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# OHIO LEGISLATIVE SERVICE COMMISSION

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and Drafting

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Office

H.B. 430  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Klopfenstein and Rogers, Jr.

S. Ben Fogle, Attorney

### SUMMARY

- Permits a board of county commissioners, when the office of county engineer is vacant, to contract with another county's county engineer to perform the duties of county engineer in that county, and gives the county engineer supplemental compensation for doing so.
- Prohibits a county engineer from engaging in the private practice of engineering or surveying in a county in which the person is the county engineer or acting county engineer.
- Eliminates the compensation schedule applicable to county engineers with a private practice, and instead subjects all county engineers to the compensation schedule currently applicable to county engineers without a private practice.

### DETAILED ANALYSIS

#### County engineer vacancies

The bill permits a board of county commissioners, when the office of county engineer is vacant and cannot be filled, or when there is no person running for county engineer, to contract with another county's county engineer to exercise the powers and perform the duties of county engineer for that county. The bill permits a person to serve as county engineer for more than one county under these circumstances.<sup>1</sup>

A county engineer so contracted must receive supplemental compensation for the services rendered under the contract, based on the population of the county in which the

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<sup>1</sup> R.C. 305.021(A). Note that a person is not eligible to be a county engineer unless the person is a registered professional engineer and a registered surveyor (R.C. 315.02, not in the bill).

engineer is contracted to perform services. The compensation must only be for the contract term, and may not extend beyond the last day of the term for which there is a vacancy.<sup>2</sup>

The Ohio Constitution requires that vacancies in elected offices be filled for the unexpired term. For county offices, the Constitution allows the General Assembly to prescribe the manner of filling the vacancy.<sup>3</sup>

## Private practice

The bill prohibits county engineers from engaging in the private practice of engineering or surveying work that would go before the office of county engineer in any county in which the person is serving as county engineer or acting county engineer. “Acting county engineer” refers to a county engineer serving a county other than the county in which they were elected.

The bill eliminates the procedures concerning conflicts of interest for a county engineer who currently also elects to work in private practice.<sup>4</sup>

## County engineer compensation

The bill eliminates the compensation schedule applicable to county engineers with a private practice, and instead subjects all county engineers to the compensation schedule currently applicable to county engineers without a private practice. The bill also eliminates obsolete compensation schedules.<sup>5</sup>

The bill’s compensation change applies to a county engineer whose term of office begins on or after the bill’s effective date. In accordance with the Ohio Constitution, the bill requires a county engineer who is serving a term of office that began before the bill’s effective date to continue to receive compensation in accordance with the law in effect before that date for the remainder of that term of office.<sup>6</sup>

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## HISTORY

Action	Date
Introduced	02-27-24

ANHB0430IN-135

<sup>2</sup> R.C. 305.021(B).

<sup>3</sup> Ohio Constitution, Article XVII, Section 2; see also R.C. 305.02, not in the bill.

<sup>4</sup> R.C. 325.14(B), with conforming changes in R.C. 315.251(B) and 319.203.

<sup>5</sup> R.C. 325.14(A).

<sup>6</sup> Section 3.