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H.B. 497
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Stewart and Klopfenstein

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SUMMARY

- Requires counties to designate public depositories of active moneys every two years.
- Exempts certain county improvement projects from the requirement to obtain detailed plans, bills, specifications, and cost estimates from an architect or engineer.
- Modifies the approval process for county courthouse and jail projects with an estimated cost of \$25,000 or less.
- Increases, from \$1,000 to \$20,000, the threshold at which a county prosecutor is required to approve contracts related to county improvements.
- Requires plans and specifications related to county improvements, county homes, and county children's homes to be kept on file with the county commissioners instead of the county auditor.
- Requires plans and specifications related to county bridges to be kept by the county engineer instead of the county auditor.
- Simplifies the process a county must follow to donate unneeded property.
- Allows a county prosecutor to provide legal services to a transportation improvement district.
- Specifies that a county coroner performing an autopsy at the request of another coroner does not constitute the private practice of medicine for purposes of determining the coroner's compensation.
- Sets the county coroner's deposition fee and testimonial fee at \$350.

DETAILED ANALYSIS

County depository designation

The bill requires each board of county commissioners to meet every two years, rather than every four as under current law, to designate its public depositories of active moneys. The designation must last for at least two years; current law requires a four-year designation.¹

County improvements

Current law requires a county to obtain detailed plans, bills, specifications, and cost estimates from an architect or engineer before constructing, adding to, or altering a public building or the substructure for a bridge. The bill creates two exceptions under which the requirement does not apply: (1) if a project has an estimated professional design fee of \$25,000 or less, or (2) if a project has an estimated professional design fee of between \$25,000 and \$50,000, the county selects a prequalified design professional or firm that the county considers to be most qualified, and the county and design professional/firm negotiate a contract subject to certain requirements (e.g., that the compensation is fair and reasonable).²

When a project involves a county courthouse or jail, current law requires the plans, bills, specifications, and cost estimates to be approved by a majority of the following: the board of county commissioners (each has one vote³), the sheriff, the probate judge, the clerk of the court of common pleas, and an individual appointed by the judge of the court of common pleas. Under the bill, the board of county commissioners can approve a project that has a total estimated cost of \$25,000 or less, while projects exceeding \$25,000 must be approved by a majority of the others listed above – the sheriff, the probate judge, the clerk of the court of common pleas, and an individual appointed by the judge of the court of common pleas.⁴

The bill increases, from \$1,000 to \$20,000, the threshold related to the requirement that the county prosecutor approve contracts related to county improvements. And, if the board of county commissioners employs an attorney other than the county prosecutor (which is authorized under continuing law), the bill allows that attorney to approve the contracts instead of the county prosecutor.⁵

Finally, the bill requires plans and specifications related to county improvements, county homes, county children's homes, and county courthouses and jails to be kept on file with the county commissioners, instead of the county auditor as under current law.⁶ And, plans and

¹ R.C. 135.33.

² R.C. 153.31. See also R.C. 153.68 and 153.69, not in the bill.

³ 1973 Ohio Op.Att'y.Gen. No. 059 (1973).

⁴ R.C. 153.36.

⁵ R.C. 153.44 and 309.09(C).

⁶ R.C. 153.35, 153.36, 153.37, and 153.39.

specifications related to county bridges must be kept by the county engineer instead of the county auditor.⁷

County donations

The bill modifies the method a county follows to donate unneeded property, including vehicles, road machinery, equipment, tools, and supplies. Continuing law provides that any property exceeding \$2,500 in value must be sold by public auction or sealed bid to the highest bidder. Property valued at or below \$2,500 may either be sold directly (without a public process) or donated to an eligible nonprofit. First, the bill increases the threshold to \$5,000. Second, the bill modifies the process for donating property valued at or below that threshold to a nonprofit organization by eliminating all previous requirements, except two: (1) the nonprofit organization still must be a 501(a) or 501(c)(3) organization located in Ohio, and (2) the nonprofit must submit evidence of its eligibility. The bill retains the option to directly sell the property.⁸

County prosecuting attorney

The bill allows a county prosecutor, in the prosecutor's discretion and with the approval of the board of county commissioners, to provide legal services to a transportation improvement district, either at no cost to the district or via a contract that provides for the payment of a fee to the prosecutor for legal services agreed to under the contract. All money received under the contract must be deposited into the prosecutor's legal services fund. Moneys in that fund may be appropriated only to the county prosecutor for providing legal services under the contract with the district.⁹

County coroner

Continuing law sets forth the annual compensation of county coroners based on two factors: the county's population and whether a coroner engages in the private practice of medicine in addition to serving as coroner. The bill specifies that a coroner performing an autopsy at the request of another coroner does not constitute the private practice of medicine for purposes of determining the coroner's compensation.¹⁰

Finally, coroners and deputy coroners currently receive a fee for giving testimony at a deposition ("deposition fee") or a trial or hearing ("testimonial fee"), based on an hourly rate. The bill instead sets both fees at a blanket rate of \$350.¹¹

⁷ R.C. 153.38.

⁸ R.C. 307.12.

⁹ R.C. 309.09 and 5540.03.

¹⁰ R.C. 325.15.

¹¹ R.C. 2335.061.

HISTORY

Action	Date
Introduced	04-22-24
