



H.B. 226

124th General Assembly
(As Introduced)

Reps. 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

BILL SUMMARY

- Authorizes boards of county commissioners to dispose of unneeded, obsolete, or unfit for use county personal property by Internet auction.

CONTENT AND OPERATION

Existing law

Currently, if a board of county commissioners finds that the county has personal property (including motor vehicles, and road machinery, equipment, tools, and supplies) that is not needed for public use or that is obsolete or unfit for use, the board may sell or donate it to the federal or state government or any political subdivision of this state, without advertisement or public notification (sec. 307.12(B)). Otherwise, the board may dispose of the property in other ways depending on its value.

If the board determines the fair market value of a motor vehicle does not exceed \$4,500, it may donate the vehicle to a federal tax exempt, nonprofit organization for transportation needs of participants in the Ohio Works First Program and participants in the Prevention, Retention, and Contingency Program (sec. 307.12(A)(2)).¹ If the board determines the fair market value of any

¹ *These are programs funded in part by federal Temporary Assistance for Needy Families (TANF) funds. The Ohio Works First Program provides aid to needy families with a minor child or expecting a child. The Prevention, Retention, and Contingency Program helps eligible persons overcome immediate barriers to achieving and maintaining self-sufficiency and personal responsibility.*

unneded, obsolete, or unfit for use personal property is more than \$2,500, the board may sell it either at a public auction or by sealed bid to the highest bidder (sec. 307.12(A)(1)). If the board finds the fair market value of such property to be \$2,500 or less, the board may sell the property by private sale, without advertisement or public notification (sec. 307.12(B)).

In addition, if unneded or unfit for use property is a vehicle, equipment, or machinery, the board may sell any of those items as a trade-in for the purchase of other vehicles, equipment, or machinery (sec. 307.12(D)). Also, if the board is accepting bids for the sale of vehicles, equipment, or machinery to the county, it can accept bids on its unneded or obsolete vehicles, equipment, or machinery and subtract the bid amounts from the selling price of the vehicles, equipment, or machinery offered for sale as a means of determining the lowest responsible bidder (sec. 307.12(E)).

Changes proposed by the bill

The bill provides another means for a county to sell unneded, obsolete, or unfit for use personal property. Regardless of the property's value, the board of county commissioners may sell the property by Internet auction. To do so, that board must adopt a resolution on an annual basis expressing its intent to sell the property by Internet auction. The resolution must describe how the auctions will be conducted and specify the number of days for bidding on property; property must be available on the Internet for bidding for at least 15 days, including Saturdays, Sundays, and legal holidays. The resolution also must indicate whether the board will designate a representative to conduct an auction and must establish the general terms and conditions of sale. If a representative designee is known when the resolution is adopted, the resolution must provide contact information such as the designee's name, address, and telephone number. (Sec. 307.12(C) and (G).)

After adopting the resolution, the board must publish notice of its intent to sell county personal property that is not needed, obsolete, or unfit for use by Internet auction, at least twice in a newspaper of general circulation in the county. That notice must summarize the information in the resolution. In addition, the board must post a similar notice throughout the year in a conspicuous place in the offices of the county auditor and of the board. If the county maintains a website on the Internet, the notice also must be posted throughout the year at that website. (Sec. 307.12(C).)

When property is to be sold on the Internet, the board or its designated representative may establish a minimum price that will be accepted for specific items and establish any other terms and conditions for a particular sale, including requirements for pick-up or delivery, method of payment, and sales tax. This type

of information must be provided on the Internet at the time of an auction and may be provided before that time upon request after the terms and conditions have been determined. (Sec. 307.12(C).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-24-01	pp. 318-319

h0226-i.124/kl

