

# As Introduced

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REPRESENTATIVES Collier, Peterson, Fessler, Hartnett, Calvert, Setzer,  
Seaver, D. Miller, Reidelbach, Seitz, Metzger, Goodman, Wolpert, Niehaus,  
Distel, Sullivan, Schaffer, Gilb, White, Latta, Flowers, Hughes, Carmichael,  
Carano, Perry, Jones, Reinhard, Young, Fedor, Krupinski, Widowfield,  
Lendrum

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## A B I L L

To amend section 307.12 of the Revised Code to  
authorize boards of county commissioners to dispose  
of unneeded, obsolete, or unfit county personal  
property by Internet auction.

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

**Section 1.** That section 307.12 of the Revised Code be amended  
to read as follows:

**Sec. 307.12.** (A) Except as otherwise provided in ~~division~~  
divisions (B), (C), and (E) of this section, when the board of  
county commissioners finds, by resolution, that the county has  
personal property, including motor vehicles acquired for the use  
of county officers and departments, and road machinery, equipment,  
tools, or supplies, which is not needed for public use, or is  
obsolete or unfit for the use for which it was acquired, and when  
the fair market value of the property to be sold under this  
division is, in the opinion of the board, in excess of two  
thousand five hundred dollars, the board may do either of the

following:

(1) Sell ~~such~~ the property at public auction or by sealed bid to the highest bidder. Notice of the time, place, and manner of the sale shall ~~also~~ be published in a newspaper of general circulation in the county at least ten days prior to the sale, and a typewritten or printed notice of the time, place, and manner of the sale shall be posted at least ten days before the sale in the offices of the county auditor and the board of county commissioners.

If a board conducts a sale of ~~personal~~ property by sealed bid, the form of the bid shall be as prescribed by the board, and each bid shall contain the name of the person submitting it. Bids received shall be opened and tabulated at the time stated in the notice. The property shall be sold to the highest bidder, except that the board may reject all bids and hold another sale, by public auction or sealed bid, in the manner prescribed by this section.

(2) Donate any motor vehicle that does not exceed four thousand five hundred dollars in value to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code.

(B) When the board of county commissioners finds, by resolution, that the county has personal property, including motor vehicles acquired for the use of county officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and when the fair market value of the property to be sold under this division is, in the opinion of the

board, two thousand five hundred dollars or less, the board may  
sell the property by private sale, without advertisement or public  
notification.

Notwithstanding anything to the contrary in ~~division~~  
divisions (A) or (C) of this section and regardless of the  
property's value, the board may sell or donate county personal  
property, including motor vehicles, ~~of the county~~ to the federal  
government, the state, or any political subdivision of the state  
without advertisement or public notification.

(C) Notwithstanding anything to the contrary in divisions  
(A), (B), or (E) of this section and regardless of the property's  
value, the board of county commissioners may sell personal  
property, including motor vehicles acquired for the use of county  
officers and departments, and road machinery, equipment, tools, or  
supplies, which is not needed for public use, or is obsolete or  
unfit for the use for which it was acquired, by internet auction.  
The board shall adopt, during each calendar year, a resolution  
expressing its intent to sell that property by internet auction.  
The resolution shall include a description of how the auctions  
will be conducted and shall specify the number of days for bidding  
on the property, which shall be no less than fifteen, including  
Saturdays, Sundays, and legal holidays. The resolution shall  
indicate whether the board will designate a representative to  
conduct the auction and shall establish the general terms and  
conditions of sale. If a representative designee is known when the  
resolution is adopted, the resolution shall provide contact  
information such as the designee's name, address, and telephone  
number

After adoption of the resolution, the board shall publish  
notice, in a newspaper of general circulation in the county, of  
its intent to sell unneeded, obsolete, or unfit county personal  
property by internet auction. The notice shall include a summary

of the information provided in the resolution and shall be  
published at least twice. The second and any subsequent notice  
shall be published not less than ten nor more than twenty days  
after the previous notice. A similar notice also shall be posted  
continually throughout the calendar year in a conspicuous place in  
the offices of the county auditor and the board of county  
commissioners, and, if the county maintains a website on the  
internet, the notice shall be posted continually throughout the  
calendar year at that website.

When property is to be sold by internet auction, the board or  
its designated representative may establish a minimum price that  
will be accepted for specific items and may establish any other  
terms and conditions for the particular sale, including  
requirements for pick-up or delivery, method of payment, and sales  
tax. This type of information shall be provided on the internet at  
the time of the auction and may be provided before that time upon  
request after the terms and conditions have been determined by the  
board or its designated representative.

(D) When a county officer or department head determines that  
county-owned personal property under the jurisdiction of the  
officer or department head, including motor vehicles, road  
machinery, equipment, tools, or supplies, is not of immediate  
need, the county officer or department head may notify the board  
of county commissioners, and the board may lease ~~such~~ that  
personal property to any municipal corporation, township, or other  
political subdivision of the state. ~~Such~~ The lease shall require  
the county to be reimbursed under terms, conditions, and fees  
established by the board ~~of county commissioners~~, or under  
contracts executed by the board.

~~(D) Where~~ (E) If the board of county commissioners finds, by  
resolution, that the county has vehicles, equipment, or machinery  
which is not needed, or is unfit for public use, and the board

desires to sell ~~such~~ the vehicles, equipment, or machinery to the 113  
person or firm from which it proposes to purchase other vehicles, 114  
equipment, or machinery, the board may offer to sell the vehicles, 115  
equipment, or machinery to ~~such~~ that person or firm, and to have 116  
~~such~~ the selling price credited to the person or firm against the 117  
purchase price of other vehicles, equipment, or machinery. 118

~~(E) Where~~ (F) If the board of county commissioners advertises 120  
for bids for the sale of new vehicles, equipment, or machinery to 121  
the county, it may include in the same advertisement a notice of 122  
the willingness of ~~such~~ the board to accept bids for the purchase 123  
of county-owned vehicles, equipment, or machinery which is 124  
obsolete or not needed for public use, and to have the amount of 125  
~~such~~ those bids subtracted from the selling price of the other 126  
vehicles, equipment, or machinery as a means of determining the 127  
lowest responsible bidder. 128

(G) As used in this section, "internet" means the 129  
international computer network of both federal and nonfederal 130  
interoperable packet switched data networks, including the 131  
graphical subnetwork called the world wide web. 132

**Section 2.** That existing section 307.12 of the Revised Code 133  
is hereby repealed. 134