

**As Reported by the Senate State and Local Government and  
Veterans Affairs Committee**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Am. Sub. H. B. No. 226**

**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, Roman, Schmidt, Coates, Sferra, Salerno, DeWine, Grendell,  
Damschroder, Raga, Core, Evans, Hagan, Aslanides, Carey, Willamowski,  
Hollister, Buehrer, Faber, Metelsky, Ford, Sulzer, Schneider, Webster, Patton  
SENATOR McLin**

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**A B I L L**

To amend sections 307.12, 505.10, and 721.15 of the 1  
Revised Code to authorize counties, townships, and 2  
statutory municipal corporations to dispose of 3  
unneded, obsolete, or unfit personal property by 4  
Internet auction and, if that property has no 5  
value, to discard or salvage it. 6

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

**Section 1.** That sections 307.12, 505.10, and 721.15 of the 7  
Revised Code be amended to read as follows: 8

**Sec. 307.12.** (A) Except as otherwise provided in ~~division~~ 9  
divisions (B), (C), and (E) of this section, when the board of 10  
county commissioners finds, by resolution, that the county has 11  
personal property, including motor vehicles acquired for the use 12

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of county officers and departments, and road machinery, equipment, 13  
tools, or supplies, which is not needed for public use, or is 14  
obsolete or unfit for the use for which it was acquired, and when 15  
the fair market value of the property to be sold under this 16  
division is, in the opinion of the board, in excess of two 17  
thousand five hundred dollars, the board may do either of the 18  
following: 19

(1) Sell ~~such~~ the property at public auction or by sealed bid 20  
to the highest bidder. Notice of the time, place, and manner of 21  
the sale shall ~~also~~ be published in a newspaper of general 22  
circulation in the county at least ten days prior to the sale, and 23  
a typewritten or printed notice of the time, place, and manner of 24  
the sale shall be posted at least ten days before the sale in the 25  
offices of the county auditor and the board of county 26  
commissioners. 27

If a board conducts a sale of ~~personal~~ property by sealed 28  
bid, the form of the bid shall be as prescribed by the board, and 29  
each bid shall contain the name of the person submitting it. Bids 30  
received shall be opened and tabulated at the time stated in the 31  
notice. The property shall be sold to the highest bidder, except 32  
that the board may reject all bids and hold another sale, by 33  
public auction or sealed bid, in the manner prescribed by this 34  
section. 35

(2) Donate any motor vehicle that does not exceed four 36  
thousand five hundred dollars in value to a nonprofit organization 37  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 38  
and (c)(3) for the purpose of meeting the transportation needs of 39  
participants in the Ohio works first program established under 40  
Chapter 5107. of the Revised Code and participants in the 41  
prevention, retention, and contingency program established under 42  
Chapter 5108. of the Revised Code. 43

(B) When the board of county commissioners finds, by 44

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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.

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Notwithstanding anything to the contrary in division (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.

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(C) Notwithstanding anything to the contrary in division (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 days,  
including Saturdays, Sundays, and legal holidays. The resolution  
shall indicate whether the county will conduct the auction or the  
board will contract with a representative to conduct the auction  
and shall establish the general terms and conditions of sale. If a  
representative is known when the resolution is adopted, the

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resolution shall provide contact information such as the 77  
representative's name, address, and telephone number. 78

After adoption of the resolution, the board shall publish, in 79  
a newspaper of general circulation in the county, notice of its 80  
intent to sell unneeded, obsolete, or unfit county personal 81  
property by internet auction. The notice shall include a summary 82  
of the information provided in the resolution and shall be 83  
published at least twice. The second and any subsequent notice 84  
shall be published not less than ten nor more than twenty days 85  
after the previous notice. A similar notice also shall be posted 86  
continually throughout the calendar year in a conspicuous place in 87  
the offices of the county auditor and the board of county 88  
commissioners, and, if the county maintains a website on the 89  
internet, the notice shall be posted continually throughout the 90  
calendar year at that website. 91

When property is to be sold by internet auction, the board or 92  
its representative may establish a minimum price that will be 93  
accepted for specific items and may establish any other terms and 94  
conditions for the particular sale, including requirements for 95  
pick-up or delivery, method of payment, and sales tax. This type 96  
of information shall be provided on the internet at the time of 97  
the auction and may be provided before that time upon request 98  
after the terms and conditions have been determined by the board 99  
or its representative. 100

(D) When a county officer or department head determines that 101  
county-owned personal property under the jurisdiction of the 102  
officer or department head, including motor vehicles, road 103  
machinery, equipment, tools, or supplies, is not of immediate 104  
need, the county officer or department head may notify the board 105  
of county commissioners, and the board may lease ~~such~~ that 106  
personal property to any municipal corporation, township, or other 107  
political subdivision of the state. ~~Such~~ The lease shall require 108

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the county to be reimbursed under terms, conditions, and fees 109  
established by the board ~~of county commissioners~~, or under 110  
contracts executed by the board. 111

~~(D) Where~~ (E) If the board of county commissioners finds, by 112  
resolution, that the county has vehicles, equipment, or machinery 113  
which is not needed, or is unfit for public use, and the board 114  
desires to sell ~~such~~ the vehicles, equipment, or machinery to the 115  
person or firm from which it proposes to purchase other vehicles, 116  
equipment, or machinery, the board may offer to sell the vehicles, 117  
equipment, or machinery to ~~such~~ that person or firm, and to have 118  
~~such~~ the selling price credited to the person or firm against the 119  
purchase price of other vehicles, equipment, or machinery. 120

~~(E) Where~~ (F) If the board of county commissioners advertises 122  
for bids for the sale of new vehicles, equipment, or machinery to 123  
the county, it may include in the same advertisement a notice of 124  
the willingness of ~~such~~ the board to accept bids for the purchase 125  
of county-owned vehicles, equipment, or machinery which is 126  
obsolete or not needed for public use, and to have the amount of 127  
~~such~~ those bids subtracted from the selling price of the other 128  
vehicles, equipment, or machinery as a means of determining the 129  
lowest responsible bidder. 130

(G) If a board of county commissioners determines that county 131  
personal property is not needed for public use, or is obsolete or 132  
unfit for the use for which it was acquired, and that the property 133  
has no value, the board may discard or salvage that property. 134

(H) As used in this section, "internet" means the 136  
international computer network of both federal and nonfederal 137  
interoperable packet switched data networks, including the 138  
graphical subnetwork called the world wide web. 139

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Sec. 505.10. The board of township trustees may accept, on behalf of the township, the donation by bequest, devise, deed of gift, or otherwise, of any ~~property~~, real or personal, property for any township use. When the township has property, including motor vehicles, road machinery, equipment, and tools, which the board, by resolution, finds it does not need for public use, are obsolete, or are unfit for the use for which they were acquired, the board may sell and convey ~~such that~~ property or otherwise dispose of it in accordance with this section. Except as otherwise provided ~~in division (A) or (B) of this section and in sections 505.08 and 505.101 of the Revised Code, the sale must or other disposition of unneeded, obsolete, or unfit property shall be by public auction and upon notice thereof being given as follows made in accordance with one of the following:~~

(A)(1) If the fair market value of ~~the~~ property to be sold is, in the opinion of the board, in excess of two thousand five hundred dollars, the board shall publish notice of the time, place, and manner of the sale once a week for three weeks in a newspaper published, or of general circulation, in the township, the last of ~~such those~~ publications to be at least five days before the date of sale, and shall post a typewritten or printed notice of the time, place, and manner of the sale in the office of the board for at least ten days prior to the sale. ~~ff~~

(2) If the fair market value of ~~the~~ property to be sold 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.

~~Where~~ (3) If the board finds, by resolution, that the township has motor vehicles, road machinery, equipment, or tools which are not needed, or ~~which~~ are unfit for public use, and the board wishes to sell ~~such the~~ motor vehicles, road machinery,

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equipment, or tools to the person or firm from which it proposes 171  
to purchase other motor vehicles, road machinery, equipment, or 172  
tools, the board may offer to sell the motor vehicles, road 173  
machinery, equipment, or tools to ~~such~~ that person or firm, and to 174  
have ~~such~~ the selling price credited to the person or firm against 175  
the purchase price of other motor vehicles, road machinery, 176  
equipment, or tools. 177

~~Where~~ (4) If the board advertises for bids for the sale of 178  
new motor vehicles, road machinery, equipment, or tools to the 179  
township, it may include in the same advertisement a notice of the 180  
willingness of the board to accept bids for the purchase of 181  
township-owned motor vehicles, road machinery, equipment, or 182  
tools, which are obsolete or not needed for public use, and to 183  
have the amount of ~~such~~ those bids subtracted from the selling 184  
price of the new motor vehicles, road machinery, equipment, or 185  
tools, as a means of determining the lowest responsible bidder. 186

(5) When a township has title to real property, the board of 187  
~~such~~ township ~~may~~ trustees, by resolution, may authorize the 188  
transfer and conveyance of ~~such~~ that property to any other 189  
political subdivision of the state upon such terms as are agreed 190  
to between ~~such~~ the board and the legislative authority of ~~such~~ 191  
that political subdivision. 192

(6) If the board of township trustees determines that 193  
township personal property is not needed for public use, or is 194  
obsolete or unfit for the use for which it was acquired, and that 195  
the property has no value, the board may discard or salvage that 196  
property. 197

(B) When the board has offered property at public auction 198  
under this section and has not received an acceptable offer, the 199  
board, by resolution, may enter into a contract, without 200  
advertising or bidding, for the sale of that property. The 201  
resolution shall specify a minimum acceptable price and the 202

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minimum acceptable terms for the contract. The minimum acceptable price shall not be lower than the minimum price established for the public auction.

(C) Notwithstanding anything to the contrary in division (A) or (B) of this section and regardless of the property's value, the board of township trustees may sell personal property, including motor vehicles, 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 days, including Saturdays, Sundays, and legal holidays. The resolution shall indicate whether the township will conduct the auction or the board will contract with a representative to conduct the auction and shall establish the general terms and conditions of sale. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

After adoption of the resolution, the board shall publish, in a newspaper of general circulation in the township, notice of its intent to sell unneeded, obsolete, or unfit township 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 clerk also shall post a similar notice throughout the calendar year in a conspicuous place in the board's office and, if the township maintains a website on the internet, the notice shall be posted continually throughout the



calendar year at that website.

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When property is to be sold by internet auction, the board or  
its 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 representative.

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

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**Sec. 721.15.** (A) Personal property not needed for municipal  
purposes, the estimated value of which is less than one thousand  
dollars, may be sold by the board or officer having supervision or  
management thereof of that property. If the estimated value of  
such that property exceeds is one thousand dollars or more, it  
shall be sold only when authorized by an ordinance of the  
legislative authority of the municipal corporation and approved by  
the board, officer, or director having supervision or management  
of such personal that property. When so authorized such, the  
board, officer, or director shall make a written contract with the  
highest and best bidder after advertisement for not less than two  
nor or more than four consecutive weeks in a newspaper of general  
circulation within the municipal corporation, or with a board of  
county commissioners upon such lawful terms as are agreed upon, as  
provided by section 721.27 of the Revised Code.

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(B) When the legislative authority finds, by resolution, that

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the municipal corporation has vehicles, equipment, or machinery 266  
 which is obsolete, or is not needed or is unfit for public use, 267  
~~and further finds~~ that the municipal corporation has need of other 268  
 vehicles, equipment, or machinery of the same type, and ~~further~~ 269  
~~finds~~ that it will be to in the best interest of the municipal 270  
 corporation that ~~such~~ the sale of obsolete, unneeded, or unfit 271  
 vehicles, equipment, or machinery be made simultaneously with the 272  
 purchase of the new vehicles, equipment, or machinery of the same 273  
 type, ~~said~~ the legislative authority may offer to sell, or 274  
 authorize a board, officer, or director of ~~said~~ the municipal 275  
 corporation having supervision or management of ~~said~~ the property 276  
 to offer to sell, ~~said~~ those vehicles, equipment, or machinery and 277  
 to have the selling price ~~for the same~~ credited against the 278  
 purchase price of other vehicles, equipment, or machinery and to 279  
 consummate ~~such~~ the sale and purchase by a single contract with 280  
 the lowest and best bidder to be determined by subtracting from 281  
 the selling price of the vehicles, equipment, or machinery to be 282  
 purchased by ~~said~~ the municipal corporation the purchase price 283  
 offered for ~~said~~ the municipally-owned vehicles, equipment, or 284  
 machinery. When the legislative authority or the authorized board, 285  
 officer, or director of a municipal corporation advertises for 286  
 bids for the sale of new vehicles, equipment, or machinery to the 287  
 municipal corporation, they may include in the same advertisement 288  
 a notice of willingness to accept bids for the purchase of 289  
 municipally-owned vehicles, equipment, or machinery which is 290  
 obsolete, ~~unfit,~~ or is not needed or is unfit for public use, and 291  
 to have the amount of ~~such~~ those bids subtracted from the selling 292  
 price as a means of determining the lowest and best bidder. 293

(C) If the legislative authority of the municipal corporation 295  
determines that municipal personal property is not needed for 296  
public use, or is obsolete or unfit for the use for which it was 297  
acquired, and that the property has no value, the legislative 298

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authority may discard or salvage that property.

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(D) Notwithstanding anything to the contrary in division (A) or (B) of this section and regardless of the property's value, the legislative authority of a municipal corporation may sell personal property, including motor vehicles acquired for the use of municipal 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 legislative authority 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 days, including Saturdays, Sundays, and legal holidays. The resolution shall indicate whether the municipal corporation will conduct the auction or the legislative authority will contract with a representative to conduct the auction and shall establish the general terms and conditions of sale. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

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After adoption of the resolution, the legislative authority shall publish, in a newspaper of general circulation in the municipal corporation, notice of its intent to sell unneeded, obsolete, or unfit municipal 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 village clerk or city auditor, and the legislative authority, and, if the

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municipal corporation maintains a website on the internet, the 331  
notice shall be posted continually throughout the calendar year at 332  
that website. 333

When the property is to be sold by internet auction, the 334  
legislative authority or its representative may establish a 335  
minimum price that will be accepted for specific items and may 336  
establish any other terms and conditions for the particular sale, 337  
including requirements for pick-up or delivery, method of payment, 338  
and sales tax. This type of information shall be provided on the 339  
internet at the time of the auction and may be provided before 340  
that time upon request after the terms and conditions have been 341  
determined by the legislative authority or its representative. 342

As used in this section, "internet" means the international 343  
computer network of both federal and nonfederal interoperable 344  
packet switched data networks, including the graphical subnetwork 345  
called the world wide web. 346

**Section 2.** That existing sections 307.12, 505.10, and 721.15 348  
of the Revised Code are hereby repealed. 349