1723

The board of township trustees shall not cause the 1724
township fiscal officer, or the joint police district board 1725

shall not cause the joint police district treasurer, to send a 1726
bill pursuant to this division if a bill has already been sent 1727
pursuant to division (B) of this section for the same false 1728
alarm. 1729

(B) The county sheriff may, after the county sheriff or 1730
the sheriff's deputy, police constables, the township police, 1731
the joint police district police, and a law enforcement agency 1732
with which the township contracts for police services have 1733
answered a combined total of three false alarms from the same 1734
commercial or residential security alarm system within the 1735
unincorporated area of the county in the same calendar year, 1736
mail the manager of the commercial establishment or the 1737
occupant, lessee, agent, or tenant of the residence a bill for 1738
each subsequent false alarm from the same alarm system during 1739
that year, to defray the costs incurred. The bill's amount shall 1740
be as follows: 1741

(1) For the fourth false alarm of that year \$50.00; 1742

(2) For the fifth false alarm of that year \$100.00; 1743

(3) For all false alarms in that year occurring after the 1744
fifth false alarm \$150.00. 1745

If payment of the bill is not received within thirty days, 1746
the sheriff shall send a notice ~~by certified mail~~ to the manager 1747
and to the owner, if different, of the real estate of which the 1748
commercial establishment is a part, or to the occupant, lessee, 1749
agent, or tenant and to the owner, if different, of the real 1750
estate of which the residence is a part, by either certified 1751
mail or, if the sheriff has record of an internet identifier of 1752
record associated with such a person, by ordinary mail and by 1753
that internet identifier of record indicating that failure to 1754

pay the bill within thirty days, or to show just cause why the 1755
bill should not be paid, will result in the assessment of a lien 1756
upon the real estate in the amount of the bill. If payment is 1757
not received within those thirty days or if just cause is not 1758
shown, the amount of the bill shall be entered upon the tax 1759
duplicate, shall be a lien upon the real estate from the date of 1760
the entry, and shall be collected as other taxes and returned to 1761
the county treasury. 1762

The sheriff shall not send a bill pursuant to this 1763
division if a bill has already been sent pursuant to division 1764
(A) of this section for the same false alarm. 1765

(C) As used in this section, "commercial establishment" 1766
~~has~~ and "internet identifier of record" have the same ~~meaning~~ 1767
meanings as in section 505.391 of the Revised Code. 1768

Sec. 519.14. The township board of zoning appeals may: 1769

(A) Hear and decide appeals where it is alleged there is 1770
error in any order, requirement, decision, or determination made 1771
by an administrative official in the enforcement of sections 1772
519.02 to 519.25 of the Revised Code, or of any resolution 1773
adopted pursuant thereto; 1774

(B) Authorize, upon appeal, in specific cases, such 1775
variance from the terms of the zoning resolution as will not be 1776
contrary to the public interest, where, owing to special 1777
conditions, a literal enforcement of the resolution will result 1778
in unnecessary hardship, and so that the spirit of the 1779
resolution shall be observed and substantial justice done; 1780

(C) Grant conditional zoning certificates for the use of 1781
land, buildings, or other structures if such certificates for 1782
specific uses are provided for in the zoning resolution. If the 1783

board considers conditional zoning certificates for activities 1784
that are permitted and regulated under Chapter 1514. of the 1785
Revised Code or activities that are related to making finished 1786
aggregate products, the board shall proceed in accordance with 1787
section 519.141 of the Revised Code. 1788

(D) Revoke an authorized variance or conditional zoning 1789
certificate granted for the extraction of minerals, if any 1790
condition of the variance or certificate is violated. 1791

The board shall notify the holder of the variance or 1792
certificate either by certified mail or, if the board has record 1793
of an internet identifier of record associated with the holder, 1794
by ordinary mail and by that internet identifier of record of 1795
its intent to revoke the variance or certificate under division 1796
(D) of this section and of the holder's right to a hearing 1797
before the board, within thirty days of the mailing of the 1798
notice, if the holder so requests. If the holder requests a 1799
hearing, the board shall set a time and place for the hearing 1800
and notify the holder. At the hearing, the holder may appear in 1801
person, by the holder's attorney, or by other representative, or 1802
the holder may present the holder's position in writing. The 1803
holder may present evidence and examine witnesses appearing for 1804
or against the holder. If no hearing is requested, the board may 1805
revoke the variance or certificate without a hearing. The 1806
authority to revoke a variance or certificate is in addition to 1807
any other means of zoning enforcement provided by law. 1808

In exercising the above-mentioned powers, the board may, 1809
in conformity with such sections, reverse or affirm, wholly or 1810
partly, or may modify the order, requirement, decision, or 1811
determination appealed from, and may make such order, 1812
requirement, decision, or determination as ought to be made, and 1813

to that end has all powers of the officer from whom the appeal 1814
is taken. 1815

As used in this section, "internet identifier of record" 1816
has the same meaning as in section 9.312 of the Revised Code. 1817

Sec. 902.04. (A) An issuer may from time to time issue 1818
bonds to carry out the lawful purposes set forth in this chapter 1819
including, but not limited to, the purchase of loans or other 1820
evidence of debt from and the making of loans to or through 1821
lending institutions, the payment of the costs of insurance, 1822
letters of credit, certificates of deposit, and purchase 1823
agreements related to the bonds or loans, underwriting, legal, 1824
accounting, financial consulting, rating, printing, and other 1825
services relating to the issuance and sale of the bonds, fees of 1826
any trustee, paying agent, bond registrar, depository, transfer 1827
agent, and authenticating agent, interest on the bonds, 1828
establishment of reserve funds securing the bonds, and any other 1829
costs reasonably related to the issuance, sale, marketing, 1830
servicing, insuring, guaranteeing, and otherwise securing of the 1831
bonds. Any issuer may from time to time, whenever it considers 1832
refunding to be expedient, issue bonds to refund any bonds 1833
issued under this chapter whether the bonds to be refunded have 1834
or have not matured, and may issue bonds partly to refund bonds 1835
then outstanding and partly for any other authorized purpose. 1836
The terms of the issuance and sale of refunding bonds shall be 1837
as provided in this chapter for an original issue of bonds. 1838

(B) Bonds, and the issuance of bonds, pursuant to this 1839
chapter need not comply with any other law applicable to the 1840
issuance of bonds. The deposit, application, safeguarding, and 1841
investment of funds of an issuer received or held under bond 1842
proceedings of the issuer shall not be subject to Chapters 131. 1843

and 135. of the Revised Code. 1844

(C) (1) Bonds issued pursuant to this chapter do not 1845
constitute a debt, or the pledge of the faith and credit, of the 1846
state or any political subdivision thereof, and the holders or 1847
owners of such bonds have no right to have taxes levied by the 1848
general assembly or taxing authority of any political 1849
subdivision for the payment of the principal thereof or interest 1850
thereon. Moneys raised by taxation shall not be obligated or 1851
pledged for the payment of principal of or interest on such 1852
bonds, but such bonds shall be payable solely from the revenues 1853
and security interests pledged for their payment as authorized 1854
by this chapter, unless bonds are issued in anticipation of the 1855
issuance of or are refunded by refunding bonds issued pursuant 1856
to this chapter, which refunding bonds shall be payable solely 1857
from revenues and security interests pledged for their payment 1858
as authorized by this chapter. Bond anticipation notes may be 1859
secured solely or additionally by a covenant of the issuer that 1860
it will do all things necessary for the issuance of the bonds 1861
anticipated or renewal notes in appropriate amount and either 1862
exchange such bonds or renewal notes for such notes or apply the 1863
proceeds therefrom to the extent necessary to make full payment 1864
of the principal of and interest on such notes. 1865

(2) Any pledge of revenues to the payment of bonds is 1866
valid and binding from the time the pledge is made and the 1867
revenues so pledged and thereafter received by the issuer are 1868
immediately subject to the lien of such pledge without any 1869
separation or physical delivery thereof, or further act, and the 1870
lien of any such pledge is valid and binding as against all 1871
parties having claims of any kind in tort, contract, or 1872
otherwise against the issuer, irrespective of whether such 1873
parties have notice thereof, and creates a perfected security 1874

interest for all purposes of Chapter 1309. of the Revised Code. 1875
Neither the resolution or ordinance nor any trust agreement or 1876
indenture by which a pledge is created need be filed or recorded 1877
except in the records of the issuer. 1878

(3) All bonds shall contain on the face thereof a 1879
statement to the effect that the bonds, as to both principal and 1880
interest, are not debts of the state or any political 1881
subdivision thereof, but are payable solely from the revenues 1882
and security interests pledged for their payment. 1883

(D) (1) The bonds shall be authorized by one or more 1884
resolutions or ordinances of the issuing authority, shall bear 1885
such date or dates, and shall mature at such time or times, not 1886
exceeding forty years from the date of issue, and have such 1887
redemption and purchase provisions as are authorized by or 1888
pursuant to such resolutions or ordinances. The bonds shall bear 1889
interest at such rate or rates, or at a variable rate or rates, 1890
as provided in or authorized by or pursuant to such resolutions 1891
or ordinances. The bonds shall be in such denominations, be in 1892
such form, either coupon, registered or book entry, carry such 1893
registration privileges, be payable in such medium of payment, 1894
at such place or places, and be subject to such terms of 1895
redemption as the issuing authority may authorize. The bonds may 1896
be sold by the issuing authority at public or private sale, at 1897
not less than such price or prices as the issuer determines. 1898
Notwithstanding any other provision of this chapter or Chapter 1899
165., 761., or 1724. of the Revised Code, the commission shall 1900
have exclusive power to authorize the issuance and sale of bonds 1901
for agricultural purposes under a composite financing 1902
arrangement in excess of five hundred thousand dollars; provided 1903
that other issuers may issue bonds under composite financing 1904
arrangements in such greater amounts and at such times as shall 1905

be approved by the commission. 1906

(2) Bonds issued by the agricultural financing commission 1907
shall be executed by the ~~chairman~~ chairperson or ~~vice-chairman~~ 1908
vice-chairperson of the commission, manually or by a facsimile 1909
signature. The official seal of the commission or a facsimile 1910
thereof shall be affixed thereto or printed thereon, and any 1911
coupons attached thereto shall bear the signature or facsimile 1912
signature of the ~~chairman~~ chairperson or ~~vice-chairman~~ vice- 1913
chairperson of the commission. Bonds and coupons issued by any 1914
other issuer shall be executed by such officers, in manual or 1915
facsimile form, and bear such official seal or a facsimile 1916
thereof, as shall be provided in the bond ~~proceedings~~ proceedings 1917
for the bonds. In case any officer whose signature or a 1918
facsimile of whose signature, appears on any bonds or coupons 1919
ceases to be such officer before delivery of bonds, such 1920
signature or facsimile is nevertheless sufficient for all 1921
purposes the same as if ~~he~~ the officer had remained in office 1922
until such delivery, and in case the seal has been changed after 1923
a facsimile has been imprinted on such bonds, such facsimile 1924
seal will continue to be sufficient for all purposes. The bonds 1925
may also be issued and executed in book entry form in such 1926
manner as is appropriate to that form. Neither the members of 1927
the issuing authority nor any person executing the bonds is 1928
liable personally on the bonds or subject to any personal 1929
liability by reason of the issuance thereof. 1930

(E) If the issuer is a county or municipal corporation, 1931
then prior to the delivery of bonds issued under authority of 1932
this section, the issuing authority shall send written notice ~~by~~ 1933
~~certified mail~~ to the director of agriculture and the director 1934
of development either by certified mail or, if the issuing 1935
authority has record of an internet identifier of record 1936

associated with the director, by ordinary mail and by that 1937
internet identifier of record advising of the proposed delivery 1938
of the bonds, the amount thereof, the proposed lessee of the 1939
project or person to whom the proceeds of the bonds will be 1940
loaned, and a general description of the project or projects to 1941
be financed. 1942

(F) All bonds issued under authority of this chapter, 1943
regardless of form or terms and regardless of any other law to 1944
the contrary, shall have all qualities and incidents of 1945
negotiable instruments, subject to provisions for registration, 1946
and may be issued in coupon, fully registered, or other form, or 1947
any combination thereof, as the issuing authority determines. 1948
Provision may be made for the registration of any coupon bonds 1949
as to principal alone or as to both principal and interest, and 1950
for the conversion into coupon bonds of any fully registered 1951
bonds or bonds registered as to both principal and interest. 1952

(G) As used in this section, "internet identifier of 1953
record" has the same meaning as in section 9.312 of the Revised 1954
Code. 1955

Sec. 931.03. (A) (1) Not later than sixty days after 1956
receipt of an application submitted under section 931.02 of the 1957
Revised Code, the board of township trustees of each township in 1958
which the land that is proposed for enrollment in an 1959
agricultural security area is located and the board of county 1960
commissioners of each county in which the land is located shall 1961
hear the application at the next regularly scheduled meeting of 1962
the board. A board, not later than thirty days prior to the time 1963
of the meeting, shall cause a notice containing the time and 1964
place of the meeting to be published in a newspaper of general 1965
circulation in the township or county, as applicable, and to be 1966

sent to the superintendent of each school district within the 1967
proposed agricultural security area, the county engineer of each 1968
county in which the proposed area would be located, the 1969
legislative authority of each municipal corporation that is 1970
located within one-half mile of the boundaries of the proposed 1971
area if the municipal corporation has requested notice of such a 1972
meeting, and the director of transportation. 1973

As part of the hearing on an application, a board shall 1974
review any information that it possesses concerning improvements 1975
that are planned to be made during the subsequent ten years to 1976
existing or proposed roads that are located or are to be located 1977
within the area that is proposed for enrollment in an 1978
agricultural security area. As used in division (A)(1) of this 1979
section, "proposed road" means any future roadway project that 1980
is on a new alignment or relocation of an existing alignment and 1981
for which state or federal funding has been allocated for, but 1982
not limited to, a planning level roadway improvement study, an 1983
interchange justification or bypass study, environmental review, 1984
design, right-of-way acquisition, or construction, and 1985
"improvement" includes any action taken with respect to an 1986
existing or proposed road that would cause the road to cover a 1987
portion of land that it does not cover or is not proposed to 1988
cover at the time of the hearing. Any portion of land that would 1989
be covered by a planned improvement shall not be eligible for 1990
enrollment in an agricultural security area. 1991

As part of the hearing on an application, a board also may 1992
consider any comprehensive plan that is in place for the county 1993
or township, as applicable, and may choose to approve or reject 1994
the application on the basis of the proposed agricultural 1995
security area's compliance with the comprehensive plan. 1996

(2) The board of township trustees of each township and 1997
the board of county commissioners of each county that is 1998
required to hear an application under division (A) (1) of this 1999
section may conduct a joint meeting in lieu of meeting 2000
separately not later than forty-five days after receipt of an 2001
application under section 931.02 of the Revised Code. A single 2002
public notice concerning the meeting shall be provided in the 2003
manner prescribed in division (A) (1) of this section in each 2004
township and county participating in the meeting. The cost of 2005
the public notice shall be shared equally by all townships and 2006
counties participating in the joint meeting. 2007

For purposes of such a joint meeting, the clerk of the 2008
board of county commissioners of the county that includes the 2009
most land that is located or is to be located within the 2010
agricultural security area shall serve as the clerk on behalf of 2011
all boards of county commissioners and boards of township 2012
trustees participating in the joint meeting. The clerk's duties 2013
shall include providing the public notice that is required under 2014
this section together with maintaining minutes and a record of 2015
proceedings for the joint meeting. 2016

(3) Not later than forty-five days after a board of 2017
township trustees hears the application and not later than sixty 2018
days after a board of county commissioners hears the 2019
application, each respective board shall adopt a resolution 2020
either approving or rejecting the application. However, if a 2021
board determines that the information in the application is 2022
incorrect or the application is incomplete, the board shall 2023
return the application to the applicant, either by certified 2024
mail or, if the board has record of an internet identifier of 2025
record associated with the applicant, by ordinary mail and by 2026
that internet identifier of record, with an enumeration of the 2027

items that are incorrect or incomplete. 2028

Upon receipt of the returned application, the applicant 2029
may amend the application. Not later than fifteen days after 2030
receipt of the returned application, the applicant may submit an 2031
amended application to each board of township trustees and each 2032
board of county commissioners to whom the original application 2033
was submitted. 2034

Not later than thirty days after receipt of an amended 2035
application, a board shall adopt a resolution either approving 2036
or rejecting the amended application. Not later than five days 2037
after adoption of the resolution, the board shall notify the 2038
applicant, either by certified mail or, if the board has record 2039
of an internet identifier of record associated with the 2040
applicant, by ordinary mail and by that internet identifier of 2041
record, of the board's decision to approve or reject the 2042
application. 2043

(4) Any person may submit comments to any board of county 2044
commissioners or board of township trustees to which an 2045
application or amended application has been submitted under this 2046
chapter at any time prior to and at any public meeting at which 2047
the application or amended application is heard. 2048

(B) (1) An agricultural security area is established, and 2049
the land that is proposed for inclusion in the area is enrolled 2050
in the area, upon the adoption of a resolution by each of the 2051
affected boards of township trustees and boards of county 2052
commissioners approving the same version of the application or 2053
applications requesting the establishment of the area. 2054

(2) Not later than thirty days after a board adopts a 2055
resolution approving the establishment of an agricultural 2056

security area, the board shall send a copy of the resolution to 2057
the director of agriculture, the director of transportation, the 2058
superintendent of each school district within the area, the 2059
county engineer, and the county auditor. 2060

(C) A resolution approving the establishment of an 2061
agricultural security area shall include all of the following: 2062

(1) A statement that the board of township trustees or 2063
board of county commissioners, as applicable, commits not to 2064
initiate, approve, or finance any development for residential, 2065
commercial, or industrial purposes, including construction of 2066
new roads and water and sewer lines, within the area for a 2067
period of ten years. For purposes of division (C)(1) of this 2068
section, "development" does not include any of the following: 2069

(a) The improvement of existing roads, provided that the 2070
county engineer of each county in which the portion of the area 2071
affected by the improvement is located determines that the 2072
improvement is necessary for traffic safety, and provided that 2073
the improvement is as consistent as possible with the 2074
agricultural use of land in the area; 2075

(b) The construction, modification, or operation of 2076
transmission or distribution lines for electricity, gas, or oil 2077
or of any gathering or production lines for oil or gas, provided 2078
that the construction, modification, or operation of the lines 2079
does not cause the land to become ineligible for valuation and 2080
assessment for real property tax purposes in accordance with its 2081
current agricultural use value under sections 5713.30 to 5713.38 2082
of the Revised Code; 2083

(c) The construction, modification, or operation of water 2084
lines or sewer lines, provided that an official or employee of 2085

the environmental protection agency orders the construction, 2086
modification, or operation for the purpose of enabling water and 2087
sewer service areas that are outside of the agricultural 2088
security area to be connected to each other, and provided that 2089
the lines do not provide service connections to land within the 2090
agricultural security area. 2091

(2) A requirement that the owner or owners of the land in 2092
the area use best management practices; 2093

(3) A statement that describes the agreement that was 2094
reached with other boards, if applicable, under section 5709.28 2095
of the Revised Code concerning the percentage of the taxable 2096
value of qualifying agricultural real property in the 2097
agricultural security area that is to be exempted from taxation 2098
under that section and the number of years that the tax 2099
exemption established under that section will apply to that 2100
property. 2101

(D) An agricultural security area may continue in 2102
existence for ten years unless either of the following occurs: 2103

(1) The sole owner of land enrolled in the area withdraws 2104
under section 931.07 of the Revised Code. 2105

(2) Unless division (C) of section 931.07 of the Revised 2106
Code applies, land in the area fails to satisfy any of the 2107
criteria specified in divisions (B)(1) to (3) of section 931.02 2108
of the Revised Code. 2109

(E) The approval or disapproval of an application under 2110
this section is not a final order, adjudication, or decision 2111
under section 2506.01 of the Revised Code and is not appealable 2112
under Chapter 2506. of the Revised Code. 2113

(F) As used in this section, "internet identifier of 2114

record" has the same meaning as in section 9.312 of the Revised 2115
Code. 2116

Sec. 940.20. As soon as the supervisors of a soil and 2117
water conservation district have established the dates, times, 2118
and locations of the view and the hearing concerning a proposed 2119
improvement, they shall send, at least twenty days prior to the 2120
date established for the view, a written notice of the view and 2121
the hearing to the landowners within the area to be benefited by 2122
the proposed improvement and to the board of county 2123
commissioners and the county engineer. The supervisors shall 2124
notify all landowners that are adjacent to the proposed 2125
improvement either by certified mail or, if the supervisors have 2126
record of an internet identifier of record associated with such 2127
a landowner, by ordinary mail and by that internet identifier of 2128
record, and shall notify all others by certified mail or first 2129
class mailings. Any such written notice shall have the words 2130
"Legal Notice" printed in plain view on the face of the envelope 2131
or, in the case of service by an internet identifier of record, 2132
in conspicuous typeface at the top of the notice. In addition, 2133
the supervisors shall invite to the view and the hearing the 2134
staff of the soil and water conservation district and the staff 2135
of the natural resources conservation service in the United 2136
States department of agriculture that is involved with the 2137
district together with any other people that the supervisors 2138
consider to be necessary to the proceedings. 2139

As used in this section, "internet identifier of record" 2140
has the same meaning as in section 9.312 of the Revised Code. 2141

Sec. 3517.01. (A) (1) A political party within the meaning 2142
of Title XXXV of the Revised Code is any group of voters that 2143
meets either of the following requirements: 2144

(a) Except as otherwise provided in this division, at the 2145
most recent regular state election, the group polled for its 2146
candidate for governor in the state or nominees for presidential 2147
electors at least three per cent of the entire vote cast for 2148
that office. A group that meets the requirements of this 2149
division remains a political party for a period of four years 2150
after meeting those requirements. 2151

(b) The group filed with the secretary of state, 2152
subsequent to its failure to meet the requirements of division 2153
(A) (1) (a) of this section, a party formation petition that meets 2154
all of the following requirements: 2155

(i) The petition is signed by qualified electors equal in 2156
number to at least one per cent of the total vote for governor 2157
or nominees for presidential electors at the most recent 2158
election for such office. 2159

(ii) The petition is signed by not fewer than five hundred 2160
qualified electors from each of at least a minimum of one-half 2161
of the congressional districts in this state. If an odd number 2162
of congressional districts exists in this state, the number of 2163
districts that results from dividing the number of congressional 2164
districts by two shall be rounded up to the next whole number. 2165

(iii) The petition declares the petitioners' intention of 2166
organizing a political party, the name of which shall be stated 2167
in the declaration, and of participating in the succeeding 2168
general election, held in even-numbered years, that occurs more 2169
than one hundred twenty-five days after the date of filing. 2170

(iv) The petition designates a committee of not less than 2171
three nor more than five individuals of the petitioners, who 2172
shall represent the petitioners in all matters relating to the 2173

petition. Notice of all matters or proceedings pertaining to the 2174
petition may be served on the committee, or any of them, either 2175
personally or by registered mail, or by leaving such notice at 2176
the usual place of residence of each of them. 2177

(2) No such group of electors shall assume a name or 2178
designation that is similar, in the opinion of the secretary of 2179
state, to that of an existing political party as to confuse or 2180
mislead the voters at an election. 2181

(B) A campaign committee shall be legally liable for any 2182
debts, contracts, or expenditures incurred or executed in its 2183
name. 2184

(C) Notwithstanding the definitions found in section 2185
3501.01 of the Revised Code, as used in this section and 2186
sections 3517.08 to 3517.14, 3517.99, and 3517.992 of the 2187
Revised Code: 2188

(1) "Campaign committee" means a candidate or a 2189
combination of two or more persons authorized by a candidate 2190
under section 3517.081 of the Revised Code to receive 2191
contributions and make expenditures. 2192

(2) "Campaign treasurer" means an individual appointed by 2193
a candidate under section 3517.081 of the Revised Code. 2194

(3) "Candidate" has the same meaning as in division (H) of 2195
section 3501.01 of the Revised Code and also includes any person 2196
who, at any time before or after an election, receives 2197
contributions or makes expenditures or other use of 2198
contributions, has given consent for another to receive 2199
contributions or make expenditures or other use of 2200
contributions, or appoints a campaign treasurer, for the purpose 2201
of bringing about the person's nomination or election to public 2202

office. When two persons jointly seek the offices of governor 2203
and lieutenant governor, "candidate" means the pair of 2204
candidates jointly. "Candidate" does not include candidates for 2205
election to the offices of member of a county or state central 2206
committee, presidential elector, and delegate to a national 2207
convention or conference of a political party. 2208

(4) "Continuing association" means an association, other 2209
than a campaign committee, political party, legislative campaign 2210
fund, political contributing entity, or labor organization, that 2211
is intended to be a permanent organization that has a primary 2212
purpose other than supporting or opposing specific candidates, 2213
political parties, or ballot issues, and that functions on a 2214
regular basis throughout the year. "Continuing association" 2215
includes organizations that are determined to be not organized 2216
for profit under subsection 501 and that are described in 2217
subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal 2218
Revenue Code. 2219

(5) "Contribution" means a loan, gift, deposit, 2220
forgiveness of indebtedness, donation, advance, payment, or 2221
transfer of funds or anything of value, including a transfer of 2222
funds from an inter vivos or testamentary trust or decedent's 2223
estate, and the payment by any person other than the person to 2224
whom the services are rendered for the personal services of 2225
another person, which contribution is made, received, or used 2226
for the purpose of influencing the results of an election. Any 2227
loan, gift, deposit, forgiveness of indebtedness, donation, 2228
advance, payment, or transfer of funds or of anything of value, 2229
including a transfer of funds from an inter vivos or 2230
testamentary trust or decedent's estate, and the payment by any 2231
campaign committee, political action committee, legislative 2232
campaign fund, political party, political contributing entity, 2233

or person other than the person to whom the services are 2234
rendered for the personal services of another person, that is 2235
made, received, or used by a state or county political party, 2236
other than moneys a state or county political party receives 2237
from the Ohio political party fund pursuant to section 3517.17 2238
of the Revised Code and the moneys an entity may receive under 2239
sections 3517.101, 3517.1012, and 3517.1013 of the Revised Code, 2240
shall be considered to be a "contribution" for the purpose of 2241
section 3517.10 of the Revised Code and shall be included on a 2242
statement of contributions filed under that section. 2243

"Contribution" does not include any of the following: 2244

(a) Services provided without compensation by individuals 2245
volunteering a portion or all of their time on behalf of a 2246
person; 2247

(b) Ordinary home hospitality; 2248

(c) The personal expenses of a volunteer paid for by that 2249
volunteer campaign worker; 2250

(d) Any gift given to an entity pursuant to section 2251
3517.101 of the Revised Code; 2252

(e) Any contribution as defined in section 3517.1011 of 2253
the Revised Code that is made, received, or used to pay the 2254
direct costs of producing or airing an electioneering 2255
communication; 2256

(f) Any gift given to a state or county political party 2257
for the party's restricted fund under division (A) (2) of section 2258
3517.1012 of the Revised Code; 2259

(g) Any gift given to a state political party for deposit 2260
in a Levin account pursuant to section 3517.1013 of the Revised 2261

Code. As used in this division, "Levin account" has the same 2262
meaning as in that section. 2263

(h) Any donation given to a transition fund under section 2264
3517.1014 of the Revised Code. 2265

(6) "Expenditure" means the disbursement or use of a 2266
contribution for the purpose of influencing the results of an 2267
election or of making a charitable donation under division (G) 2268
of section 3517.08 of the Revised Code. Any disbursement or use 2269
of a contribution by a state or county political party is an 2270
expenditure and shall be considered either to be made for the 2271
purpose of influencing the results of an election or to be made 2272
as a charitable donation under division (G) of section 3517.08 2273
of the Revised Code and shall be reported on a statement of 2274
expenditures filed under section 3517.10 of the Revised Code. 2275
During the thirty days preceding a primary or general election, 2276
any disbursement to pay the direct costs of producing or airing 2277
a broadcast, cable, or satellite communication that refers to a 2278
clearly identified candidate shall be considered to be made for 2279
the purpose of influencing the results of that election and 2280
shall be reported as an expenditure or as an independent 2281
expenditure under section 3517.10 or 3517.105 of the Revised 2282
Code, as applicable, except that the information required to be 2283
reported regarding contributors for those expenditures or 2284
independent expenditures shall be the same as the information 2285
required to be reported under divisions (D) (1) and (2) of 2286
section 3517.1011 of the Revised Code. 2287

As used in this division, "broadcast, cable, or satellite 2288
communication" and "refers to a clearly identified candidate" 2289
have the same meanings as in section 3517.1011 of the Revised 2290
Code. 2291

(7) "Personal expenses" includes, but is not limited to, 2292
ordinary expenses for accommodations, clothing, food, personal 2293
motor vehicle or airplane, and home telephone. 2294

(8) "Political action committee" means a combination of 2295
two or more persons, the primary or major purpose of which is to 2296
support or oppose any candidate, political party, or issue, or 2297
to influence the result of any election through express 2298
advocacy, and that is not a political party, a campaign 2299
committee, a political contributing entity, or a legislative 2300
campaign fund. "Political action committee" does not include 2301
either of the following: 2302

(a) A continuing association that makes disbursements for 2303
the direct costs of producing or airing electioneering 2304
communications and that does not engage in express advocacy; 2305

(b) A political club that is formed primarily for social 2306
purposes and that consists of one hundred members or less, has 2307
officers and periodic meetings, has less than two thousand five 2308
hundred dollars in its treasury at all times, and makes an 2309
aggregate total contribution of one thousand dollars or less per 2310
calendar year. 2311

(9) "Public office" means any state, county, municipal, 2312
township, or district office, except an office of a political 2313
party, that is filled by an election and the offices of United 2314
States senator and representative. 2315

(10) "Anything of value" has the same meaning as in 2316
section 1.03 of the Revised Code. 2317

(11) "Beneficiary of a campaign fund" means a candidate, a 2318
public official or employee for whose benefit a campaign fund 2319
exists, and any other person who has ever been a candidate or 2320

public official or employee and for whose benefit a campaign 2321
fund exists. 2322

(12) "Campaign fund" means money or other property, 2323
including contributions. 2324

(13) "Public official or employee" has the same meaning as 2325
in section 102.01 of the Revised Code. 2326

(14) "Caucus" means all of the members of the house of 2327
representatives or all of the members of the senate of the 2328
general assembly who are members of the same political party. 2329

(15) "Legislative campaign fund" means a fund that is 2330
established as an auxiliary of a state political party and 2331
associated with one of the houses of the general assembly. 2332

(16) "In-kind contribution" means anything of value other 2333
than money that is used to influence the results of an election 2334
or is transferred to or used in support of or in opposition to a 2335
candidate, campaign committee, legislative campaign fund, 2336
political party, political action committee, or political 2337
contributing entity and that is made with the consent of, in 2338
coordination, cooperation, or consultation with, or at the 2339
request or suggestion of the benefited candidate, committee, 2340
fund, party, or entity. The financing of the dissemination, 2341
distribution, or republication, in whole or part, of any 2342
broadcast or of any written, graphic, or other form of campaign 2343
materials prepared by the candidate, the candidate's campaign 2344
committee, or their authorized agents is an in-kind contribution 2345
to the candidate and an expenditure by the candidate. 2346

(17) "Independent expenditure" means an expenditure by a 2347
person advocating the election or defeat of an identified 2348
candidate or candidates, that is not made with the consent of, 2349

in coordination, cooperation, or consultation with, or at the 2350
request or suggestion of any candidate or candidates or of the 2351
campaign committee or agent of the candidate or candidates. As 2352
used in division (C) (17) of this section: 2353

(a) "Person" means an individual, partnership, 2354
unincorporated business organization or association, political 2355
action committee, political contributing entity, separate 2356
segregated fund, association, or other organization or group of 2357
persons, but not a labor organization or a corporation unless 2358
the labor organization or corporation is a political 2359
contributing entity. 2360

(b) "Advocating" means any communication containing a 2361
message advocating election or defeat. 2362

(c) "Identified candidate" means that the name of the 2363
candidate appears, a photograph or drawing of the candidate 2364
appears, or the identity of the candidate is otherwise apparent 2365
by unambiguous reference. 2366

(d) "Made in coordination, cooperation, or consultation 2367
with, or at the request or suggestion of, any candidate or the 2368
campaign committee or agent of the candidate" means made 2369
pursuant to any arrangement, coordination, or direction by the 2370
candidate, the candidate's campaign committee, or the 2371
candidate's agent prior to the publication, distribution, 2372
display, or broadcast of the communication. An expenditure is 2373
presumed to be so made when it is any of the following: 2374

(i) Based on information about the candidate's plans, 2375
projects, or needs provided to the person making the expenditure 2376
by the candidate, or by the candidate's campaign committee or 2377
agent, with a view toward having an expenditure made; 2378

(ii) Made by or through any person who is, or has been, 2379
authorized to raise or expend funds, who is, or has been, an 2380
officer of the candidate's campaign committee, or who is, or has 2381
been, receiving any form of compensation or reimbursement from 2382
the candidate or the candidate's campaign committee or agent; 2383

(iii) Except as otherwise provided in division (D) of 2384
section 3517.105 of the Revised Code, made by a political party 2385
in support of a candidate, unless the expenditure is made by a 2386
political party to conduct voter registration or voter education 2387
efforts. 2388

(e) "Agent" means any person who has actual oral or 2389
written authority, either express or implied, to make or to 2390
authorize the making of expenditures on behalf of a candidate, 2391
or means any person who has been placed in a position with the 2392
candidate's campaign committee or organization such that it 2393
would reasonably appear that in the ordinary course of campaign- 2394
related activities the person may authorize expenditures. 2395

(18) "Labor organization" means a labor union; an employee 2396
organization; a federation of labor unions, groups, locals, or 2397
other employee organizations; an auxiliary of a labor union, 2398
employee organization, or federation of labor unions, groups, 2399
locals, or other employee organizations; or any other bona fide 2400
organization in which employees participate and that exists for 2401
the purpose, in whole or in part, of dealing with employers 2402
concerning grievances, labor disputes, wages, hours, and other 2403
terms and conditions of employment. 2404

(19) "Separate segregated fund" means a separate 2405
segregated fund established pursuant to the Federal Election 2406
Campaign Act. 2407

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

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

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

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

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

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

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

Sec. 3517.11. (A)(1) Campaign committees of candidates for statewide office or the state board of education, political action committees or political contributing entities that make

contributions to campaign committees of candidates that are 2437
required to file the statements prescribed by section 3517.10 of 2438
the Revised Code with the secretary of state, political action 2439
committees or political contributing entities that make 2440
contributions to campaign committees of candidates for member of 2441
the general assembly, political action committees or political 2442
contributing entities that make contributions to state and 2443
national political parties and to legislative campaign funds, 2444
political action committees or political contributing entities 2445
that receive contributions or make expenditures in connection 2446
with a statewide ballot issue, political action committees or 2447
political contributing entities that make contributions to other 2448
political action committees or political contributing entities, 2449
political parties, and campaign committees, except as set forth 2450
in division (A) (3) of this section, legislative campaign funds, 2451
and state and national political parties shall file the 2452
statements prescribed by section 3517.10 of the Revised Code 2453
with the secretary of state. 2454

(2) (a) Except as otherwise provided in division (F) of 2455
section 3517.106 of the Revised Code, campaign committees of 2456
candidates for all other offices shall file the statements 2457
prescribed by section 3517.10 of the Revised Code with the board 2458
of elections where their candidates are required to file their 2459
petitions or other papers for nomination or election. 2460

(b) A campaign committee of a candidate for office of 2461
member of the general assembly or a campaign committee of a 2462
candidate for the office of judge of a court of appeals shall 2463
file two copies of the printed version of any statement, 2464
addendum, or amended statement if the committee does not file 2465
pursuant to division (F) (1) or (L) of section 3517.106 of the 2466
Revised Code but files by printed version only with the 2467

appropriate board of elections. The board of elections shall 2468
send one of those copies by certified mail or an electronic copy 2469
to the secretary of state before the close of business on the 2470
day the board of elections receives the statement, addendum, or 2471
amended statement. 2472

(3) Political action committees or political contributing 2473
entities that only contribute to a county political party, 2474
contribute to campaign committees of candidates whose nomination 2475
or election is to be submitted only to electors within a county, 2476
subdivision, or district, excluding candidates for member of the 2477
general assembly, and receive contributions or make expenditures 2478
in connection with ballot questions or issues to be submitted 2479
only to electors within a county, subdivision, or district shall 2480
file the statements prescribed by section 3517.10 of the Revised 2481
Code with the board of elections in that county or in the county 2482
contained in whole or part within the subdivision or district 2483
having a population greater than that of any other county 2484
contained in whole or part within that subdivision or district, 2485
as the case may be. 2486

(4) Except as otherwise provided in division (E) (3) of 2487
section 3517.106 of the Revised Code with respect to state 2488
candidate funds, county political parties shall file the 2489
statements prescribed by section 3517.10 of the Revised Code 2490
with the board of elections of their respective counties. 2491

(B) (1) The official with whom petitions and other papers 2492
for nomination or election to public office are filed shall 2493
furnish each candidate at the time of that filing a copy of 2494
sections 3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 2495
3599.03, and 3599.031 of the Revised Code and any other 2496
materials that the secretary of state may require. Each 2497

candidate receiving the materials shall acknowledge their 2498
receipt in writing. 2499

(2) On or before the tenth day before the dates on which 2500
statements are required to be filed by section 3517.10 of the 2501
Revised Code, the secretary of state shall notify every 2502
candidate subject to the provisions of this section and sections 2503
3517.10 and 3517.106 of the Revised Code ~~shall be notified of~~ 2504
the requirements and applicable penalties of those sections. The 2505
secretary of state, ~~by certified mail, return receipt requested,~~ 2506
shall notify all candidates required to file those statements 2507
with the secretary of state's office either by certified mail, 2508
or, if the secretary of state has record of an internet 2509
identifier of record associated with the candidate, by ordinary 2510
mail and by that internet identifier of record. The board of 2511
elections of every county shall notify by first class mail any 2512
candidate who has personally appeared at the office of the board 2513
on or before the tenth day before the statements are required to 2514
be filed and signed a form, to be provided by the secretary of 2515
state, attesting that the candidate has been notified of the 2516
candidate's obligations under the campaign finance law. The 2517
board shall forward the completed form to the secretary of 2518
state. The board shall ~~use certified mail, return receipt-~~ 2519
~~requested, to~~ notify all other candidates required to file those 2520
statements with it either by certified mail, or, if the 2521
secretary of state has record of an internet identifier of 2522
record associated with the candidate, by ordinary mail and by 2523
that internet identifier of record. 2524

(3) (a) Any statement required to be filed under sections 2525
3517.081 to 3517.17 of the Revised Code that is found to be 2526
incomplete or inaccurate by the officer to whom it is submitted 2527
shall be accepted on a conditional basis, and the person who 2528

filed it shall be notified by certified mail as to the 2529
incomplete or inaccurate nature of the statement. The secretary 2530
of state may examine statements filed for candidates for the 2531
office of member of the general assembly and candidates for the 2532
office of judge of a court of appeals for completeness and 2533
accuracy. The secretary of state shall examine for completeness 2534
and accuracy statements that campaign committees of candidates 2535
for the office of member of the general assembly and campaign 2536
committees of candidates for the office of judge of a court of 2537
appeals file pursuant to division (F) or (L) of section 3517.106 2538
of the Revised Code. If an officer at the board of elections 2539
where a statement filed for a candidate for the office of member 2540
of the general assembly or for a candidate for the office of 2541
judge of a court of appeals was submitted finds the statement to 2542
be incomplete or inaccurate, the officer shall immediately 2543
notify the secretary of state of its incomplete or inaccurate 2544
nature. If either an officer at the board of elections or the 2545
secretary of state finds a statement filed for a candidate for 2546
the office of member of the general assembly or for a candidate 2547
for the office of judge of a court of appeals to be incomplete 2548
or inaccurate, only the secretary of state shall send the 2549
notification as to the incomplete or inaccurate nature of the 2550
statement. 2551

Within twenty-one days after receipt of the notice, in the 2552
case of a pre-election statement, a postelection statement, a 2553
monthly statement, an annual statement, or a semiannual 2554
statement prescribed by section 3517.10, an annual statement 2555
prescribed by section 3517.101, or a statement prescribed by 2556
division (B) (2) (b) or (C) (2) (b) of section 3517.105 or section 2557
3517.107 of the Revised Code, the recipient shall file an 2558
addendum, amendment, or other correction to the statement 2559

providing the information necessary to complete or correct the 2560
statement. The secretary of state may require that, in lieu of 2561
filing an addendum, amendment, or other correction to a 2562
statement that is filed by electronic means of transmission to 2563
the office of the secretary of state pursuant to section 2564
3517.106 of the Revised Code, the recipient of the notice 2565
described in this division file by electronic means of 2566
transmission an amended statement that incorporates the 2567
information necessary to complete or correct the statement. 2568

The secretary of state shall determine by rule when an 2569
addendum, amendment, or other correction to any of the following 2570
or when an amended statement of any of the following shall be 2571
filed: 2572

(i) A two-business-day statement prescribed by section 2573
3517.10 of the Revised Code; 2574

(ii) A disclosure of electioneering communications 2575
statement prescribed by division (D) of section 3517.1011 of the 2576
Revised Code; 2577

(iii) A deposit and disbursement statement prescribed 2578
under division (B) of section 3517.1012 of the Revised Code; 2579

(iv) A gift and disbursement statement prescribed under 2580
section 3517.1013 of the Revised Code; 2581

(v) A donation and disbursement statement prescribed under 2582
section 3517.1014 of the Revised Code. 2583

An addendum, amendment, or other correction to a statement 2584
that is filed by electronic means of transmission pursuant to 2585
section 3517.106 of the Revised Code shall be filed in the same 2586
manner as the statement. 2587

The provisions of sections 3517.10, 3517.106, 3517.1011, 2588
3517.1012, 3517.1013, and 3517.1014 of the Revised Code 2589
pertaining to the filing of statements of contributions and 2590
expenditures, statements of independent expenditures, disclosure 2591
of electioneering communications statements, deposit and 2592
disbursement statements, gift and disbursement statements, and 2593
donation and disbursement statements by electronic means of 2594
transmission apply to the filing of addenda, amendments, or 2595
other corrections to those statements by electronic means of 2596
transmission and the filing of amended statements by electronic 2597
means of transmission. 2598

(b) Within five business days after the secretary of state 2599
receives, by electronic or other means of transmission, an 2600
addendum, amendment, or other correction to a statement or an 2601
amended statement under division (B)(3)(a) of this section, the 2602
secretary of state, pursuant to divisions (E), (F), (G), and (I) 2603
of section 3517.106 or division (D) of section 3517.1011 of the 2604
Revised Code, shall make the contribution and expenditure, 2605
contribution and disbursement, deposit and disbursement, gift 2606
and disbursement, or donation and disbursement information in 2607
that addendum, amendment, correction, or amended statement 2608
available online to the public through the internet. 2609

(4) (a) The secretary of state or the board of elections 2610
shall examine all statements for compliance with sections 2611
3517.08 to 3517.17 of the Revised Code. 2612

(b) The secretary of state may contract with an individual 2613
or entity not associated with the secretary of state and 2614
experienced in interpreting the campaign finance law of this 2615
state to conduct examinations of statements filed by any 2616
statewide candidate, as defined in section 3517.103 of the 2617

Revised Code. 2618

(c) The examination shall be conducted by a person or 2619
entity qualified to conduct it. The results of the examination 2620
shall be available to the public, and, when the examination is 2621
conducted by an individual or entity not associated with the 2622
secretary of state, the results of the examination shall be 2623
reported to the secretary of state. 2624

(C) (1) In the event of a failure to file or a late filing 2625
of a statement required to be filed under sections 3517.081 to 2626
3517.17 of the Revised Code, or if a filed statement or any 2627
addendum, amendment, or other correction to a statement or any 2628
amended statement, if an addendum, amendment, or other 2629
correction or an amended statement is required to be filed, is 2630
incomplete or inaccurate or appears to disclose a failure to 2631
comply with or a violation of law, the official whose duty it is 2632
to examine the statement shall promptly file a complaint with 2633
the Ohio elections commission under section 3517.153 of the 2634
Revised Code if the law is one over which the commission has 2635
jurisdiction to hear complaints, or the official shall promptly 2636
report the failure or violation to the board of elections and 2637
the board shall promptly report it to the prosecuting attorney 2638
in accordance with division (J) of section 3501.11 of the 2639
Revised Code. If the official files a complaint with the 2640
commission, the commission shall proceed in accordance with 2641
sections 3517.154 to 3517.157 of the Revised Code. 2642

(2) For purposes of division (C) (1) of this section, a 2643
statement or an addendum, amendment, or other correction to a 2644
statement or an amended statement required to be filed under 2645
sections 3517.081 to 3517.17 of the Revised Code is incomplete 2646
or inaccurate under this section if the statement, addendum, 2647

amendment, other correction, or amended statement fails to 2648
disclose substantially all contributions, gifts, or donations 2649
that are received or deposits that are made that are required to 2650
be reported under sections 3517.10, 3517.107, 3517.108, 2651
3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the Revised 2652
Code or if the statement, addendum, amendment, other correction, 2653
or amended statement fails to disclose at least ninety per cent 2654
of the total contributions, gifts, or donations received or 2655
deposits made or of the total expenditures or disbursements made 2656
during the reporting period. 2657

(D) No certificate of nomination or election shall be 2658
issued to a person, and no person elected to an office shall 2659
enter upon the performance of the duties of that office, until 2660
that person or that person's campaign committee, as appropriate, 2661
has fully complied with this section and sections 3517.08, 2662
3517.081, 3517.10, and 3517.13 of the Revised Code. 2663

Sec. 3791.12. (A) As used in this section and section 2664
3791.13 of the Revised Code: 2665

(1) "Service station" means any facility designed and 2666
constructed primarily for use in the retail sale of gasoline, 2667
other petroleum products, and related accessories; except that 2668
"service station" does not include any such facility that has 2669
been converted for use for another bona fide business purpose, 2670
on and after the date of commencement of such other use. 2671

(2) "Abandoned service station" means any service station 2672
that has not been used for the retail sale of gasoline, other 2673
petroleum products, and related accessories for a continuous 2674
period of six months, whenever failure to reasonably secure 2675
station buildings from ready access by unauthorized persons and 2676
to reasonably maintain the station's premises has resulted in 2677

conditions that endanger the public health, welfare, safety, or 2678
morals; provided, that such conditions include, but are not 2679
limited to, the presence of defective or deteriorated electrical 2680
wiring, heating apparatus, and gas connections, or of 2681
unprotected gasoline storage tanks, piping, and valves, or any 2682
combination of the foregoing; and provided further that the 2683
casual and intermittent use of a service station for the retail 2684
sale of any item described in division (A)(1) of this section 2685
during such six-month period shall not be held to prevent the 2686
station from being determined an abandoned service station if it 2687
meets the other qualifications of this division. 2688

(3) "Internet identifier of record" has the same meaning 2689
as in section 9.312 of the Revised Code. 2690

(B) The executive authority of each municipal corporation 2691
and the board of county commissioners of each county shall 2692
designate a suitable person to make inspections, within their 2693
respective territorial jurisdictions, of any service stations 2694
that are, or appear to be, no longer in use for the purposes 2695
described in division (A)(1) of this section, or for any other 2696
bona fide business purpose. Inspections of service stations 2697
under this section shall be made at the order of the executive 2698
authority or board, or upon the complaint of any person claiming 2699
to be adversely affected by the condition of a service station. 2700
Any inspector designated under this section shall have the right 2701
to enter upon and inspect any service station that is, or 2702
appears to be, no longer in use as described in this section. No 2703
inspector, while in the lawful pursuit of official duties for 2704
such purpose, shall be subject to arrest for trespass while so 2705
engaged or for such cause thereafter. 2706

(C) Whenever an inspector, upon inspecting a service 2707

station as provided in this section, has reasonable cause to 2708
believe that it qualifies as an abandoned service station, the 2709
inspector shall prepare a written report of the condition of the 2710
station's buildings and premises. The report shall be filed 2711
immediately with the executive authority or board. Upon receipt 2712
of the report, the executive authority or board shall fix a 2713
place and time, not less than thirty days nor more than sixty 2714
days after receipt of the report, for a hearing to determine 2715
whether the service station is an abandoned service station. The 2716
executive authority or board shall send written notice of the 2717
place and date of the hearing, together with a copy of the 2718
inspector's report and information that the service station may 2719
be ordered repaired or removed if determined to be abandoned, to 2720
all persons listed in the records of the county recorder as an 2721
owner of the affected property, and to all persons listed in the 2722
records of the county recorder or county clerk of courts as 2723
holding a lien on the affected property. Such notice shall be 2724
sent either by certified mail to the address shown on such 2725
records or, if the executive authority or board has record of a 2726
person's internet identifier of record, by ordinary mail to the 2727
address shown on such records and by that internet identifier of 2728
record. 2729

(D) In hearing the matter and deciding the issue, the 2730
executive authority or board shall consider the testimony of any 2731
persons appearing pursuant to the notice or their authorized 2732
representatives, the testimony of any witnesses appearing on 2733
behalf of such persons, the inspector's report or testimony, or 2734
both, and any other evidence pertinent to the matter. If the 2735
executive authority or board thereupon determines that the 2736
service station is an abandoned service station in such 2737
condition as to constitute a danger to the public health, 2738

welfare, safety, or morals, it shall order the satisfactory 2739
repair, or removal, of the service station and its 2740
appurtenances, and restoration of the property, within such 2741
period of time, not less than thirty days, as the executive 2742
authority or board thereupon determines reasonable. Notice of 2743
the findings and order shall be sent to all persons required to 2744
be notified by division (C) of this section in the same manner 2745
as provided in that division. 2746

(E) If an abandoned service station is not satisfactorily 2747
repaired or removed within the period of time provided in an 2748
order made under division (D) of this section, the municipal 2749
corporation or county may enter the land and complete the 2750
repair, if repair was ordered, or remove the service station and 2751
its appurtenances, if removal was ordered, and restore the 2752
property. 2753

(F) Any person aggrieved by an order of an executive 2754
authority or board made under division (D) of this section, may 2755
appeal as provided in Chapter 2506. of the Revised Code within 2756
thirty days of the mailing of notice of the order. 2757

(G) In the event that no persons notified as provided in 2758
division (C) of this section, or their authorized 2759
representatives, appear at the hearing, respond to an order of 2760
the executive authority or board, or appeal within thirty days 2761
of the mailing of notice of the order as provided in division 2762
(F) of this section, the municipal corporation or county may 2763
proceed as provided in division (E) of this section. 2764

Sec. 4301.39. (A) When the board of elections of any 2765
county determines that a petition for a local option election 2766
presented pursuant to section 4301.33, 4301.331, 4301.332, 2767
4301.333, 4303.29, or 4305.14 of the Revised Code is sufficient, 2768

it shall forthwith, by mail, notify the division of liquor 2769
control of the fact that the petition has been filed and 2770
approved by it. Upon the determination of the results of any 2771
such election, the board shall forthwith notify the division by 2772
mail of the result and shall forward with the notice a plat of 2773
the precinct in which the election was held and, if applicable, 2774
shall separately identify the portion of the precinct affected 2775
by the election. 2776

(B) On the plat of a precinct forwarded with the results 2777
of an election that was held under section 4301.35, 4301.351, 2778
4301.353, 4301.354, or 4303.29 of the Revised Code, the board 2779
shall show and designate all of the streets and highways in the 2780
precinct or relevant portion of the precinct. 2781

(C) On the plat of a precinct forwarded with the results 2782
of an election that was held under section 4301.352 of the 2783
Revised Code, the board shall show and designate all of the 2784
following: 2785

(1) All of the streets and highways in the precinct; 2786

(2) The permit premises designated in the petition that 2787
was filed under section 4301.331 of the Revised Code; 2788

(3) A class C or D permit holder's personal or corporate 2789
name and, if it is different from the permit holder's personal 2790
or corporate name, the name of the business conducted by the 2791
permit holder on the designated premises; 2792

(4) The address of the designated premises. 2793

(D) On the plat of a precinct forwarded with the results 2794
of an election that was held under section 4301.355 of the 2795
Revised Code, the board shall show and designate all of the 2796
following: 2797

(1) All streets and highways in the precinct; 2798

(2) The address of the particular location within the 2799
precinct to which the election results will apply as designated 2800
in the petition that was filed under section 4301.333 of the 2801
Revised Code; 2802

(3) The name of the applicant for the issuance or transfer 2803
of the liquor permit, of the holder of the liquor permit, or of 2804
the liquor agency store, including any trade or fictitious names 2805
under which the applicant, holder, or operator intends to, or 2806
does, do business at the particular location, as designated in 2807
the petition that was filed under section 4301.333 of the 2808
Revised Code. 2809

(E) With the results of an election that was held under 2810
section 4301.356 of the Revised Code, the board shall designate 2811
both of the following: 2812

(1) Each permit premises designated in the petition; 2813

(2) Each class C or D permit holder's personal or 2814
corporate name and, if it is different from the personal or 2815
corporate name, the name of the business conducted by the permit 2816
holder on the designated premises. 2817

(F) If an application for recount is filed with the board 2818
pursuant to section 3515.02 of the Revised Code or if an 2819
election contest is commenced pursuant to section 3515.09 of the 2820
Revised Code, the board shall send written notice of the recount 2821
or contest, ~~by certified mail,~~ to the superintendent of liquor 2822
control within two days from the date of the filing of the 2823
application for recount or the commencement of an election 2824
contest either by certified mail or, if the board has record of 2825
an internet identifier of record associated with the 2826

superintendent, by ordinary mail and by that internet identifier 2827
of record. Upon the final determination of an election recount 2828
or contest, the board shall send notice of the final 2829
determination, ~~by certified mail,~~ to the superintendent and the 2830
liquor control commission either by certified mail or, if the 2831
board has record of an internet identifier of record associated 2832
with the superintendent or commission, by ordinary mail and an 2833
internet identifier of record associated with the superintendent 2834
or commission. 2835

(G) If, as the result of a local option election held 2836
pursuant to section 4301.35, 4301.351, 4301.353, 4301.354, 2837
4303.29, or 4305.14 of the Revised Code, the use of a permit is 2838
made partially unlawful, the division shall, within thirty days 2839
after receipt of the final notice of the result of the election, 2840
pick up the permit, amend it by inserting appropriate 2841
restrictions on it, and forthwith reissue it without charge or 2842
refund to the permit holder, unless, prior to thirty days after 2843
receipt of the final notice of the result of the election, both 2844
of the following occur: 2845

(1) A petition is filed with the board pursuant to section 2846
4301.333 of the Revised Code; 2847

(2) A copy of the petition filed with the board pursuant 2848
to section 4301.333 of the Revised Code, bearing the file stamp 2849
of the board, is filed with the superintendent of liquor 2850
control. 2851

If both of those conditions are met, the results of the 2852
election held pursuant to section 4301.35, 4301.351, 4301.353, 2853
4301.354, 4303.29, or 4305.14 of the Revised Code shall not take 2854
effect as to the liquor permit holder specified in the petition 2855
filed pursuant to section 4301.333 of the Revised Code until the 2856

earlier of a determination by the board and receipt of 2857
notification by the superintendent of liquor control of notice 2858
that the petition is invalid or receipt by the superintendent of 2859
final notice of the result of an election held pursuant to 2860
section 4301.355 of the Revised Code concerning the holder of 2861
the liquor permit that resulted in a majority "no" vote. 2862

(H) If, as the result of a local option election, except a 2863
local option election held pursuant to section 4301.352 of the 2864
Revised Code, the use of a permit is made wholly unlawful, the 2865
permit holder may, within thirty days after the certification of 2866
that final result by the board to the division, deliver the 2867
permit holder's permit to the division for safekeeping as 2868
provided in section 4303.272 of the Revised Code, or the permit 2869
holder may avail itself of the remedy set forth in divisions (G) 2870
(1) and (2) of this section. In such event, the results of the 2871
election shall not take effect as to the liquor permit holder 2872
specified in the petition pursuant to section 4301.333 of the 2873
Revised Code until the earlier of a determination by the board 2874
and receipt by the superintendent of liquor control of notice 2875
that the petition is invalid or receipt by the superintendent of 2876
the final notice of the result of an election held pursuant to 2877
section 4301.355 of the Revised Code concerning the holder of 2878
the liquor permit that resulted in a majority "no" vote. 2879

(I) As used in this section, "internet identifier of 2880
record" has the same meaning as in section 9.312 of the Revised 2881
Code. 2882

Sec. 5713.082. (A) Whenever the county auditor reenters an 2883
item of property to the tax list as provided in section 5713.08 2884
of the Revised Code and there has been no conveyance of the 2885
property between separate entities, the auditor shall send 2886

notice ~~by certified mail~~ to the owner of the property either by 2887
certified mail or, if the auditor has record of an internet 2888
identifier of record associated with the owner, by ordinary mail 2889
and by that internet identifier of record as defined in section 2890
9.312 of the Revised Code that it is now subject to property 2891
taxation as a result of such action. The auditor shall send the 2892
notice at the same time the auditor certifies the real property 2893
tax duplicate to the county treasurer. The notice shall describe 2894
the property and indicate that the owner may reapply for tax 2895
exemption by filing an application for exemption as provided in 2896
section 5715.27 of the Revised Code, and that failure to file 2897
such an application within the proper time period will result in 2898
the owner having to pay the taxes even if the property continued 2899
to be used for an exempt purpose. 2900

(B) If the auditor failed to send the notice required by 2901
this section, and if the owner of the property subsequently 2902
files an application for tax exemption for the property for the 2903
current tax year, the tax commissioner or county auditor may 2904
grant exemption to the property, and the commissioner or auditor 2905
shall remit all taxes and penalties for each prior year since 2906
the property was reentered on the tax list, notwithstanding 2907
division (A) of section 5713.081 of the Revised Code. 2908

Sec. 5715.12. The county board of revision shall not 2909
increase any valuation without giving notice to the person in 2910
whose name the property affected thereby is listed and affording 2911
~~him~~ the person an opportunity to be heard. Such notice shall 2912
describe the real property, the tax value of which is to be 2913
acted upon, by the description thereof as carried on the tax 2914
list of the current year, and shall state the name in which it 2915
is listed; such notice shall be served by delivering a copy 2916
thereof to the person interested, by leaving a copy at the usual 2917

place of residence or business of such person, ~~or~~ by sending the 2918
same by registered letter mailed to the address of such person, 2919
or, if the board has record of an internet identifier of record 2920
associated with the person, by ordinary mail and by that 2921
internet identifier of record as defined in section 9.312 of the 2922
Revised Code. If no such place of residence or business is found 2923
in the county, then such copies shall be delivered or mailed to 2924
the agent in charge of such property. If no such agent is found 2925
in the county, such notice shall be served by an advertisement 2926
thereof inserted once in a newspaper of general circulation in 2927
the county in which the property is situated. Notices to the 2928
respective persons interested in different properties may be 2929
united in one advertisement under the same general heading. 2930
Notices served in accordance with this section shall be 2931
sufficient. 2932

Sec. 5715.19. (A) As used in this section, "member" has 2933
the same meaning as in section 1705.01 of the Revised Code, and 2934
"internet identifier of record" has the same meaning as in 2935
section 9.312 of the Revised Code. 2936

(1) Subject to division (A)(2) of this section, a 2937
complaint against any of the following determinations for the 2938
current tax year shall be filed with the county auditor on or 2939
before the thirty-first day of March of the ensuing tax year or 2940
the date of closing of the collection for the first half of real 2941
and public utility property taxes for the current tax year, 2942
whichever is later: 2943

(a) Any classification made under section 5713.041 of the 2944
Revised Code; 2945

(b) Any determination made under section 5713.32 or 2946
5713.35 of the Revised Code; 2947

(c) Any recoupment charge levied under section 5713.35 of 2948
the Revised Code; 2949

(d) The determination of the total valuation or assessment 2950
of any parcel that appears on the tax list, except parcels 2951
assessed by the tax commissioner pursuant to section 5727.06 of 2952
the Revised Code; 2953

(e) The determination of the total valuation of any parcel 2954
that appears on the agricultural land tax list, except parcels 2955
assessed by the tax commissioner pursuant to section 5727.06 of 2956
the Revised Code; 2957

(f) Any determination made under division (A) of section 2958
319.302 of the Revised Code. 2959

If such a complaint is filed by mail or certified mail, 2960
the date of the United States postmark placed on the envelope or 2961
sender's receipt by the postal service shall be treated as the 2962
date of filing. A private meter postmark on an envelope is not a 2963
valid postmark for purposes of establishing the filing date. 2964

Any person owning taxable real property in the county or 2965
in a taxing district with territory in the county; such a 2966
person's spouse; an individual who is retained by such a person 2967
and who holds a designation from a professional assessment 2968
organization, such as the institute for professionals in 2969
taxation, the national council of property taxation, or the 2970
international association of assessing officers; a public 2971
accountant who holds a permit under section 4701.10 of the 2972
Revised Code, a general or residential real estate appraiser 2973
licensed or certified under Chapter 4763. of the Revised Code, 2974
or a real estate broker licensed under Chapter 4735. of the 2975
Revised Code, who is retained by such a person; if the person is 2976

a firm, company, association, partnership, limited liability 2977
company, or corporation, an officer, a salaried employee, a 2978
partner, or a member of that person; if the person is a trust, a 2979
trustee of the trust; the board of county commissioners; the 2980
prosecuting attorney or treasurer of the county; the board of 2981
township trustees of any township with territory within the 2982
county; the board of education of any school district with any 2983
territory in the county; or the mayor or legislative authority 2984
of any municipal corporation with any territory in the county 2985
may file such a complaint regarding any such determination 2986
affecting any real property in the county, except that a person 2987
owning taxable real property in another county may file such a 2988
complaint only with regard to any such determination affecting 2989
real property in the county that is located in the same taxing 2990
district as that person's real property is located. The county 2991
auditor shall present to the county board of revision all 2992
complaints filed with the auditor. 2993

(2) As used in division (A) (2) of this section, "interim 2994
period" means, for each county, the tax year to which section 2995
5715.24 of the Revised Code applies and each subsequent tax year 2996
until the tax year in which that section applies again. 2997

No person, board, or officer shall file a complaint 2998
against the valuation or assessment of any parcel that appears 2999
on the tax list if it filed a complaint against the valuation or 3000
assessment of that parcel for any prior tax year in the same 3001
interim period, unless the person, board, or officer alleges 3002
that the valuation or assessment should be changed due to one or 3003
more of the following circumstances that occurred after the tax 3004
lien date for the tax year for which the prior complaint was 3005
filed and that the circumstances were not taken into 3006
consideration with respect to the prior complaint: 3007

(a) The property was sold in an arm's length transaction, 3008
as described in section 5713.03 of the Revised Code; 3009

(b) The property lost value due to some casualty; 3010

(c) Substantial improvement was added to the property; 3011

(d) An increase or decrease of at least fifteen per cent 3012
in the property's occupancy has had a substantial economic 3013
impact on the property. 3014

(3) If a county board of revision, the board of tax 3015
appeals, or any court dismisses a complaint filed under this 3016
section or section 5715.13 of the Revised Code for the reason 3017
that the act of filing the complaint was the unauthorized 3018
practice of law or the person filing the complaint was engaged 3019
in the unauthorized practice of law, the party affected by a 3020
decrease in valuation or the party's agent, or the person owning 3021
taxable real property in the county or in a taxing district with 3022
territory in the county, may refile the complaint, 3023
notwithstanding division (A) (2) of this section. 3024

(4) Notwithstanding division (A) (2) of this section, a 3025
person, board, or officer may file a complaint against the 3026
valuation or assessment of any parcel that appears on the tax 3027
list if it filed a complaint against the valuation or assessment 3028
of that parcel for any prior tax year in the same interim period 3029
if the person, board, or officer withdrew the complaint before 3030
the complaint was heard by the board. 3031

(B) Within thirty days after the last date such complaints 3032
may be filed, the auditor shall give notice of each complaint in 3033
which the stated amount of overvaluation, undervaluation, 3034
discriminatory valuation, illegal valuation, or incorrect 3035
determination is at least seventeen thousand five hundred 3036

dollars to each property owner whose property is the subject of 3037
the complaint, if the complaint was not filed by the owner or 3038
the owner's spouse, and to each board of education whose school 3039
district may be affected by the complaint. Within thirty days 3040
after receiving such notice, a board of education; a property 3041
owner; the owner's spouse; an individual who is retained by such 3042
an owner and who holds a designation from a professional 3043
assessment organization, such as the institute for professionals 3044
in taxation, the national council of property taxation, or the 3045
international association of assessing officers; a public 3046
accountant who holds a permit under section 4701.10 of the 3047
Revised Code, a general or residential real estate appraiser 3048
licensed or certified under Chapter 4763. of the Revised Code, 3049
or a real estate broker licensed under Chapter 4735. of the 3050
Revised Code, who is retained by such a person; or, if the 3051
property owner is a firm, company, association, partnership, 3052
limited liability company, corporation, or trust, an officer, a 3053
salaried employee, a partner, a member, or trustee of that 3054
property owner, may file a complaint in support of or objecting 3055
to the amount of alleged overvaluation, undervaluation, 3056
discriminatory valuation, illegal valuation, or incorrect 3057
determination stated in a previously filed complaint or 3058
objecting to the current valuation. Upon the filing of a 3059
complaint under this division, the board of education or the 3060
property owner shall be made a party to the action. 3061

(C) Each board of revision shall notify any complainant 3062
and also the property owner, if the property owner's address is 3063
known, when a complaint is filed by one other than the property 3064
owner, ~~by certified mail,~~ not less than ten days prior to the 3065
hearing, by either certified mail or, if the board has record of 3066
an internet identifier of record associated with the owner, by 3067

ordinary mail and by that internet identifier of record of the 3068
time and place the same will be heard. The board of revision 3069
shall hear and render its decision on a complaint within ninety 3070
days after the filing thereof with the board, except that if a 3071
complaint is filed within thirty days after receiving notice 3072
from the auditor as provided in division (B) of this section, 3073
the board shall hear and render its decision within ninety days 3074
after such filing. 3075

(D) The determination of any such complaint shall relate 3076
back to the date when the lien for taxes or recoupment charges 3077
for the current year attached or the date as of which liability 3078
for such year was determined. Liability for taxes and recoupment 3079
charges for such year and each succeeding year until the 3080
complaint is finally determined and for any penalty and interest 3081
for nonpayment thereof within the time required by law shall be 3082
based upon the determination, valuation, or assessment as 3083
finally determined. Each complaint shall state the amount of 3084
overvaluation, undervaluation, discriminatory valuation, illegal 3085
valuation, or incorrect classification or determination upon 3086
which the complaint is based. The treasurer shall accept any 3087
amount tendered as taxes or recoupment charge upon property 3088
concerning which a complaint is then pending, computed upon the 3089
claimed valuation as set forth in the complaint. If a complaint 3090
filed under this section for the current year is not determined 3091
by the board within the time prescribed for such determination, 3092
the complaint and any proceedings in relation thereto shall be 3093
continued by the board as a valid complaint for any ensuing year 3094
until such complaint is finally determined by the board or upon 3095
any appeal from a decision of the board. In such case, the 3096
original complaint shall continue in effect without further 3097
filing by the original taxpayer, the original taxpayer's 3098

assignee, or any other person or entity authorized to file a 3099
complaint under this section. 3100

(E) If a taxpayer files a complaint as to the 3101
classification, valuation, assessment, or any determination 3102
affecting the taxpayer's own property and tenders less than the 3103
full amount of taxes or recoupment charges as finally 3104
determined, an interest charge shall accrue as follows: 3105

(1) If the amount finally determined is less than the 3106
amount billed but more than the amount tendered, the taxpayer 3107
shall pay interest at the rate per annum prescribed by section 3108
5703.47 of the Revised Code, computed from the date that the 3109
taxes were due on the difference between the amount finally 3110
determined and the amount tendered. This interest charge shall 3111
be in lieu of any penalty or interest charge under section 3112
323.121 of the Revised Code unless the taxpayer failed to file a 3113
complaint and tender an amount as taxes or recoupment charges 3114
within the time required by this section, in which case section 3115
323.121 of the Revised Code applies. 3116

(2) If the amount of taxes finally determined is equal to 3117
or greater than the amount billed and more than the amount 3118
tendered, the taxpayer shall pay interest at the rate prescribed 3119
by section 5703.47 of the Revised Code from the date the taxes 3120
were due on the difference between the amount finally determined 3121
and the amount tendered, such interest to be in lieu of any 3122
interest charge but in addition to any penalty prescribed by 3123
section 323.121 of the Revised Code. 3124

(F) Upon request of a complainant, the tax commissioner 3125
shall determine the common level of assessment of real property 3126
in the county for the year stated in the request that is not 3127
valued under section 5713.31 of the Revised Code, which common 3128

level of assessment shall be expressed as a percentage of true 3129
value and the common level of assessment of lands valued under 3130
such section, which common level of assessment shall also be 3131
expressed as a percentage of the current agricultural use value 3132
of such lands. Such determination shall be made on the basis of 3133
the most recent available sales ratio studies of the 3134
commissioner and such other factual data as the commissioner 3135
deems pertinent. 3136

(G) A complainant shall provide to the board of revision 3137
all information or evidence within the complainant's knowledge 3138
or possession that affects the real property that is the subject 3139
of the complaint. A complainant who fails to provide such 3140
information or evidence is precluded from introducing it on 3141
appeal to the board of tax appeals or the court of common pleas, 3142
except that the board of tax appeals or court may admit and 3143
consider the evidence if the complainant shows good cause for 3144
the complainant's failure to provide the information or evidence 3145
to the board of revision. 3146

(H) In case of the pendency of any proceeding in court 3147
based upon an alleged excessive, discriminatory, or illegal 3148
valuation or incorrect classification or determination, the 3149
taxpayer may tender to the treasurer an amount as taxes upon 3150
property computed upon the claimed valuation as set forth in the 3151
complaint to the court. The treasurer may accept the tender. If 3152
the tender is not accepted, no penalty shall be assessed because 3153
of the nonpayment of the full taxes assessed. 3154

Sec. 5715.20. (A) Whenever a county board of revision 3155
renders a decision on a complaint filed under section 5715.19 of 3156
the Revised Code, it shall ~~certify~~ give notice of its action by 3157
~~certified mail~~ to the person in whose name the property is 3158

listed or sought to be listed and to the complainant if the 3159
complainant is not the person in whose name the property is 3160
listed or sought to be listed. The notice shall be given by 3161
certified mail or, if the board has record of an internet 3162
identifier of record associated with a person, by ordinary mail 3163
and by that internet identifier of record as defined in section 3164
9.312 of the Revised Code. A person's time to file an appeal 3165
under section 5717.01 of the Revised Code commences with the 3166
mailing of notice of the decision to that person as provided in 3167
this section. The tax commissioner's time to file an appeal 3168
under section 5717.01 of the Revised Code commences with the 3169
last mailing to a person required to be mailed notice of the 3170
decision as provided in this division. 3171

(B) The tax commissioner may order the county auditor to 3172
send to the commissioner the decisions of the board of revision 3173
rendered on complaints filed under section 5715.19 of the 3174
Revised Code in the manner and for the time period that the 3175
commissioner prescribes. Nothing in this division extends the 3176
commissioner's time to file an appeal under section 5717.01 of 3177
the Revised Code. 3178

Sec. 5717.01. An appeal from a decision of a county board 3179
of revision may be taken to the board of tax appeals within 3180
thirty days after notice of the decision of the county board of 3181
revision is mailed as provided in division (A) of section 3182
5715.20 of the Revised Code. Such an appeal may be taken by the 3183
county auditor, the tax commissioner, or any board, legislative 3184
authority, public official, or taxpayer authorized by section 3185
5715.19 of the Revised Code to file complaints against 3186
valuations or assessments with the auditor. Such appeal shall be 3187
taken by the filing of a notice of appeal, in person or by 3188
certified mail, express mail, facsimile transmission, electronic 3189

transmission, or by authorized delivery service, with the board 3190
of tax appeals and with the county board of revision. If notice 3191
of appeal is filed by certified mail, express mail, or 3192
authorized delivery service as provided in section 5703.056 of 3193
the Revised Code, the date of the United States postmark placed 3194
on the sender's receipt by the postal service or the date of 3195
receipt recorded by the authorized delivery service shall be 3196
treated as the date of filing. If notice of appeal is filed by 3197
facsimile transmission or electronic transmission, the date and 3198
time the notice is received by the board shall be the date and 3199
time reflected on a timestamp provided by the board's electronic 3200
system, and the appeal shall be considered filed with the board 3201
on the date reflected on that timestamp. Any timestamp provided 3202
by another computer system or electronic submission device shall 3203
not affect the time and date the notice is received by the 3204
board. Upon receipt of such notice of appeal such county board 3205
of revision shall ~~by certified mail~~ notify all persons thereof 3206
who were parties to the proceeding before such county board of 3207
revision by either certified mail or, if the board has record of 3208
an internet identifier of record associated with such a person, 3209
by ordinary mail and by that internet identifier of record, and 3210
shall file proof of such notice or, in the case of ordinary 3211
mail, an affidavit attesting that the board sent the notice with 3212
the board of tax appeals. The county board of revision shall 3213
thereupon certify to the board of tax appeals a transcript of 3214
the record of the proceedings of the county board of revision 3215
pertaining to the original complaint, and all evidence offered 3216
in connection therewith. Such appeal may be heard by the board 3217
of tax appeals at its offices in Columbus or in the county where 3218
the property is listed for taxation, or the board of tax appeals 3219
may cause its examiners to conduct such hearing and to report to 3220
it their findings for affirmation or rejection. An appeal may 3221

proceed pursuant to section 5703.021 of the Revised Code on the 3222
small claims docket if the appeal qualifies under that section. 3223

The board of tax appeals may order the appeal to be heard 3224
on the record and the evidence certified to it by the county 3225
board of revision, or it may order the hearing of additional 3226
evidence, and it may make such investigation concerning the 3227
appeal as it deems proper. 3228

As used in this section, "internet identifier of record" 3229
has the same meaning as in section 9.312 of the Revised Code. 3230

Sec. 5721.30. As used in sections 5721.30 to 5721.43 of 3231
the Revised Code: 3232

(A) "Tax certificate," "certificate," or "duplicate 3233
certificate" means a document that may be issued as a physical 3234
certificate, in book-entry form, or through an electronic 3235
medium, at the discretion of the county treasurer. Such document 3236
shall contain the information required by section 5721.31 of the 3237
Revised Code and shall be prepared, transferred, or redeemed in 3238
the manner prescribed by sections 5721.30 to 5721.43 of the 3239
Revised Code. As used in those sections, "tax certificate," 3240
"certificate," and "duplicate certificate" do not refer to the 3241
delinquent land tax certificate or the delinquent vacant land 3242
tax certificate issued under section 5721.13 of the Revised 3243
Code. 3244

(B) "Certificate parcel" means the parcel of delinquent 3245
land that is the subject of and is described in a tax 3246
certificate. 3247

(C) "Certificate holder" means a person, including a 3248
county land reutilization corporation, that purchases or 3249
otherwise acquires a tax certificate under section 5721.32, 3250

5721.33, or 5721.42 of the Revised Code, or a person to whom a 3251
tax certificate has been transferred pursuant to section 5721.36 3252
of the Revised Code. 3253

(D) "Certificate purchase price" means, with respect to 3254
the sale of tax certificates under sections 5721.32, 5721.33, 3255
and 5721.42 of the Revised Code, the amount equal to delinquent 3256
taxes charged against a certificate parcel at the time the tax 3257
certificate respecting that parcel is sold or transferred, not 3258
including any delinquent taxes the lien for which has been 3259
conveyed to a certificate holder through a prior sale of a tax 3260
certificate respecting that parcel. Payment of the certificate 3261
purchase price in a sale under section 5721.33 of the Revised 3262
Code may be made wholly in cash or partially in cash and 3263
partially by noncash consideration acceptable to the county 3264
treasurer from the purchaser, and, in the case of a county land 3265
reutilization corporation, with notes. In the event that any 3266
such noncash consideration is delivered to pay a portion of the 3267
certificate purchase price, such noncash consideration may be 3268
subordinate to the rights of the holders of other obligations 3269
whose proceeds paid the cash portion of the certificate purchase 3270
price. 3271

"Certificate purchase price" also includes the amount of 3272
the fee charged by the county treasurer to the purchaser of the 3273
certificate under division (H) of section 5721.32 of the Revised 3274
Code. 3275

(E) (1) With respect to a sale of tax certificates under 3276
section 5721.32 of the Revised Code, and except as provided in 3277
division (E) (2) of this section, "certificate redemption price" 3278
means the certificate purchase price plus the greater of the 3279
following: 3280

(a) Simple interest, at the certificate rate of interest, 3281
accruing during the certificate interest period on the 3282
certificate purchase price, calculated in accordance with 3283
section 5721.41 of the Revised Code; 3284

(b) Six per cent of the certificate purchase price. 3285

(2) If the certificate rate of interest equals zero, the 3286
certificate redemption price equals the certificate purchase 3287
price plus the fee charged by the county treasurer to the 3288
purchaser of the certificate under division (H) of section 3289
5721.32 of the Revised Code. 3290

(F) With respect to a sale or transfer of tax certificates 3291
under section 5721.33 of the Revised Code, "certificate 3292
redemption price" means the amount equal to the sum of the 3293
following: 3294

(1) The certificate purchase price; 3295

(2) Interest accrued on the certificate purchase price at 3296
the certificate rate of interest from the date on which a tax 3297
certificate is delivered through and including the day 3298
immediately preceding the day on which the certificate 3299
redemption price is paid; 3300

(3) The fee, if any, charged by the county treasurer to 3301
the purchaser of the certificate under division (J) of section 3302
5721.33 of the Revised Code; 3303

(4) Any other fees charged by any county office in 3304
connection with the recording of tax certificates. 3305

(G) "Certificate rate of interest" means the rate of 3306
simple interest per year bid by the winning bidder in an auction 3307
of a tax certificate held under section 5721.32 of the Revised 3308

Code, or the rate of simple interest per year not to exceed 3309
eighteen per cent per year fixed pursuant to section 5721.42 of 3310
the Revised Code or by the county treasurer with respect to any 3311
tax certificate sold or transferred pursuant to a negotiated 3312
sale under section 5721.33 of the Revised Code. The certificate 3313
rate of interest shall not be less than zero per cent per year. 3314

(H) "Cash" means United States currency, certified checks, 3315
money orders, bank drafts, electronic transfer of funds, or 3316
other forms of payment authorized by the county treasurer, and 3317
excludes any other form of payment not so authorized. 3318

(I) "The date on which a tax certificate is sold or 3319
transferred," "the date the certificate was sold or 3320
transferred," "the date the certificate is purchased," and any 3321
other phrase of similar content mean, with respect to a sale 3322
pursuant to an auction under section 5721.32 of the Revised 3323
Code, the date designated by the county treasurer for the 3324
submission of bids and, with respect to a negotiated sale or 3325
transfer under section 5721.33 of the Revised Code, the date of 3326
delivery of the tax certificates to the purchasers thereof 3327
pursuant to a tax certificate sale/purchase agreement. 3328

(J) "Certificate interest period" means, with respect to a 3329
tax certificate sold under section 5721.32 or 5721.42 of the 3330
Revised Code and for the purpose of accruing interest under 3331
section 5721.41 of the Revised Code, the period beginning on the 3332
date on which the certificate is purchased and, with respect to 3333
a tax certificate sold or transferred under section 5721.33 of 3334
the Revised Code, the period beginning on the date of delivery 3335
of the tax certificate, and in either case ending on one of the 3336
following dates: 3337

(1) The date the certificate holder files a request for 3338

foreclosure or notice of intent to foreclose under division (A) 3339
of section 5721.37 of the Revised Code and submits the payment 3340
required under division (B) of that section; 3341

(2) The date the owner of record of the certificate 3342
parcel, or any other person entitled to redeem that parcel, 3343
redeems the certificate parcel under division (A) or (C) of 3344
section 5721.38 of the Revised Code or redeems the certificate 3345
under section 5721.381 of the Revised Code. 3346

(K) "Qualified trustee" means a trust company within the 3347
state or a bank having the power of a trust company within the 3348
state with a combined capital stock, surplus, and undivided 3349
profits of at least one hundred million dollars. 3350

(L) "Tax certificate sale/purchase agreement" means the 3351
purchase and sale agreement described in division (C) of section 3352
5721.33 of the Revised Code setting forth the certificate 3353
purchase price, plus any applicable premium or less any 3354
applicable discount, including, without limitation, the amount 3355
to be paid in cash and the amount and nature of any noncash 3356
consideration, the date of delivery of the tax certificates, and 3357
the other terms and conditions of the sale, including, without 3358
limitation, the rate of interest that the tax certificates shall 3359
bear. 3360

(M) "Noncash consideration" means any form of 3361
consideration other than cash, including, but not limited to, 3362
promissory notes whether subordinate or otherwise. 3363

(N) "Private attorney" means any attorney licensed to 3364
practice law in this state whose license has not been revoked 3365
and is not currently suspended, and who is retained to bring 3366
foreclosure proceedings pursuant to section 5721.37 of the 3367

Revised Code on behalf of a certificate holder. 3368

(O) "Related certificate parcel" means, with respect to a 3369
certificate holder, the certificate parcel with respect to which 3370
the certificate holder has purchased and holds a tax certificate 3371
pursuant to sections 5721.30 to 5721.43 of the Revised Code and, 3372
with respect to a tax certificate, the certificate parcel 3373
against which the tax certificate has been sold pursuant to 3374
those sections. 3375

(P) "Delinquent taxes" means delinquent taxes as defined 3376
in section 323.01 of the Revised Code and includes assessments 3377
and charges, and penalties and interest computed under section 3378
323.121 of the Revised Code. 3379

(Q) "Certificate period" means the period of time after 3380
the sale or delivery of a tax certificate within which a 3381
certificate holder must initiate an action to foreclose the tax 3382
lien represented by the certificate as specified under division 3383
(A) of section 5721.32 of the Revised Code or as negotiated 3384
under section 5721.33 of the Revised Code. 3385

(R) "Internet identifier of record" has the same meaning 3386
as in section 9.312 of the Revised Code. 3387

Sec. 5721.31. (A) (1) After receipt of a duplicate of the 3388
delinquent land list compiled under section 5721.011 of the 3389
Revised Code, or a delinquent land list compiled previously 3390
under that section, the county treasurer may select from the 3391
list parcels of delinquent land the lien against which the 3392
county treasurer may attempt to transfer by the sale of tax 3393
certificates under sections 5721.30 to 5721.43 of the Revised 3394
Code. None of the following parcels may be selected for a tax 3395
certificate sale: 3396

(a) A parcel for which the full amount of taxes, 3397
assessments, penalties, interest, and charges have been paid; 3398

(b) A parcel for which a valid contract under section 3399
323.122, 323.31, or 5713.20 of the Revised Code is in force; 3400

(c) A parcel the owner of which has filed a petition in 3401
bankruptcy, so long as the parcel is property of the bankruptcy 3402
estate. 3403

(2) The county treasurer shall compile a separate list of 3404
parcels selected for tax certificate sales, including the same 3405
information as is required to be included in the delinquent land 3406
list. 3407

Upon compiling the list of parcels selected for tax 3408
certificate sales, the county treasurer may conduct a title 3409
search for any parcel on the list. 3410

(B) (1) Except as otherwise provided in division (B) (3) of 3411
this section, when tax certificates are to be sold under section 3412
5721.32 of the Revised Code with respect to parcels, the county 3413
treasurer shall send written notice ~~by certified mail~~ to either 3414
the owner of record or all interested parties discoverable 3415
through a title search, or both, of each parcel on the list 3416
either by certified mail or, if the treasurer has record of an 3417
internet identifier of record associated with the owner or 3418
interested party, by ordinary mail and by that internet 3419
identifier of record. A mailed notice to an owner shall be sent 3420
to the owner's last known tax-mailing address. The notice shall 3421
inform the owner or interested parties that a tax certificate 3422
will be offered for sale on the parcel, and that the owner or 3423
interested parties may incur additional expenses as a result of 3424
the sale. 3425

(2) Except as otherwise provided in division (B) (3) of 3426
this section, when tax certificates are to be sold or 3427
transferred under section 5721.33 of the Revised Code with 3428
respect to parcels, the county treasurer, at least thirty days 3429
prior to the date of sale or transfer of such tax certificates, 3430
shall send written notice of the sale or transfer by certified 3431
mail to the last known tax-mailing address of the record owner 3432
of the property or parcel and may send such notice to all 3433
parties with an interest in the property that has been recorded 3434
in the property records of the county pursuant to section 317.08 3435
of the Revised Code. The notice shall state that a tax 3436
certificate will be offered for sale or transfer on the parcel, 3437
and that the owner or interested parties may incur additional 3438
expenses as a result of the sale or transfer. 3439

(3) The county treasurer is not required to send a notice 3440
under division (B) (1) or (B) (2) of this section if the treasurer 3441
previously has attempted to send such notice to the owner of the 3442
parcel and the notice has been returned by the post office as 3443
undeliverable. The absence of a valid tax-mailing address for 3444
the owner of a parcel does not preclude the county treasurer 3445
from selling or transferring a tax certificate for the parcel. 3446

(C) The county treasurer shall advertise the sale of tax 3447
certificates under section 5721.32 of the Revised Code in a 3448
newspaper of general circulation in the county once a week for 3449
two consecutive weeks. The newspaper shall meet the requirements 3450
of section 7.12 of the Revised Code. The advertisement shall 3451
include the date, the time, and the place of the public auction, 3452
abbreviated legal descriptions of the parcels, and the names of 3453
the owners of record of the parcels. The advertisement also 3454
shall include the certificate purchase prices of the parcels or 3455
the total purchase price of tax certificates for sale in blocks 3456

of tax certificates. 3457

(D) After the county treasurer has compiled the list of 3458
parcels selected for tax certificate sales but before a tax 3459
certificate respecting a parcel is sold or transferred, if the 3460
owner of record of the parcel pays to the county treasurer in 3461
cash the delinquent taxes respecting the parcel or otherwise 3462
acts so that any condition in division (A) (1) (a), (b), or (c) of 3463
this section applies to the parcel, the owner of record of the 3464
parcel also shall pay a fee in an amount prescribed by the 3465
treasurer to cover the administrative costs of the treasurer 3466
under this section respecting the parcel. The fee shall be 3467
deposited in the county treasury to the credit of the tax 3468
certificate administration fund. 3469

(E) A tax certificate administration fund shall be created 3470
in the county treasury of each county selling tax certificates 3471
under sections 5721.30 to 5721.43 of the Revised Code. The fund 3472
shall be administered by the county treasurer, and used solely 3473
for the purposes of sections 5721.30 to 5721.43 of the Revised 3474
Code or as otherwise permitted in this division. Any fee 3475
received by the treasurer under sections 5721.30 to 5721.43 of 3476
the Revised Code shall be credited to the fund, except the 3477
bidder registration fee under division (B) of section 5721.32 of 3478
the Revised Code and the county prosecuting attorney's fee under 3479
division (B) (3) of section 5721.37 of the Revised Code. To the 3480
extent there is a surplus in the fund from time to time, the 3481
surplus may, with the approval of the county treasurer, be 3482
utilized for the purposes of a county land reutilization 3483
corporation operating in the county. 3484

(F) The county treasurers of more than one county may 3485
jointly conduct a regional sale of tax certificates under 3486

section 5721.32 of the Revised Code. A regional sale shall be 3487
held at a single location in one county, where the tax 3488
certificates from each of the participating counties shall be 3489
offered for sale at public auction. Before the regional sale, 3490
each county treasurer shall advertise the sale for the parcels 3491
in the treasurer's county as required by division (C) of this 3492
section. At the regional sale, tax certificates shall be sold on 3493
parcels from one county at a time, with all of the certificates 3494
for one county offered for sale before any certificates for the 3495
next county are offered for sale. 3496

(G) The tax commissioner shall prescribe the form of the 3497
tax certificate under this section, and county treasurers shall 3498
use the form so prescribed. 3499

Sec. 5721.32. (A) The sale of tax certificates by public 3500
auction may be conducted at any time after completion of the 3501
advertising of the sale under section 5721.31 of the Revised 3502
Code, on the date and at the time and place designated in the 3503
advertisements, and may be continued from time to time as the 3504
county treasurer directs. The county treasurer may offer the tax 3505
certificates for sale in blocks of tax certificates, consisting 3506
of any number of tax certificates as determined by the county 3507
treasurer, and may specify a certificate period of not less than 3508
three years and not more than six years. 3509

(B) (1) The sale of tax certificates under this section 3510
shall be conducted at a public auction by the county treasurer 3511
or a designee of the county treasurer. 3512

(2) No person shall be permitted to bid without completing 3513
a bidder registration form, in the form prescribed by the tax 3514
commissioner, and without filing the form with the county 3515
treasurer prior to the start of the auction, together with 3516

remittance of a registration fee, in cash, of five hundred 3517
dollars. The bidder registration form shall include a tax 3518
identification number of the registrant. The registration fee is 3519
refundable at the end of bidding on the day of the auction, 3520
unless the registrant is the winning bidder for one or more tax 3521
certificates or one or more blocks of tax certificates, in which 3522
case the fee may be applied toward the deposit required by this 3523
section. 3524

(3) The county treasurer may require a person who wishes 3525
to bid on one or more parcels to submit a letter from a 3526
financial institution stating that the bidder has sufficient 3527
funds available to pay the purchase price of the parcels and a 3528
written authorization for the treasurer to verify such 3529
information with the financial institution. The county treasurer 3530
may require submission of the letter and authorization 3531
sufficiently in advance of the auction to allow for 3532
verification. No person who fails to submit the required letter 3533
and authorization, or whose financial institution fails to 3534
provide the requested verification, shall be permitted to bid. 3535

(C) At the public auction, the county treasurer or the 3536
treasurer's designee or agent shall begin the bidding at 3537
eighteen per cent per year simple interest, and accept lower 3538
bids in even increments of one-fourth of one per cent to the 3539
rate of zero per cent. The county treasurer, designee, or agent 3540
shall award the tax certificate to the person bidding the lowest 3541
certificate rate of interest. The county treasurer shall decide 3542
which person is the winning bidder in the event of a tie for the 3543
lowest bid offered, or if a person contests the lowest bid 3544
offered. The county treasurer's decision is not appealable. 3545

(D) (1) The winning bidder shall pay the county treasurer a 3546

cash deposit of at least ten per cent of the certificate 3547
purchase price not later than the close of business on the day 3548
of the sale. The winning bidder shall pay the balance and the 3549
fee required under division (H) of this section not later than 3550
five business days after the day on which the certificate is 3551
sold. Except as provided under division (D) (2) of this section, 3552
if the winning bidder fails to pay the balance and fee within 3553
the prescribed time, the bidder forfeits the deposit, and the 3554
county treasurer shall retain the tax certificate and may 3555
attempt to sell it at any auction conducted at a later date. 3556

(2) At the request of a winning bidder, the county 3557
treasurer may release the bidder from the bidder's tax 3558
certificate purchase obligation. The county treasurer may retain 3559
all or any portion of the deposit of a bidder granted a release. 3560
After granting a release under this division, the county 3561
treasurer may award the tax certificate to the person that 3562
submitted the second lowest bid at the auction. 3563

(3) The county treasurer shall deposit the deposit 3564
forfeited or retained under ~~divisions~~division (D) (1) or (2) of 3565
this section in the county treasury to the credit of the tax 3566
certificate administration fund. 3567

(E) Upon receipt of the full payment of the certificate 3568
purchase price from the purchaser, the county treasurer shall 3569
issue the tax certificate and record the tax certificate sale by 3570
entering into a tax certificate register the certificate 3571
purchase price, the certificate rate of interest, the date the 3572
certificate was sold, the certificate period, the name and 3573
address of the certificate holder, and any other information the 3574
county treasurer considers necessary. The county treasurer may 3575
keep the tax certificate register in a hard-copy format or in an 3576

electronic format. The name and address of the certificate 3577
holder may be, upon receipt of instructions from the purchaser, 3578
that of the secured party of the actual purchaser, or an agent 3579
or custodian for the purchaser or secured party. The county 3580
treasurer also shall transfer the tax certificate to the 3581
certificate holder. The county treasurer shall apportion the 3582
part of the proceeds from the sale representing taxes, 3583
penalties, and interest among the several taxing districts in 3584
the same proportion that the amount of taxes levied by each 3585
district against the certificate parcel in the preceding tax 3586
year bears to the taxes levied by all such districts against the 3587
certificate parcel in the preceding tax year, and credit the 3588
part of the proceeds representing assessments and other charges 3589
to the items of assessments and charges in the order in which 3590
those items became due. Upon issuing a tax certificate, the 3591
delinquent taxes that make up the certificate purchase price are 3592
transferred, and the superior lien of the state and its taxing 3593
districts for those delinquent taxes is conveyed intact to the 3594
certificate holder. 3595

(F) If a tax certificate is offered for sale under this 3596
section but is not sold, the county treasurer may sell the 3597
certificate in a negotiated sale authorized under section 3598
5721.33 of the Revised Code, or may strike the corresponding 3599
certificate parcel from the list of parcels selected for tax 3600
certificate sales. The lien for taxes, assessments, charges, 3601
penalties, and interest against a parcel stricken from the list 3602
thereafter may be foreclosed in the manner prescribed by section 3603
323.25, sections 323.65 to 323.79, or section 5721.14 or 5721.18 3604
of the Revised Code unless, prior to the institution of such 3605
proceedings against the parcel, the county treasurer restores 3606
the parcel to the list of parcels selected for tax certificate 3607

sales. 3608

(G) A certificate holder shall not be liable for damages 3609
arising from a violation of sections 3737.87 to 3737.891 or 3610
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., 3611
or 6111. of the Revised Code, or a rule adopted or order, 3612
permit, license, variance, or plan approval issued under any of 3613
those chapters, that is or was committed by another person in 3614
connection with the parcel for which the tax certificate is 3615
held. 3616

(H) When selling a tax certificate under this section, the 3617
county treasurer shall charge a fee to the purchaser of the 3618
certificate. The county treasurer shall set the fee at a 3619
reasonable amount that covers the treasurer's costs of 3620
administering the sale of the tax certificate. The county 3621
treasurer shall deposit the fee in the county treasury to the 3622
credit of the tax certificate administration fund. 3623

(I) After selling a tax certificate under this section, 3624
the county treasurer shall send written notice ~~by certified mail~~ 3625
to the owner of the certificate parcel ~~at~~ by certified mail or, 3626
if the treasurer has record of an internet identifier of record 3627
associated with the owner, by ordinary mail and by that internet 3628
identifier of record. A mailed notice shall be sent to the 3629
owner's last known tax-mailing address. The notice shall inform 3630
the owner that the tax certificate was sold, shall describe the 3631
owner's options to redeem the parcel, including entering into a 3632
redemption payment plan under division (C)(1) of section 5721.38 3633
of the Revised Code, and shall name the certificate holder and 3634
its secured party, if any. However, the county treasurer is not 3635
required to send a notice under this division if the treasurer 3636
previously has attempted to send a notice to the owner of the 3637

parcel at the owner's last known tax-mailing address, and the 3638
postal service has returned the notice as undeliverable. 3639

(J) A tax certificate shall not be sold to the owner of 3640
the certificate parcel. 3641

Sec. 5721.33. (A) A county treasurer may, in the 3642
treasurer's discretion, negotiate the sale or transfer of any 3643
number of tax certificates with one or more persons, including a 3644
county land reutilization corporation. Terms that may be 3645
negotiated include, without limitation, any of the following: 3646

(1) A premium to be added to or discount to be subtracted 3647
from the certificate purchase price for the tax certificates; 3648

(2) Different time frames under which the certificate 3649
holder may initiate a foreclosure action than are otherwise 3650
allowed under sections 5721.30 to 5721.43 of the Revised Code, 3651
not to exceed six years after the date the tax certificate was 3652
sold or transferred; 3653

(3) The amount to be paid in private attorney's fees 3654
related to tax certificate foreclosures, subject to section 3655
5721.371 of the Revised Code; 3656

(4) Any other terms of the sale or transfer that the 3657
county treasurer, in the treasurer's discretion, determines 3658
appropriate or necessary for the sale or transfer. 3659

(B) The sale or transfer of tax certificates under this 3660
section shall be governed by the criteria established by the 3661
county treasurer pursuant to division (E) of this section. 3662

(C) The county treasurer may execute a tax certificate 3663
sale/purchase agreement and other necessary agreements with a 3664
designated purchaser or purchasers to complete a negotiated sale 3665

or transfer of tax certificates. 3666

(D) The tax certificate may be sold at a premium to or 3667
discount from the certificate purchase price. The county 3668
treasurer may establish as one of the terms of the negotiated 3669
sale the portion of the certificate purchase price, plus any 3670
applicable premium or less any applicable discount, that the 3671
purchaser or purchasers shall pay in cash on the date the tax 3672
certificates are sold and the portion, if any, of the 3673
certificate purchase price, plus any applicable premium or less 3674
any applicable discount, that the purchaser or purchasers shall 3675
pay in noncash consideration and the nature of that 3676
consideration. 3677

The county treasurer shall sell such tax certificates at a 3678
certificate purchase price, plus any applicable premium and less 3679
any applicable discount, and at a certificate rate of interest 3680
that, in the treasurer's determination, are in the best 3681
interests of the county. 3682

(E) (1) The county treasurer shall adopt rules governing 3683
the eligibility of persons to purchase tax certificates or to 3684
otherwise participate in a negotiated sale under this section. 3685
The rules may provide for precertification of such persons, 3686
including a requirement for disclosure of income, assets, and 3687
any other financial information the county treasurer determines 3688
appropriate. The rules also may prohibit any person that is 3689
delinquent in the payment of any tax to the county or to the 3690
state, or that is in default in or on any other obligation to 3691
the county or to the state, from purchasing a tax certificate or 3692
otherwise participating in a negotiated sale of tax certificates 3693
under this section. The rules may also authorize the purchase of 3694
certificates by a county land reutilization corporation, and 3695

authorize the county treasurer to receive notes in lieu of cash, 3696
with such notes being payable to the treasurer upon the receipt 3697
or enforcement of such taxes, assessments, charges, costs, 3698
penalties, and interest, and as otherwise further agreed between 3699
the corporation and the treasurer. The eligibility information 3700
required shall include the tax identification number of the 3701
purchaser and may include the tax identification number of the 3702
participant. The county treasurer, upon request, shall provide a 3703
copy of the rules adopted under this section. 3704

(2) Any person that intends to purchase a tax certificate 3705
in a negotiated sale shall submit an affidavit to the county 3706
treasurer that establishes compliance with the applicable 3707
eligibility criteria and includes any other information required 3708
by the treasurer. Any person that fails to submit such an 3709
affidavit is ineligible to purchase a tax certificate. Any 3710
person that knowingly submits a false or misleading affidavit 3711
shall forfeit any tax certificate or certificates purchased by 3712
the person at a sale for which the affidavit was submitted, 3713
shall be liable for payment of the full certificate purchase 3714
price, plus any applicable premium and less any applicable 3715
discount, of the tax certificate or certificates, and shall be 3716
disqualified from participating in any tax certificate sale 3717
conducted in the county during the next five years. 3718

(3) A tax certificate shall not be sold to the owner of 3719
the certificate parcel or to any corporation, partnership, or 3720
association in which such owner has an interest. No person that 3721
purchases a tax certificate in a negotiated sale shall assign or 3722
transfer the tax certificate to the owner of the certificate 3723
parcel or to any corporation, partnership, or association in 3724
which the owner has an interest. Any person that knowingly or 3725
negligently transfers or assigns a tax certificate to the owner 3726

of the certificate parcel or to any corporation, partnership, or 3727
association in which such owner has an interest shall be liable 3728
for payment of the full certificate purchase price, plus any 3729
applicable premium and less any applicable discount, and shall 3730
not be entitled to a refund of any amount paid. Such tax 3731
certificate shall be deemed void and the tax lien sold under the 3732
tax certificate shall revert to the county as if no sale of the 3733
tax certificate had occurred. 3734

(F) The purchaser in a negotiated sale under this section 3735
shall deliver the certificate purchase price or other 3736
consideration, plus any applicable premium and less any 3737
applicable discount and including any noncash consideration, to 3738
the county treasurer not later than the close of business on the 3739
date the tax certificates are delivered to the purchaser. The 3740
certificate purchase price, less any applicable discount, or 3741
portion of the price, that is paid in cash shall be deposited in 3742
the county's general fund to the credit of the account to which 3743
ad valorem real property taxes are credited and further credited 3744
as provided in division (G) of this section. Any applicable 3745
premium that is paid shall be, at the discretion of the county 3746
treasurer, apportioned to and deposited in any authorized county 3747
fund. The purchaser also shall pay on the date the tax 3748
certificates are delivered to the purchaser the fee, if any, 3749
negotiated under division (J) of this section. If the purchaser 3750
fails to pay the certificate purchase price, plus any applicable 3751
premium and less any applicable discount, and any such fee, 3752
within the time periods required by this section, the county 3753
treasurer shall retain the tax certificate and may attempt to 3754
sell it at any auction or negotiated sale conducted at a later 3755
date. 3756

(G) Upon receipt of the full payment from the purchaser of 3757

the certificate purchase price or other agreed-upon 3758
consideration, plus any applicable premium and less any 3759
applicable discount, and the negotiated fee, if any, the county 3760
treasurer, or a qualified trustee whom the treasurer has engaged 3761
for such purpose, shall issue the tax certificate and record the 3762
tax certificate sale by entering into a tax certificate register 3763
the certificate purchase price, any premium paid or discount 3764
taken, the certificate rate of interest, the date the 3765
certificates were sold, the name and address of the certificate 3766
holder or, in the case of issuance of the tax certificates in a 3767
book-entry system, the name and address of the nominee, and any 3768
other information the county treasurer considers necessary. The 3769
county treasurer may keep the tax certificate register in a 3770
hard-copy format or an electronic format. The name and address 3771
of the certificate holder or nominee may be, upon receipt of 3772
instructions from the purchaser, that of the secured party of 3773
the actual purchaser, or an agent or custodian for the purchaser 3774
or secured party. The county treasurer also shall transfer the 3775
tax certificates to the certificate holder. The county treasurer 3776
shall apportion the part of the cash proceeds from the sale 3777
representing taxes, penalties, and interest among the several 3778
taxing districts in the same proportion that the amount of taxes 3779
levied by each district against the certificate parcels in the 3780
preceding tax year bears to the taxes levied by all such 3781
districts against the certificate parcels in the preceding tax 3782
year, and credit the part of the proceeds representing 3783
assessments and other charges to the items of assessments and 3784
charges in the order in which those items became due. If the 3785
cash proceeds from the sale are not sufficient to fully satisfy 3786
the items of taxes, assessments, penalties, interest, and 3787
charges on the certificate parcels against which tax 3788
certificates were sold, the county treasurer shall credit the 3789

cash proceeds to such items pro rata based upon the proportion 3790
that each item of taxes, assessments, penalties, interest, and 3791
charges bears to the aggregate of all such items, or by any 3792
other method that the county treasurer, in the treasurer's sole 3793
discretion, determines is equitable. Upon issuing the tax 3794
certificates, the delinquent taxes that make up the certificate 3795
purchase price are transferred, and the superior lien of the 3796
state and its taxing districts for those delinquent taxes is 3797
conveyed intact to the certificate holder or holders. 3798

(H) If a tax certificate is offered for sale under this 3799
section but is not sold, the county treasurer may strike the 3800
corresponding certificate parcel from the list of parcels 3801
selected for tax certificate sales. The lien for taxes, 3802
assessments, charges, penalties, and interest against a parcel 3803
stricken from the list thereafter may be foreclosed in the 3804
manner prescribed by section 323.25, 5721.14, or 5721.18 of the 3805
Revised Code unless, prior to the institution of such 3806
proceedings against the parcel, the county treasurer restores 3807
the parcel to the list of parcels selected for tax certificate 3808
sales. 3809

(I) Neither a certificate holder nor its secured party, if 3810
any, shall be liable for damages arising from a violation of 3811
sections 3737.87 to 3737.891 or Chapter 3704., 3734., 3745., 3812
3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, 3813
or a rule adopted or order, permit, license, variance, or plan 3814
approval issued under any of those chapters, that is or was 3815
committed by another person in connection with the parcel for 3816
which the tax certificate is held. 3817

(J) When selling or transferring a tax certificate under 3818
this section, the county treasurer may negotiate with the 3819

purchaser of the certificate for fees paid by the purchaser to 3820
the county treasurer to reimburse the treasurer for any part or 3821
all of the treasurer's costs of preparing for and administering 3822
the sale of the tax certificate and any fees set forth by the 3823
county treasurer in the tax certificate sale/purchase agreement. 3824
Such fees, if any, shall be added to the certificate purchase 3825
price and shall be paid by the purchaser on the date of delivery 3826
of the tax certificate. The county treasurer shall deposit the 3827
fees in the county treasury to the credit of the tax certificate 3828
administration fund. 3829

(K) After selling tax certificates under this section, the 3830
county treasurer shall send written notice ~~by certified mail to~~ 3831
~~the last known tax mailing address of the owner of the~~ 3832
certificate parcel by either certified mail or, if the treasurer 3833
has record of an internet identifier of record associated with 3834
the owner, by ordinary mail and by that internet identifier of 3835
record. A mailed notice shall be sent to the owner's last known 3836
tax-mailing address. The notice shall inform the owner that a 3837
tax certificate with respect to such owner's parcel was sold or 3838
transferred and shall describe the owner's options to redeem the 3839
parcel, including entering into a redemption payment plan under 3840
division (C) (2) of section 5721.38 of the Revised Code. However, 3841
the county treasurer is not required to send a notice under this 3842
division if the treasurer previously has attempted to send a 3843
notice to the owner of the parcel at the owner's last known tax- 3844
mailing address and the postal service has returned the notice 3845
as undeliverable. 3846

Sec. 5727.75. (A) For purposes of this section: 3847

(1) "Qualified energy project" means an energy project 3848
certified by the director of development services pursuant to 3849

this section. 3850

(2) "Energy project" means a project to provide electric 3851
power through the construction, installation, and use of an 3852
energy facility. 3853

(3) "Alternative energy zone" means a county declared as 3854
such by the board of county commissioners under division (E) (1) 3855
(b) or (c) of this section. 3856

(4) "Full-time equivalent employee" means the total number 3857
of employee-hours for which compensation was paid to individuals 3858
employed at a qualified energy project for services performed at 3859
the project during the calendar year divided by two thousand 3860
eighty hours. 3861

(5) "Solar energy project" means an energy project 3862
composed of an energy facility using solar panels to generate 3863
electricity. 3864

(6) "Internet identifier of record" has the same meaning 3865
as in section 9.312 of the Revised Code. 3866

(B) (1) Tangible personal property of a qualified energy 3867
project using renewable energy resources is exempt from taxation 3868
for tax years 2011 through 2021 if all of the following 3869
conditions are satisfied: 3870

(a) On or before December 31, 2020, the owner or a lessee 3871
pursuant to a sale and leaseback transaction of the project 3872
submits an application to the power siting board for a 3873
certificate under section 4906.20 of the Revised Code, or if 3874
that section does not apply, submits an application for any 3875
approval, consent, permit, or certificate or satisfies any 3876
condition required by a public agency or political subdivision 3877
of this state for the construction or initial operation of an 3878

energy project. 3879

(b) Construction or installation of the energy facility 3880
begins on or after January 1, 2009, and before January 1, 2021. 3881
For the purposes of this division, construction begins on the 3882
earlier of the date of application for a certificate or other 3883
approval or permit described in division (B)(1)(a) of this 3884
section, or the date the contract for the construction or 3885
installation of the energy facility is entered into. 3886

(c) For a qualified energy project with a nameplate 3887
capacity of five megawatts or greater, a board of county 3888
commissioners of a county in which property of the project is 3889
located has adopted a resolution under division (E)(1)(b) or (c) 3890
of this section to approve the application submitted under 3891
division (E) of this section to exempt the property located in 3892
that county from taxation. A board's adoption of a resolution 3893
rejecting an application or its failure to adopt a resolution 3894
approving the application does not affect the tax-exempt status 3895
of the qualified energy project's property that is located in 3896
another county. 3897

(2) If tangible personal property of a qualified energy 3898
project using renewable energy resources was exempt from 3899
taxation under this section beginning in any of tax years 2011 3900
through 2021, and the certification under division (E)(2) of 3901
this section has not been revoked, the tangible personal 3902
property of the qualified energy project is exempt from taxation 3903
for tax year 2022 and all ensuing tax years if the property was 3904
placed into service before January 1, 2022, as certified in the 3905
construction progress report required under division (F)(2) of 3906
this section. Tangible personal property that has not been 3907
placed into service before that date is taxable property subject 3908

to taxation. An energy project for which certification has been 3909
revoked is ineligible for further exemption under this section. 3910
Revocation does not affect the tax-exempt status of the 3911
project's tangible personal property for the tax year in which 3912
revocation occurs or any prior tax year. 3913

(C) Tangible personal property of a qualified energy 3914
project using clean coal technology, advanced nuclear 3915
technology, or cogeneration technology is exempt from taxation 3916
for the first tax year that the property would be listed for 3917
taxation and all subsequent years if all of the following 3918
circumstances are met: 3919

(1) The property was placed into service before January 1, 3920
2021. Tangible personal property that has not been placed into 3921
service before that date is taxable property subject to 3922
taxation. 3923

(2) For such a qualified energy project with a nameplate 3924
capacity of five megawatts or greater, a board of county 3925
commissioners of a county in which property of the qualified 3926
energy project is located has adopted a resolution under 3927
division (E)(1)(b) or (c) of this section to approve the 3928
application submitted under division (E) of this section to 3929
exempt the property located in that county from taxation. A 3930
board's adoption of a resolution rejecting the application or 3931
its failure to adopt a resolution approving the application does 3932
not affect the tax-exempt status of the qualified energy 3933
project's property that is located in another county. 3934

(3) The certification for the qualified energy project 3935
issued under division (E)(2) of this section has not been 3936
revoked. An energy project for which certification has been 3937
revoked is ineligible for exemption under this section. 3938

Revocation does not affect the tax-exempt status of the 3939
project's tangible personal property for the tax year in which 3940
revocation occurs or any prior tax year. 3941

(D) Except as otherwise provided in this section, real 3942
property of a qualified energy project is exempt from taxation 3943
for any tax year for which the tangible personal property of the 3944
qualified energy project is exempted under this section. 3945

(E) (1) (a) A person may apply to the director of 3946
development services for certification of an energy project as a 3947
qualified energy project on or before the following dates: 3948

(i) December 31, 2020, for an energy project using 3949
renewable energy resources; 3950

(ii) December 31, 2017, for an energy project using clean 3951
coal technology, advanced nuclear technology, or cogeneration 3952
technology. 3953

(b) The director shall forward a copy of each application 3954
for certification of an energy project with a nameplate capacity 3955
of five megawatts or greater to the board of county 3956
commissioners of each county in which the project is located and 3957
to each taxing unit with territory located in each of the 3958
affected counties. Any board that receives from the director a 3959
copy of an application submitted under this division shall adopt 3960
a resolution approving or rejecting the application unless it 3961
has adopted a resolution under division (E) (1) (c) of this 3962
section. A resolution adopted under division (E) (1) (b) or (c) of 3963
this section may require an annual service payment to be made in 3964
addition to the service payment required under division (G) of 3965
this section. The sum of the service payment required in the 3966
resolution and the service payment required under division (G) 3967

of this section shall not exceed nine thousand dollars per 3968
megawatt of nameplate capacity located in the county. The 3969
resolution shall specify the time and manner in which the 3970
payments required by the resolution shall be paid to the county 3971
treasurer. The county treasurer shall deposit the payment to the 3972
credit of the county's general fund to be used for any purpose 3973
for which money credited to that fund may be used. 3974

The board shall send copies of the resolution ~~by certified~~ 3975
~~mail~~ to the owner of the facility and the director by certified 3976
mail or, if the board has record of an internet identifier of 3977
record associated with the owner or director, by ordinary mail 3978
and by that internet identifier of record. The board shall send 3979
such notice within thirty days after receipt of the application, 3980
or a longer period of time if authorized by the director. 3981

(c) A board of county commissioners may adopt a resolution 3982
declaring the county to be an alternative energy zone and 3983
declaring all applications submitted to the director of 3984
development services under this division after the adoption of 3985
the resolution, and prior to its repeal, to be approved by the 3986
board. 3987

All tangible personal property and real property of an 3988
energy project with a nameplate capacity of five megawatts or 3989
greater is taxable if it is located in a county in which the 3990
board of county commissioners adopted a resolution rejecting the 3991
application submitted under this division or failed to adopt a 3992
resolution approving the application under division (E) (1) (b) or 3993
(c) of this section. 3994

(2) The director shall certify an energy project if all of 3995
the following circumstances exist: 3996

(a) The application was timely submitted. 3997

(b) For an energy project with a nameplate capacity of 3998
five megawatts or greater, a board of county commissioners of at 3999
least one county in which the project is located has adopted a 4000
resolution approving the application under division (E) (1) (b) or 4001
(c) of this section. 4002

(c) No portion of the project's facility was used to 4003
supply electricity before December 31, 2009. 4004

(3) The director shall deny a certification application if 4005
the director determines the person has failed to comply with any 4006
requirement under this section. The director may revoke a 4007
certification if the director determines the person, or 4008
subsequent owner or lessee pursuant to a sale and leaseback 4009
transaction of the qualified energy project, has failed to 4010
comply with any requirement under this section. Upon 4011
certification or revocation, the director shall notify the 4012
person, owner, or lessee, the tax commissioner, and the county 4013
auditor of a county in which the project is located of the 4014
certification or revocation. Notice shall be provided in a 4015
manner convenient to the director. 4016

(F) The owner or a lessee pursuant to a sale and leaseback 4017
transaction of a qualified energy project shall do each of the 4018
following: 4019

(1) Comply with all applicable regulations; 4020

(2) File with the director of development services a 4021
certified construction progress report before the first day of 4022
March of each year during the energy facility's construction or 4023
installation indicating the percentage of the project completed, 4024
and the project's nameplate capacity, as of the preceding 4025

thirty-first day of December. Unless otherwise instructed by the 4026
director of development services, the owner or lessee of an 4027
energy project shall file a report with the director on or 4028
before the first day of March each year after completion of the 4029
energy facility's construction or installation indicating the 4030
project's nameplate capacity as of the preceding thirty-first 4031
day of December. Not later than sixty days after June 17, 2010, 4032
the owner or lessee of an energy project, the construction of 4033
which was completed before June 17, 2010, shall file a 4034
certificate indicating the project's nameplate capacity. 4035

(3) File with the director of development services, in a 4036
manner prescribed by the director, a report of the total number 4037
of full-time equivalent employees, and the total number of full- 4038
time equivalent employees domiciled in Ohio, who are employed in 4039
the construction or installation of the energy facility; 4040

(4) For energy projects with a nameplate capacity of five 4041
megawatts or greater, repair all roads, bridges, and culverts 4042
affected by construction as reasonably required to restore them 4043
to their preconstruction condition, as determined by the county 4044
engineer in consultation with the local jurisdiction responsible 4045
for the roads, bridges, and culverts. In the event that the 4046
county engineer deems any road, bridge, or culvert to be 4047
inadequate to support the construction or decommissioning of the 4048
energy facility, the road, bridge, or culvert shall be rebuilt 4049
or reinforced to the specifications established by the county 4050
engineer prior to the construction or decommissioning of the 4051
facility. The owner or lessee of the facility shall post a bond 4052
in an amount established by the county engineer and to be held 4053
by the board of county commissioners to ensure funding for 4054
repairs of roads, bridges, and culverts affected during the 4055
construction. The bond shall be released by the board not later 4056

than one year after the date the repairs are completed. The 4057
energy facility owner or lessee pursuant to a sale and leaseback 4058
transaction shall post a bond, as may be required by the Ohio 4059
power siting board in the certificate authorizing commencement 4060
of construction issued pursuant to section 4906.10 of the 4061
Revised Code, to ensure funding for repairs to roads, bridges, 4062
and culverts resulting from decommissioning of the facility. The 4063
energy facility owner or lessee and the county engineer may 4064
enter into an agreement regarding specific transportation plans, 4065
reinforcements, modifications, use and repair of roads, 4066
financial security to be provided, and any other relevant issue. 4067

(5) Provide or facilitate training for fire and emergency 4068
responders for response to emergency situations related to the 4069
energy project and, for energy projects with a nameplate 4070
capacity of five megawatts or greater, at the person's expense, 4071
equip the fire and emergency responders with proper equipment as 4072
reasonably required to enable them to respond to such emergency 4073
situations; 4074

(6) Maintain a ratio of Ohio-domiciled full-time 4075
equivalent employees employed in the construction or 4076
installation of the energy project to total full-time equivalent 4077
employees employed in the construction or installation of the 4078
energy project of not less than eighty per cent in the case of a 4079
solar energy project, and not less than fifty per cent in the 4080
case of any other energy project. In the case of an energy 4081
project for which certification from the power siting board is 4082
required under section 4906.20 of the Revised Code, the number 4083
of full-time equivalent employees employed in the construction 4084
or installation of the energy project equals the number actually 4085
employed or the number projected to be employed in the 4086
certificate application, if such projection is required under 4087

regulations adopted pursuant to section 4906.03 of the Revised 4088
Code, whichever is greater. For all other energy projects, the 4089
number of full-time equivalent employees employed in the 4090
construction or installation of the energy project equals the 4091
number actually employed or the number projected to be employed 4092
by the director of development services, whichever is greater. 4093
To estimate the number of employees to be employed in the 4094
construction or installation of an energy project, the director 4095
shall use a generally accepted job-estimating model in use for 4096
renewable energy projects, including but not limited to the job 4097
and economic development impact model. The director may adjust 4098
an estimate produced by a model to account for variables not 4099
accounted for by the model. 4100

(7) For energy projects with a nameplate capacity in 4101
excess of two megawatts, establish a relationship with a member 4102
of the university system of Ohio as defined in section 3345.011 4103
of the Revised Code or with a person offering an apprenticeship 4104
program registered with the employment and training 4105
administration within the United States department of labor or 4106
with the apprenticeship council created by section 4139.02 of 4107
the Revised Code, to educate and train individuals for careers 4108
in the wind or solar energy industry. The relationship may 4109
include endowments, cooperative programs, internships, 4110
apprenticeships, research and development projects, and 4111
curriculum development. 4112

(8) Offer to sell power or renewable energy credits from 4113
the energy project to electric distribution utilities or 4114
electric service companies subject to renewable energy resource 4115
requirements under section 4928.64 of the Revised Code that have 4116
issued requests for proposal for such power or renewable energy 4117
credits. If no electric distribution utility or electric service 4118

company issues a request for proposal on or before December 31, 4119
2010, or accepts an offer for power or renewable energy credits 4120
within forty-five days after the offer is submitted, power or 4121
renewable energy credits from the energy project may be sold to 4122
other persons. Division (F)(8) of this section does not apply 4123
if: 4124

(a) The owner or lessee is a rural electric company or a 4125
municipal power agency as defined in section 3734.058 of the 4126
Revised Code. 4127

(b) The owner or lessee is a person that, before 4128
completion of the energy project, contracted for the sale of 4129
power or renewable energy credits with a rural electric company 4130
or a municipal power agency. 4131

(c) The owner or lessee contracts for the sale of power or 4132
renewable energy credits from the energy project before June 17, 4133
2010. 4134

(9) Make annual service payments as required by division 4135
(G) of this section and as may be required in a resolution 4136
adopted by a board of county commissioners under division (E) of 4137
this section. 4138

(G) The owner or a lessee pursuant to a sale and leaseback 4139
transaction of a qualified energy project shall make annual 4140
service payments in lieu of taxes to the county treasurer on or 4141
before the final dates for payments of taxes on public utility 4142
personal property on the real and public utility personal 4143
property tax list for each tax year for which property of the 4144
energy project is exempt from taxation under this section. The 4145
county treasurer shall allocate the payment on the basis of the 4146
project's physical location. Upon receipt of a payment, or if 4147

timely payment has not been received, the county treasurer shall 4148
certify such receipt or non-receipt to the director of 4149
development services and tax commissioner in a form determined 4150
by the director and commissioner, respectively. Each payment 4151
shall be in the following amount: 4152

(1) In the case of a solar energy project, seven thousand 4153
dollars per megawatt of nameplate capacity located in the county 4154
as of December 31, 2010, for tax year 2011, as of December 31, 4155
2011, for tax year 2012, as of December 31, 2012, for tax year 4156
2013, as of December 31, 2013, for tax year 2014, as of December 4157
31, 2014, for tax year 2015, as of December 31, 2015, for tax 4158
year 2016, and as of December 31, 2016, for tax year 2017 and 4159
each tax year thereafter; 4160

(2) In the case of any other energy project using 4161
renewable energy resources, the following: 4162

(a) If the project maintains during the construction or 4163
installation of the energy facility a ratio of Ohio-domiciled 4164
full-time equivalent employees to total full-time equivalent 4165
employees of not less than seventy-five per cent, six thousand 4166
dollars per megawatt of nameplate capacity located in the county 4167
as of the thirty-first day of December of the preceding tax 4168
year; 4169

(b) If the project maintains during the construction or 4170
installation of the energy facility a ratio of Ohio-domiciled 4171
full-time equivalent employees to total full-time equivalent 4172
employees of less than seventy-five per cent but not less than 4173
sixty per cent, seven thousand dollars per megawatt of nameplate 4174
capacity located in the county as of the thirty-first day of 4175
December of the preceding tax year; 4176

(c) If the project maintains during the construction or 4177
installation of the energy facility a ratio of Ohio-domiciled 4178
full-time equivalent employees to total full-time equivalent 4179
employees of less than sixty per cent but not less than fifty 4180
per cent, eight thousand dollars per megawatt of nameplate 4181
capacity located in the county as of the thirty-first day of 4182
December of the preceding tax year. 4183

(3) In the case of an energy project using clean coal 4184
technology, advanced nuclear technology, or cogeneration 4185
technology, the following: 4186

(a) If the project maintains during the construction or 4187
installation of the energy facility a ratio of Ohio-domiciled 4188
full-time equivalent employees to total full-time equivalent 4189
employees of not less than seventy-five per cent, six thousand 4190
dollars per megawatt of nameplate capacity located in the county 4191
as of the thirty-first day of December of the preceding tax 4192
year; 4193

(b) If the project maintains during the construction or 4194
installation of the energy facility a ratio of Ohio-domiciled 4195
full-time equivalent employees to total full-time equivalent 4196
employees of less than seventy-five per cent but not less than 4197
sixty per cent, seven thousand dollars per megawatt of nameplate 4198
capacity located in the county as of the thirty-first day of 4199
December of the preceding tax year; 4200

(c) If the project maintains during the construction or 4201
installation of the energy facility a ratio of Ohio-domiciled 4202
full-time equivalent employees to total full-time equivalent 4203
employees of less than sixty per cent but not less than fifty 4204
per cent, eight thousand dollars per megawatt of nameplate 4205
capacity located in the county as of the thirty-first day of 4206

December of the preceding tax year. 4207

(H) The director of development services in consultation 4208
with the tax commissioner shall adopt rules pursuant to Chapter 4209
119. of the Revised Code to implement and enforce this section. 4210

Section 2. That existing sections 9.312, 124.327, 128.07, 4211
149.30, 303.14, 307.204, 307.699, 340.02, 343.01, 505.109, 4212
505.266, 505.391, 505.511, 519.14, 902.04, 931.03, 940.20, 4213
3517.01, 3517.11, 3791.12, 4301.39, 5713.082, 5715.12, 5715.19, 4214
5715.20, 5717.01, 5721.30, 5721.31, 5721.32, 5721.33, and 4215
5727.75 of the Revised Code are hereby repealed. 4216