

As Passed by the House

135th General Assembly

Regular Session

2023-2024

Sub. H. B. No. 497

Representatives Stewart, Klopfenstein

Cosponsors: Representatives Creech, Peterson, Seitz, Dean, Lorenz, Johnson, Hoops, Claggett, Barhorst, Wiggam, Brennan, Dell'Aquila, Dobos, Hillyer, John, Lampton, Mathews, McClain, Mohamed, Plummer, Robb Blasdel, Schmidt, Somani, Stein, Williams, Willis

A BILL

To amend sections 135.33, 153.31, 153.35, 153.36, 1
153.37, 153.38, 153.39, 153.44, 307.12, 307.87, 2
307.88, 309.09, 325.15, 2151.271, 2335.061, and 3
5540.03 and to enact section 307.901 of the 4
Revised Code to make various changes regarding 5
county law and to amend the version of section 6
153.39 of the Revised Code that is scheduled to 7
take effect January 1, 2025, to continue the 8
change on and after that date. 9

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

Section 1. That sections 135.33, 153.31, 153.35, 153.36, 10
153.37, 153.38, 153.39, 153.44, 307.12, 307.87, 307.88, 309.09, 11
325.15, 2151.271, 2335.061, and 5540.03 be amended and section 12
307.901 of the Revised Code be enacted to read as follows: 13

Sec. 135.33. ~~(A)~~(A)(1) The board of county commissioners 14
shall meet every four years in the month next preceding the date 15
of the expiration of its current period of designation for the 16

purpose of designating its public depositories of active moneys 17
for the next succeeding four-year period commencing on the date 18
of expiration of the preceding period. 19

At least sixty days before the meeting, the county 20
treasurer shall submit to the board an estimate of the aggregate 21
amount of public moneys that might be available for deposit as 22
active moneys at any one time during the next four-year period. 23
Upon receipt of such estimate, the board shall immediately 24
notify all eligible institutions that might desire to be 25
designated as such public depositories of the date on which the 26
designation is to be made; the amount that has been estimated to 27
be available for deposit; and the date fixed as the last date on 28
which applications may be submitted, that shall not be more than 29
thirty days or less than ten days prior to the date set for the 30
meeting designating public depositories. 31

(2) During a period of designation, the board of county 32
commissioners, at its discretion, may meet once in accordance 33
with the procedures of this section in order to designate 34
additional public depositories for the current period of 35
designation, provided that any additional designation shall take 36
effect at least one hundred eighty days before the current 37
period of designation expires and shall expire on the same date 38
as all other public depositories in the current period of 39
designation. 40

(B) Any eligible institution described in division (A) of 41
section 135.32 of the Revised Code that has an office located 42
within the territorial limits of the county is eligible to 43
become a public depository of the active moneys of the county. 44
Each eligible institution desiring to be a public depository of 45
such active moneys shall, not more than thirty days or less than 46

ten days prior to the date fixed by this section, make 47
application therefor in writing to the board of county 48
commissioners. The application may specify the maximum amount of 49
such public moneys that the applicant desires to receive and 50
have on deposit at any time during the period covered by the 51
designation. Each application shall be accompanied by a 52
financial statement of the applicant, under oath of its cashier, 53
treasurer, or other officer as of the date of its latest report 54
to the superintendent of banks or comptroller of the currency, 55
and adjusted to show any changes therein prior to the date of 56
the application, that shall include a statement of its public 57
and nonpublic deposits. 58

(C) The board of county commissioners, upon recommendation 59
of the treasurer, shall designate, by resolution, one or more 60
eligible institutions as public depositories for active moneys. 61
In case the aggregate amount of active moneys applied for by 62
institutions within the county is less than the amount estimated 63
to be available for deposit, the board may designate as a public 64
depository one or more eligible institutions that are 65
conveniently located. The original resolution of designation 66
shall be certified to the treasurer and any institution 67
designated as a public depository. 68

(D) No service charge shall be made against any deposit of 69
active moneys, or collected or paid, unless such service charge 70
is the same as is customarily imposed by institutions receiving 71
money on deposit subject to check, in which event the charge may 72
be paid. 73

(E) Notwithstanding division (C) of this section, the 74
board of county commissioners may authorize, by resolution, the 75
treasurer to deposit money necessary to pay the principal and 76

interest on bonds and notes, and any fees incident thereto, in 77
any bank within this state. 78

Moneys so deposited shall be transferred by the treasurer 79
according to the terms of the agreement with the bank but shall 80
remain as public moneys until such time as they are actually 81
paid out by the bank. Until such time as payments become due and 82
payable on such principal or interest, the bank shall invest any 83
moneys in the account in interest-bearing obligations at the 84
highest, reasonable rate of interest obtainable. 85

So long as moneys remain in the account, the bank shall 86
deliver to the treasurer, at the end of each month, a statement 87
showing an accounting of all activities in the account during 88
the preceding month including, but not limited to, all payments 89
made, all interest earned, and the beginning and ending 90
balances, together with any coupons redeemed since the preceding 91
statement was issued. 92

Sec. 153.31. ~~When~~ (A) Except as provided in division (D) 93
of this section, when it becomes necessary for the board of 94
county commissioners of a county to erect or cause to be erected 95
a public building, or a substructure for a bridge, or an 96
addition to or alteration thereof, before entering into any 97
contract therefor or repair thereof or for the supply of any 98
materials therefor, they shall cause to be made by a registered 99
architect or registered professional engineer the following: 100

~~(A)~~ (1) Full and accurate plans showing all necessary 101
details of the work and materials required, with working plans 102
suitable for the use of mechanics or other builders in the 103
construction thereof, drawn so as to be easily understood; 104

~~(B)~~ (2) Accurate bills, showing the exact amount of the 105

different kinds of material, necessary for the construction, to 106
accompany the plans; 107

~~(C)~~ (3) Full and complete specifications of the work to be 108
performed showing the manner and style required to be done, with 109
such directions as will enable a competent builder to carry them 110
out, and which will afford to bidders all needful information; 111

~~(D)~~ (4) A full and accurate estimate of each item of 112
expense, and of the aggregate cost thereof. 113

(B) In connection with the planning and construction of 114
any public building project, the board may employ a construction 115
project manager or consultants, and fix their compensation. Such 116
construction project manager or consultants shall be expert and 117
qualified in their respective fields. The cost of such services 118
may be paid from the proceeds of bonds and notes issued to pay 119
the cost of such project. 120

(C) This section does not prevent the board from receiving 121
from bidders on iron or reinforced concrete substructures for 122
bridges the necessary plans and specifications therefor. 123

(D) Division (A) of this section does not apply to a minor 124
repair. As used in this division, "minor repair" means the 125
reconstruction or renewal of any part of an existing building 126
for the purpose of its maintenance when the work has limited 127
impact on access, safety, or health. "Minor repair" does not 128
include any of the following: 129

(1) The cutting away of any wall, partition, or portions 130
of walls; 131

(2) The removal or cutting of any structural beam or load 132
bearing support; 133

(3) The removal or change of any required element of 134
accessibility, means of egress, or rearrangement of parts of a 135
structure affecting the egress requirements; 136

(4) The addition to, alteration of, replacement of, or 137
relocation of any standpipe, water supply, sewer, drainage, 138
drain leader, gas, soil, waste, vent or similar piping, electric 139
wiring, mechanical work, or other work affecting public health 140
or general safety. 141

Sec. 153.35. The plans and specifications upon which the 142
contracts are awarded, shall be kept on file in the office of 143
the ~~county auditor~~ board of county commissioners and made a part 144
of the contract with the successful bidder. When it is necessary 145
to alter, repair, or make an addition to a bridge, the board of 146
county commissioners in making contracts therefor, shall conform 147
to sections 153.01 to 153.60, inclusive, of the Revised Code, in 148
relation to the erection of bridges as nearly as the nature of 149
the case will permit. 150

Sec. 153.36. (A) If the plans, drawings, representations, 151
bills of material, and specifications of work, and estimates of 152
the cost thereof in detail and in the aggregate, required in 153
sections 153.31 to 153.35, inclusive, of the Revised Code, 154
relate to the building of a courthouse or jail, or an addition 155
to or alteration, repair, or improvement thereof, they shall be 156
submitted to the board of county commissioners, ~~together with.~~ 157
If the estimated total cost of the project is greater than 158
twenty-five thousand dollars, the materials also shall be 159
submitted to the clerk of the court of common pleas, the 160
sheriff, and probate judge, and one person to be appointed by 161
the judge of the court of common pleas, for their approval. ~~If A~~ 162
project with an estimated total cost greater than twenty-five 163

thousand dollars shall not commence unless approved by a 164
majority of them, a. A copy thereof of the materials shall be 165
deposited with the county auditor and kept in his the office of 166
the board of county commissioners. 167

(B) A board of county commissioners may independently 168
approve a project described in division (A) of this section that 169
has an estimated total cost of twenty-five thousand dollars or 170
less. The board may seek the advice of the clerk of the court of 171
common pleas, the sheriff, and a probate judge, on the project. 172

Sec. 153.37. If the plans, drawings, representations, 173
bills of material, and specifications of work and estimates of 174
the cost thereof relate to the building, addition to, or 175
alteration of a county home, they shall be submitted to the 176
board of county commissioners. If approved by a majority of the 177
board, a copy thereof shall be deposited in the office of the 178
~~county auditor~~ board of county commissioners and kept for the 179
inspection and use of parties interested. 180

Sec. 153.38. If the plans, drawings, representations, 181
bills of material, specifications of work, and estimates relate 182
to the building of a bridge, they shall be submitted to the 183
board of county commissioners, ~~county auditor,~~ and the county 184
engineer. If approved by a majority of them, a copy thereof 185
shall be deposited ~~with in the auditor~~ office of county engineer 186
and kept for the inspection of parties interested. 187

Sec. 153.39. If the plans, drawings, representations, 188
bills of material, specifications of work, and estimates relate 189
to the building of a children's home, they shall be submitted to 190
the board of county commissioners and three citizens of the 191
county, to be appointed by a resident judge of the court of 192
common pleas, or a judge residing in the same subdivision of the 193

judicial district. If approved by a majority of them, a copy 194
thereof shall be deposited ~~with in the county auditor office of~~ 195
~~the board of county commissioners~~ and kept by the ~~auditor board~~ 196
for the inspection of interested parties. Before such plans are 197
adopted, they shall be submitted to the department of job and 198
family services for suggestions and criticism. The boards of 199
counties composing a district for the purpose of establishing a 200
district children's home, in letting contracts for the necessary 201
buildings or the repair or alteration thereof, shall be governed 202
by the law relating to letting contracts for erecting, 203
repairing, or altering other public buildings. 204

Sec. 153.44. Before work is done or material furnished, 205
all contracts that exceed ~~one twenty~~ thousand dollars in amount 206
shall be submitted by the board of county commissioners to the 207
prosecuting attorney of the county. If found ~~by him~~ to be in 208
accordance with sections 153.01 to 153.60, inclusive, of the 209
Revised Code, and ~~his a~~ certificate to that effect is indorsed 210
thereon by the prosecuting attorney, such contracts shall have 211
full effect, otherwise ~~they the contract~~ shall be void. 212

Sec. 307.12. (A) Except as otherwise provided in divisions 213
(D), (E), and (G) of this section, when the board of county 214
commissioners finds, by resolution, that the county has personal 215
property, including motor vehicles acquired for the use of 216
county officers and departments, and road machinery, equipment, 217
tools, or supplies, that is not needed for public use, is 218
obsolete, or is unfit for the use for which it was acquired, and 219
when the fair market value of the property to be sold or donated 220
under this division is, in the opinion of the board, in excess 221
of ~~two five~~ thousand ~~five hundred~~ dollars, the board may do 222
either of the following: 223

(1) Sell the property at public auction or by sealed bid 224
to the highest bidder. Notice of the time, place, and manner of 225
the sale shall be published in a newspaper of general 226
circulation in the county at least ten days prior to the sale, 227
and a typewritten or printed notice of the time, place, and 228
manner of the sale shall be posted at least ten days before the 229
sale in the offices of the county auditor and the board of 230
county commissioners. 231

If a board conducts a sale of property by sealed bid, the 232
form of the bid shall be as prescribed by the board, and each 233
bid shall contain the name of the person submitting it. Bids 234
received shall be opened and tabulated at the time stated in the 235
notice. The property shall be sold to the highest bidder, except 236
that the board may reject all bids and hold another sale, by 237
public auction or sealed bid, in the manner prescribed by this 238
section. 239

(2) Donate any motor vehicle that does not exceed four 240
thousand five hundred dollars in value to a nonprofit 241
organization exempt from federal income taxation pursuant to 26 242
U.S.C. 501(a) and (c)(3) for the purpose of meeting the 243
transportation needs of participants in the Ohio works first 244
program established under Chapter 5107. of the Revised Code and 245
participants in the prevention, retention, and contingency 246
program established under Chapter 5108. of the Revised Code. 247

(B) When the board of county commissioners finds, by 248
resolution, that the county has personal property, including 249
motor vehicles acquired for the use of county officers and 250
departments, and road machinery, equipment, tools, or supplies, 251
that is not needed for public use, is obsolete, or is unfit for 252
the use for which it was acquired, and when the fair market 253

value of the property to be sold or donated under this division 254
is, in the opinion of the board, ~~two-five thousand five hundred-~~ 255
dollars or less, the board may do either of the following: 256

(1) Sell the property by private sale, without 257
advertisement or public notification; 258

(2) Donate the property to an eligible nonprofit 259
organization that is located in this state and is exempt from 260
federal income taxation pursuant to 26 U.S.C. 501(a) and (c) (3). 261
~~Before donating any property under this division, the board~~ 262
~~shall adopt a resolution expressing its intent to make unneeded,~~ 263
~~obsolete, or unfit for use county personal property available to~~ 264
~~these organizations. The resolution shall include guidelines and~~ 265
~~procedures the board considers necessary to implement a donation~~ 266
~~program under this division and shall indicate whether the~~ 267
~~county will conduct the donation program or the board will~~ 268
~~contract with a representative to conduct it. If a~~ 269
~~representative is known when the resolution is adopted, the~~ 270
~~resolution shall provide contact information such as the~~ 271
~~representative's name, address, and telephone number.~~ 272

~~The resolution shall include within its procedures a~~ 273
~~requirement that any nonprofit organization desiring to obtain~~ 274
~~donated property under this division shall submit a written~~ 275
~~notice to the board or its representative. The written notice,~~ 276
~~the nonprofit organization shall include provide the board~~ 277
~~evidence that the organization is a nonprofit organization that~~ 278
~~is located in this state and is exempt from federal income~~ 279
~~taxation pursuant to 26 U.S.C. 501(a) and (c) (3); a description~~ 280
~~of the organization's primary purpose; a description of the type~~ 281
~~or types of property the organization needs; and the name,~~ 282
~~address, and telephone number of a person designated by the~~ 283

~~organization's governing board to receive donated property and~~ 284
~~to serve as its agent.~~ 285

~~After adoption of the resolution, the board shall publish,~~ 286
~~in a newspaper of general circulation in the county, notice of~~ 287
~~its intent to donate unneeded, obsolete, or unfit for use county~~ 288
~~personal property to eligible nonprofit organizations. The~~ 289
~~notice shall include a summary of the information provided in~~ 290
~~the resolution and shall be published twice or as provided in~~ 291
~~section 7.16 of the Revised Code. The second and any subsequent~~ 292
~~notice shall be published not less than ten nor more than twenty~~ 293
~~days after the previous notice. A similar notice also shall be~~ 294
~~posted continually in a conspicuous place in the offices of the~~ 295
~~county auditor and the board of county commissioners. If the~~ 296
~~county maintains a web site on the internet, the notice shall be~~ 297
~~posted continually at that web site.~~ 298

~~The board or its representative shall maintain a list of~~ 299
~~all nonprofit organizations that notify the board or its~~ 300
~~representative of their desire to obtain donated property under~~ 301
~~this division and that the board or its representative~~ 302
~~determines to be eligible, in accordance with the requirements~~ 303
~~set forth in this section and in the donation program's~~ 304
~~guidelines and procedures, to receive donated property.~~ 305

~~The board or its representatives also shall maintain a~~ 306
~~list of all county personal property the board finds to be~~ 307
~~unneeded, obsolete, or unfit for use and to be available for~~ 308
~~donation under this division. The list shall be posted~~ 309
~~continually in a conspicuous location in the offices of the~~ 310
~~county auditor and the board of county commissioners, and, if~~ 311
~~the county maintains a web site on the internet, the list shall~~ 312
~~be posted continually at that web site. An item of property on~~ 313

~~the list shall be donated to the eligible nonprofit organization— 314
that first declares to the board or its representative its— 315
desire to obtain the item unless the board previously has— 316
established, by resolution, a list of eligible nonprofit— 317
organizations that shall be given priority with respect to the— 318
item's donation. Priority may be given on the basis that the— 319
purposes of a nonprofit organization have a direct relationship— 320
to specific public purposes of programs provided or administered— 321
by the board. A resolution giving priority to certain nonprofit— 322
organizations with respect to the donation of an item of— 323
property shall specify the reasons why the organizations are— 324
given that priority. 325~~

(C) Members of the board of county commissioners shall 326
consult with the Ohio ethics commission, and comply with the 327
provisions of Chapters 102. and 2921. of the Revised Code, with 328
respect to any sale or donation under division (A) or (B) of 329
this section to a nonprofit organization of which a county 330
commissioner, any member of the county commissioner's family, or 331
any business associate of the county commissioner is a trustee, 332
officer, board member, or employee. 333

(D) Notwithstanding anything to the contrary in division 334
(A), (B), or (E) of this section and regardless of the 335
property's value, the board of county commissioners may sell or 336
donate county personal property, including motor vehicles, to 337
the federal government, the state, any political subdivision of 338
the state, or a county land reutilization corporation without 339
advertisement or public notification. 340

(E) Notwithstanding anything to the contrary in division 341
(A), (B), or (G) of this section and regardless of the 342
property's value, the board of county commissioners may sell 343

personal property, including motor vehicles acquired for the use 344
of county officers and departments, and road machinery, 345
equipment, tools, or supplies, that is not needed for public 346
use, is obsolete, or is unfit for the use for which it was 347
acquired, by internet auction. The board shall adopt a 348
resolution expressing its intent to sell property by internet 349
auction. The resolution shall include a description of how the 350
internet auctions will be conducted and shall specify the number 351
of days for bidding on the property, which shall be no less than 352
ten days, including Saturdays, Sundays, and legal holidays. The 353
resolution shall indicate whether the county will conduct the 354
internet auctions or the board will contract with a 355
representative to conduct the internet auctions and shall 356
establish the general terms and conditions of sale. If a 357
representative is known when the resolution is adopted, the 358
resolution shall provide contact information such as the 359
representative's name, address, and telephone number. 360

After adoption of the resolution, the board shall publish, 361
in a newspaper of general circulation in the county, notice of 362
its intent to sell unneeded, obsolete, or unfit-for-use county 363
personal property by internet auction. The notice shall include 364
a summary of the information provided in the resolution and 365
shall be published twice or as provided in section 7.16 of the 366
Revised Code. The second and any subsequent notice shall be 367
published not less than ten nor more than twenty days after the 368
previous notice. A similar notice also shall be posted 369
continually in a conspicuous place in the offices of the county 370
auditor and the board of county commissioners. If the county 371
maintains a web site on the internet, the notice shall be posted 372
continually at that web site. 373

When property is to be sold by internet auction, the board 374

or its representative may establish a minimum price that will be 375
accepted for specific items and may establish any other terms 376
and conditions for a particular sale, including requirements for 377
pick-up or delivery, method of payment, and sales tax. This type 378
of information shall be provided on the internet at the time of 379
the auction and may be provided before that time upon request 380
after the terms and conditions have been determined by the board 381
or its representative. 382

(F) When a county officer or department head determines 383
that county-owned personal property under the jurisdiction of 384
the officer or department head, including motor vehicles, road 385
machinery, equipment, tools, or supplies, is not of immediate 386
need, the county officer or department head may notify the board 387
of county commissioners, and the board may lease that personal 388
property to any municipal corporation, township, other political 389
subdivision of the state, or to a county land reutilization 390
corporation. The lease shall require the county to be reimbursed 391
under terms, conditions, and fees established by the board, or 392
under contracts executed by the board. 393

(G) If the board of county commissioners finds, by 394
resolution, that the county has vehicles, equipment, or 395
machinery that is not needed, or is unfit for public use, and 396
the board desires to sell the vehicles, equipment, or machinery 397
to the person or firm from which it proposes to purchase other 398
vehicles, equipment, or machinery, the board may offer to sell 399
the vehicles, equipment, or machinery to that person or firm, 400
and to have the selling price credited to the person or firm 401
against the purchase price of other vehicles, equipment, or 402
machinery. 403

(H) If the board of county commissioners advertises for 404

bids for the sale of new vehicles, equipment, or machinery to 405
the county, it may include in the same advertisement a notice of 406
the willingness of the board to accept bids for the purchase of 407
county-owned vehicles, equipment, or machinery that is obsolete 408
or not needed for public use, and to have the amount of those 409
bids subtracted from the selling price of the other vehicles, 410
equipment, or machinery as a means of determining the lowest 411
responsible bidder. 412

(I) If a board of county commissioners determines that 413
county personal property is not needed for public use, or is 414
obsolete or unfit for the use for which it was acquired, and 415
that the property has no value, the board may discard or salvage 416
that property. 417

(J) A county engineer, in the engineer's discretion, may 418
dispose of scrap construction materials on such terms as the 419
engineer determines reasonable, including disposal without 420
recovery of costs, if the total value of the materials does not 421
exceed twenty-five thousand dollars. The engineer shall maintain 422
records of all dispositions made under this division, including 423
identification of the origin of the materials, the final 424
disposition, and copies of all receipts resulting from the 425
dispositions. 426

As used in division ~~(I)~~ (J) of this section, "scrap 427
construction materials" means construction materials that result 428
from a road or bridge improvement, remain after the improvement 429
is completed, and are not reusable. Construction material that 430
is metal and that results from a road or bridge improvement and 431
remains after the improvement is completed is scrap construction 432
material only if it cannot be used in any other road or bridge 433
improvement or other project in its current state. 434

Sec. 307.87. Where competitive bidding is required by 435
section 307.86 of the Revised Code, notice thereof shall be 436
given in the following manner: 437

(A) Notice shall be published once a week for not less 438
than two consecutive weeks preceding the day of the opening of 439
bids in a newspaper of general circulation within the county for 440
any purchase, lease, lease with option or agreement to purchase, 441
or construction contract in excess of ~~fifty thousand dollars~~the 442
amount specified in section 9.17 of the Revised Code. The 443
contracting authority may also cause notice to be inserted in 444
trade papers or other publications designated by it or to be 445
distributed by electronic means, including posting the notice on 446
the contracting authority's internet site on the world wide web. 447
If the contracting authority posts the notice on that location 448
on the world wide web, it may eliminate the second notice 449
otherwise required to be published in a newspaper of general 450
circulation within the county, provided that the first notice 451
published in such a newspaper meets all of the following 452
requirements: 453

(1) It is published at least two weeks before the opening 454
of bids. 455

(2) It includes a statement that the notice is posted on 456
the contracting authority's internet site on the world wide web. 457

(3) It includes the internet address of the contracting 458
authority's internet site on the world wide web. 459

(4) It includes instructions describing how the notice may 460
be accessed on the contracting authority's internet site on the 461
world wide web. 462

(B) Notices shall state all of the following: 463

(1) A general description of the subject of the proposed 464
contract and the time and place where the plans and 465
specifications or itemized list of supplies, facilities, or 466
equipment and estimated quantities can be obtained or examined; 467

(2) The time and place where bids will be opened; 468

(3) The time and place for filing bids; 469

(4) The terms of the proposed purchase; 470

(5) Conditions under which bids will be received. 471

(C) The contracting authority shall also maintain in a 472
public place in its office or other suitable public place a 473
bulletin board upon which it shall post and maintain a copy of 474
such notice for at least two weeks preceding the day of the 475
opening of the bids. 476

Sec. 307.88. (A) Bids submitted pursuant to sections 477
307.86 to 307.92 of the Revised Code shall be in a form 478
prescribed by the contracting authority and filed in the manner 479
and at the time and place mentioned in the notice. The bids 480
received shall be opened and tabulated at the time stated in the 481
notice. Each bid shall contain the full name of each person 482
submitting the bid. If the bid is in excess of ~~fifty thousand~~ 483
~~dollars~~ the amount specified in section 9.17 of the Revised Code 484
and for a contract for the construction, demolition, alteration, 485
repair, or reconstruction of an improvement, it shall meet the 486
requirements of section 153.54 of the Revised Code. If the bid 487
is in excess of ~~fifty thousand dollars~~ the amount specified in 488
section 9.17 of the Revised Code and for any other contract 489
authorized by sections 307.86 to 307.92 of the Revised Code, it 490
may be accompanied by a bond or certified check, cashier's 491
check, or money order on a solvent bank or savings and loan 492

association in a reasonable amount stated in the notice but not 493
to exceed five per cent of the bid, conditioned that the bidder, 494
if the bidder's bid is accepted, shall execute a contract in 495
conformity to the invitation and the bid. 496

(B) The board of county commissioners, by a unanimous vote 497
of the entire board, may permit a contracting authority to 498
exempt a bid from any or all of the requirements of section 499
153.54 of the Revised Code if the estimated cost is one hundred 500
thousand dollars or less. If the board exempts a bid from any 501
but not all of those requirements, the bid notice published in 502
the newspaper pursuant to section 307.87 of the Revised Code 503
shall state the specific bid guaranty requirements that apply. 504
If the board exempts a bid from all requirements of section 505
153.54 of the Revised Code, the notice shall state that none of 506
the requirements of that section apply. 507

Sec. 307.901. (A) As used in this section, "county" 508
includes any agency, department, authority, commission, office, 509
or board of a county. 510

(B) Except as otherwise required or permitted by state or 511
federal law, a contract entered into by the contracting 512
authority for the procurement of goods or services shall not 513
include any of the following: 514

(1) A provision that requires the county to indemnify or 515
hold harmless another person; 516

(2) A provision by which the county agrees to binding 517
arbitration or any other binding extra-judicial dispute 518
resolution process; 519

(3) A provision that names a venue for any action or 520
dispute against the county other than a court of proper 521

<u>jurisdiction in the county;</u>	522
<u>(4) A provision that requires the county to agree to limit</u>	523
<u>the liability for any direct loss to the county for bodily</u>	524
<u>injury, death, or damage to property of the county caused by the</u>	525
<u>negligence, intentional or willful misconduct, fraudulent act,</u>	526
<u>recklessness, or other tortious conduct of a person or a</u>	527
<u>person's employees or agents, or a provision that otherwise</u>	528
<u>imposes an indemnification obligation on the county;</u>	529
<u>(5) A provision that requires the county to be bound by a</u>	530
<u>term or condition that is unknown to the county at the time of</u>	531
<u>signing a contract, that is not specifically negotiated with the</u>	532
<u>county, that may be unilaterally changed by the other party, or</u>	533
<u>that is electronically accepted by a county employee;</u>	534
<u>(6) A provision that provides for a person other than the</u>	535
<u>prosecuting attorney, or an attorney employed pursuant to</u>	536
<u>section 305.14 or 309.09 of the Revised Code, to serve as legal</u>	537
<u>counsel for the county;</u>	538
<u>(7) A provision that is inconsistent with the county's</u>	539
<u>obligations under section 149.43 of the Revised Code;</u>	540
<u>(8) A provision that limits the county's ability to</u>	541
<u>recover the cost for a replacement contractor.</u>	542
<u>(C) If a contract contains a term or condition described</u>	543
<u>in division (B) of this section, the term or condition is void</u>	544
<u>ab initio, and the contract containing that term or condition</u>	545
<u>otherwise is enforceable as if it did not contain such term or</u>	546
<u>condition.</u>	547
<u>(D) A contract that contains a term or condition described</u>	548
<u>in division (B) of this section shall be governed by and</u>	549
<u>construed in accordance with Ohio law notwithstanding any term</u>	550

or condition to the contrary in the contract. 551

(E) This section does not apply to a contract in effect 552
before the effective date of this section or to the renewal or 553
extension of a contract in effect before the effective date of 554
this section. 555

Sec. 309.09. (A) The prosecuting attorney shall be the 556
legal adviser of the board of county commissioners, board of 557
elections, all other county officers and boards, and all tax- 558
supported public libraries, and any of them may require written 559
opinions or instructions from the prosecuting attorney in 560
matters connected with their official duties. The prosecuting 561
attorney shall prosecute and defend all suits and actions that 562
any such officer, board, or tax-supported public library directs 563
or to which it is a party, and no county officer may employ any 564
other counsel or attorney at the expense of the county, except 565
as provided in section 305.14 of the Revised Code. 566

(B) (1) The prosecuting attorney shall be the legal adviser 567
for all township officers, boards, and commissions, unless, 568
subject to division (B) (2) of this section, the township has 569
adopted a limited home rule government pursuant to Chapter 504. 570
of the Revised Code and has not entered into a contract to have 571
the prosecuting attorney serve as the township law director, in 572
which case, subject to division (B) (2) of this section, the 573
township law director, whether serving full-time or part-time, 574
shall be the legal adviser for all township officers, boards, 575
and commissions. When the board of township trustees finds it 576
advisable or necessary to have additional legal counsel, it may 577
employ an attorney other than the township law director or the 578
prosecuting attorney of the county, either for a particular 579
matter or on an annual basis, to represent the township and its 580

officers, boards, and commissions in their official capacities 581
and to advise them on legal matters. No such legal counsel may 582
be employed, except on the order of the board of township 583
trustees, duly entered upon its journal, in which the 584
compensation to be paid for the legal services shall be fixed. 585
The compensation shall be paid from the township fund. 586

Nothing in this division confers any of the powers or 587
duties of a prosecuting attorney under section 309.08 of the 588
Revised Code upon a township law director. 589

(2) (a) If any township in the county served by the 590
prosecuting attorney has adopted any resolution regarding the 591
operation of adult entertainment establishments pursuant to the 592
authority that is granted under section 503.52 of the Revised 593
Code, or if a resolution of that nature has been adopted under 594
section 503.53 of the Revised Code in a township in the county 595
served by the prosecuting attorney, all of the following apply: 596

(i) Upon the request of a township in the county that has 597
adopted, or in which has been adopted, a resolution of that 598
nature that is made pursuant to division (E) (1) (c) of section 599
503.52 of the Revised Code, the prosecuting attorney shall 600
prosecute and defend on behalf of the township in the trial and 601
argument in any court or tribunal of any challenge to the 602
validity of the resolution. If the challenge to the validity of 603
the resolution is before a federal court, the prosecuting 604
attorney may request the attorney general to assist the 605
prosecuting attorney in prosecuting and defending the challenge 606
and, upon the prosecuting attorney's making of such a request, 607
the attorney general shall assist the prosecuting attorney in 608
performing that service if the resolution was drafted in 609
accordance with legal guidance provided by the attorney general 610

as described in division (B) (2) of section 503.52 of the Revised Code. The attorney general shall provide this assistance without charge to the township for which the service is performed. If a township adopts a resolution without the legal guidance of the attorney general, the attorney general is not required to provide assistance as described in this division to a prosecuting attorney.

(ii) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E) (1) (a) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township a civil action to enjoin the violation of the resolution in question.

(iii) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E) (1) (b) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township a civil action under Chapter 3767. of the Revised Code to abate as a nuisance the place in the unincorporated area of the township at which the resolution is being or has been violated. Proceeds from the sale of personal property or contents seized pursuant to the action shall be applied and deposited in accordance with division (E) (1) (b) of section 503.52 of the Revised Code.

(b) Division (B) (2) (a) of this section applies regarding all townships, including townships that have adopted a limited home rule government pursuant to Chapter 504. of the Revised Code, and regardless of whether a township that has so adopted a limited home rule government has entered into a contract with the prosecuting attorney as described in division (B) of section

504.15 of the Revised Code or has appointed a law director as 641
described in division (A) of that section. 642

The prosecuting attorney shall prosecute and defend in the 643
actions and proceedings described in division (B) (2) (a) of this 644
section without charge to the township for which the services 645
are performed. 646

(C) Whenever the board of county commissioners employs an 647
attorney other than the prosecuting attorney of the county, 648
without the authorization of the court of common pleas as 649
provided in section 305.14 of the Revised Code, either for a 650
particular matter or on an annual basis, to represent the board 651
in its official capacity and to advise it on legal matters, the 652
board shall enter upon its journal an order of the board in 653
which the compensation to be paid for the legal services shall 654
be fixed. The compensation shall be paid from the county general 655
fund. The total compensation paid, in any year, by the board for 656
legal services under this division shall not exceed the total 657
annual compensation of the prosecuting attorney for that county. 658

(D) The prosecuting attorney and the board of county 659
commissioners jointly may contract with a board of park 660
commissioners under section 1545.07 of the Revised Code for the 661
prosecuting attorney to provide legal services to the park 662
district the board of park commissioners operates. 663

(E) The prosecuting attorney may be, in the prosecuting 664
attorney's discretion and with the approval of the board of 665
county commissioners, the legal adviser of a joint fire district 666
created under section 505.371 of the Revised Code at no cost to 667
the district, or may be the legal adviser to the district under 668
a contract that the prosecuting attorney and the district enter 669
into, and that the board of county commissioners approves, to 670

authorize the prosecuting attorney to provide legal services to 671
the district. 672

(F) The prosecuting attorney may be, in the prosecuting 673
attorney's discretion and with the approval of the board of 674
county commissioners, the legal adviser of a joint ambulance 675
district created under section 505.71 of the Revised Code at no 676
cost to the district, or may be the legal adviser to the 677
district under a contract that the prosecuting attorney and the 678
district enter into, and that the board of county commissioners 679
approves, to authorize the prosecuting attorney to provide legal 680
services to the district. 681

(G) The prosecuting attorney may be, in the prosecuting 682
attorney's discretion and with the approval of the board of 683
county commissioners, the legal adviser of a joint emergency 684
medical services district created under section 307.052 of the 685
Revised Code at no cost to the district, or may be the legal 686
adviser to the district under a contract that the prosecuting 687
attorney and the district enter into, and that the board of 688
county commissioners approves, to authorize the prosecuting 689
attorney to provide legal services to the district. 690

(H) The prosecuting attorney may be, in the prosecuting 691
attorney's discretion and with the approval of the board of 692
county commissioners, the legal adviser of a fire and ambulance 693
district created under section 505.375 of the Revised Code at no 694
cost to the district, or may be the legal adviser to the 695
district under a contract that the prosecuting attorney and the 696
district enter into, and that the board of county commissioners 697
approves, to authorize the prosecuting attorney to provide legal 698
services to the district. 699

(I) The prosecuting attorney may be, in the prosecuting 700

attorney's discretion and with the approval of the board of 701
county commissioners, the legal adviser to the board of trustees 702
of a regional airport authority created under Chapter 308. of 703
the Revised Code or the board of directors of a port authority 704
created under Chapter 4582. of the Revised Code under a contract 705
that the prosecuting attorney and the board of trustees or board 706
of directors enter into. If the regional airport authority or 707
port authority covers territory in more than one county, the 708
board of trustees or board of directors may choose the 709
prosecuting attorney with whom it enters into such contract, 710
with the approval of the board of county commissioners of that 711
county. The contract may provide for the payment of a fee to the 712
prosecuting attorney for legal services agreed to under the 713
contract. 714

(J) The prosecuting attorney may be, in the prosecuting 715
attorney's discretion and with the approval of the board of 716
county commissioners, the legal adviser to a regional planning 717
commission created under section 713.21 of the Revised Code 718
under a contract that the prosecuting attorney and commission 719
enter into. If the regional planning commission covers a region 720
in more than one county, the commission may choose the 721
prosecuting attorney with whom it enters into such contract, 722
with the approval of the board of county commissioners of that 723
county. The contract may provide for the payment of a fee to the 724
prosecuting attorney for legal services agreed to under the 725
contract. 726

(K) The prosecuting attorney may be, in the prosecuting 727
attorney's discretion and with the approval of the board of 728
county commissioners, the legal adviser to a regional council of 729
governments created under Chapter 167. of the Revised Code under 730
a contract that the prosecuting attorney and council enter into. 731

If the regional council of governments covers a region in more than one county, the council may choose the prosecuting attorney with whom it enters into such contract, with the approval of the board of county commissioners of that county. The contract may provide for the payment of a fee to the prosecuting attorney for legal services agreed to under the contract.

(L) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser to a metropolitan planning organization, or to a regional transportation planning organization that has been designated by the governor under 23 U.S.C. 135, under a contract that the prosecuting attorney and organization enter into. If the organization covers a region in more than one county, the organization may choose the prosecuting attorney with whom it enters into such contract, with the approval of the board of county commissioners of that county. The contract may provide for the payment of a fee to the prosecuting attorney for legal services agreed to under the contract.

(M) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser to a transportation improvement district created under Chapter 5540. of the Revised Code under a contract between the prosecuting attorney and the transportation improvement district. The contract may provide for the payment of a fee to the prosecuting attorney for legal services agreed to under the contract.

(N) All money received pursuant to a contract entered into under division (D), (E), (F), (G), (H), (I), (J), (K), ~~or (L),~~ or (M) of this section shall be deposited into the prosecuting

attorney's legal services fund, which shall be established in 762
the county treasury of each county in which such a contract 763
exists. Moneys in that fund may be appropriated only to the 764
prosecuting attorney for the purpose of providing legal services 765
to a park district, joint fire district, joint ambulance 766
district, joint emergency medical services district, fire and 767
ambulance district, regional airport authority, port authority, 768
regional planning commission, regional council of governments, 769
metropolitan planning organization, ~~or~~ regional transportation 770
planning organization, or transportation improvement district as 771
applicable, under a contract entered into under the applicable 772
division. 773

~~(N)~~ (O) The prosecuting attorney shall be the legal 774
adviser of a lake facilities authority as provided in section 775
353.02 of the Revised Code. 776

Sec. 325.15. (A) As used in this section, "private 777
practice of medicine" does not include performing an autopsy at 778
the request of another coroner. 779

(B) Each coroner shall be classified, for salary purposes, 780
according to the population of the county. All coroners shall 781
receive annual compensation in accordance with the following 782
schedules and in accordance with section 325.18 of the Revised 783
Code: 784

CLASSIFICATION AND COMPENSATION SCHEDULE 785

FOR CALENDAR YEAR 2018 FOR 786

CORONERS WITH A PRIVATE PRACTICE 787

788

	1	2	3
A	Class	Population Range	Compensation
B	1	1 - 55,000	\$30,993
C	2	55,001 - 95,000	45,384
D	3	95,001 - 200,000	56,458
E	4	200,001 - 400,000	69,739
F	5	400,001 - 1,000,000	78,594
G	6	1,000,001 or more	83,310

CLASSIFICATION AND COMPENSATION SCHEDULE 789

FOR CALENDAR YEAR 2018 FOR 790

CORONERS WITHOUT A PRIVATE PRACTICE 791

792

	1	2	3
A	Class	Population Range	Compensation
B	3	175,001 - 200,000	\$127,563
C	4	200,001 - 400,000	127,563
D	5	400,001 - 1,000,000	130,661
E	6	1,000,001 or more	133,759

CLASSIFICATION AND COMPENSATION SCHEDULE 793

FOR CALENDAR YEAR 2019 FOR CORONERS 794

WITH A PRIVATE PRACTICE 795

796

	1	2	3
A	Class	Population Range	Compensation
B	1	1 - 55,000	\$32,543
C	2	55,001 - 95,000	47,653
D	3	95,001 - 200,000	59,281
E	4	200,001 - 400,000	73,226
F	5	400,001 - 1,000,000	82,524
G	6	1,000,001 or more	87,476

CLASSIFICATION AND COMPENSATION SCHEDULE 797

FOR CALENDAR YEAR 2019 FOR CORONERS 798

WITHOUT A PRIVATE PRACTICE 799

800

	1	2	3
A	Class	Population Range	Compensation
B	3	175,001 - 200,000	\$133,941

C	4	200,001 - 400,000	133,941
D	5	400,001 - 1,000,000	137,194
E	6	1,000,001 or more	140,447

CLASSIFICATION AND COMPENSATION SCHEDULE 801

FOR CALENDAR YEAR 2020 FOR CORONERS 802

WITH A PRIVATE PRACTICE 803

804

	1	2	3
A	Class	Population Range	Compensation
B	1	1 - 55,000	\$34,170
C	2	55,001 - 95,000	50,036
D	3	95,001 - 200,000	62,245
E	4	200,001 - 400,000	76,887
F	5	400,001 - 1,000,000	86,650
G	6	1,000,001 or more	91,849

CLASSIFICATION AND COMPENSATION SCHEDULE 805

FOR CALENDAR YEAR 2020 FOR CORONERS 806

WITHOUT A PRIVATE PRACTICE 807

808

	1	2	3
A	Class	Population Range	Compensation
B	3	175,001 - 200,000	\$140,638
C	4	200,001 - 400,000	140,638
D	5	400,001 - 1,000,000	144,054
E	6	1,000,001 or more	147,469

~~(B) (1)~~ (C) (1) A coroner in a county with a population of 809
 one hundred seventy-five thousand one or more shall not engage 810
 in the private practice of medicine unless, before taking 811
 office, the coroner notifies the board of county commissioners 812
 of the intention to engage in that private practice. A coroner 813
 in such a county shall elect to engage or not to engage in the 814
 private practice of medicine before the commencement of each new 815
 term of office. A coroner in such a county who engages in the 816
 private practice of medicine, but who intends not to engage in 817
 the private practice of medicine during the coroner's next term 818
 of office, shall so notify the board of county commissioners as 819
 specified in this division. For a period of six months after 820
 taking office, a coroner who elects not to engage in the private 821
 practice of medicine may engage in the private practice of 822
 medicine, without any reduction of compensation as provided in 823
 division ~~(A)~~ (B) of this section and in section 325.18 of the 824
 Revised Code, for the purpose of concluding the affairs of the 825
 coroner's private practice of medicine. 826

(2) A coroner in a county with a population of one hundred 827
 seventy-five thousand one or more who elects not to engage in 828

the private practice of medicine under division ~~(B) (1)~~ (C) (1) of 829
this section may, during the coroner's term of office, elect to 830
engage in the private practice of medicine by notifying the 831
board in writing of the intention to so engage. The notice shall 832
state the date on which the coroner will commence the private 833
practice of medicine and shall be given to the board at least 834
thirty days before that date. On the date stated in the notice, 835
the coroner's compensation shall be reduced as provided in 836
division ~~(A)~~ (B) of this section and in section 325.18 of the 837
Revised Code for coroners with a private practice. 838

~~(C)~~ (D) Each coroner who is the coroner in a county with a 839
population of one hundred seventy-five thousand one or more and 840
who is without a private practice of medicine shall receive 841
supplemental compensation of an additional fifty per cent of the 842
annual compensation calculated under division ~~(A)~~ (B) of this 843
section and section 325.18 of the Revised Code in each calendar 844
year in which the office of the coroner satisfies all of the 845
following: 846

(1) The office operates as a regional forensic pathology 847
examination referral center, and the operation generates 848
coroner's laboratory fund income, for purposes of section 313.16 849
of the Revised Code, that is in excess of the fund's expenses 850
and is sufficient to provide the supplemental compensation 851
specified in division ~~(C)~~ (D) of this section; 852

(2) The coroner is a forensic pathologist certified by the 853
American board of pathology; and 854

(3) The coroner performs a minimum of seventy-five post 855
mortem examinations annually. 856

~~(D)~~ (E) Each coroner who is the coroner in a county with a 857

population of one hundred seventy-five thousand one or more and 858
who is without a private practice of medicine and does not 859
operate a regional forensic pathology examination referral 860
center may, on approval of the board of county commissioners, 861
receive supplemental compensation of up to an additional twenty- 862
five per cent of the annual compensation calculated under 863
division ~~(A)~~ (B) of this section and section 325.18 of the 864
Revised Code in each calendar year in which the coroner is a 865
forensic pathologist certified by the American board of 866
pathology and is performing the forensic examinations of the 867
county. 868

Sec. 2151.271. Except in a case in which the child is 869
alleged to be a serious youthful offender under section 2152.13 870
of the Revised Code, if the child resides in a county of the 871
state and the proceeding is commenced in a juvenile court of 872
another county, that court, on its own motion or a motion of a 873
party, may transfer the proceeding to the county of the child's 874
residence upon the filing of the complaint or after the 875
adjudicatory, or dispositional hearing, for such further 876
proceeding as required. The court of the child's residence shall 877
then proceed as if the original complaint had been filed in that 878
court. Transfer may also be made if the residence of the child 879
changes. The proceeding shall be so transferred if other 880
proceedings involving the child are pending in the juvenile 881
court of the county of the child's residence. 882

Whenever a case is transferred to the county of the 883
child's residence and it appears to the court of that county 884
that the interests of justice and the convenience of the parties 885
requires that the adjudicatory hearing be had in the county in 886
which the complaint was filed, the court may return the 887
proceeding to the county in which the complaint was filed for 888

the purpose of the adjudicatory hearing. The court may 889
thereafter proceed as to the transfer to the county of the 890
child's legal residence as provided in this section. 891

Certified copies of all legal and social records 892
pertaining to the case shall accompany the transfer. 893

Any court cost, fine, restitution, or other monetary 894
penalty imposed at the time of a transfer made under this 895
section is not a final, appealable order. 896

Sec. 2335.061. (A) As used in this section: 897

(1) "Coroner" has the same meaning as in section 313.01 of 898
the Revised Code, and includes the following: 899

(a) The coroner of a county other than a county in which 900
the death occurred or the dead human body was found if the 901
coroner of that other county performed services for the county 902
in which the death occurred or the dead human body was found; 903

(b) A medical examiner appointed by the governing 904
authority of a county to perform the duties of a coroner set 905
forth in Chapter 313. of the Revised Code. 906

(2) "Deposition fee" means the amount ~~derived by~~ 907
~~multiplying the hourly rate by the number of hours a coroner or~~ 908
~~deputy coroner spent~~ of three hundred fifty dollars per hour for 909
preparing for and giving expert testimony at a deposition in a 910
civil action pursuant to this section. 911

(3) "Deputy coroner" means a pathologist serving as a 912
deputy coroner. 913

(4) "Expert testimony" means testimony given by a coroner 914
or deputy coroner as an expert witness pursuant to this section 915
and the Rules of Evidence. 916

(5) "Fact testimony" means testimony given by a coroner or deputy coroner regarding the performance of the duties of the coroner as set forth in Chapter 313. of the Revised Code. "Fact testimony" does not include expert testimony.

~~(6) "Hourly rate" means the compensation established in sections 325.15 and 325.18 of the Revised Code for a coroner without a private practice of medicine at the class 8 level for calendar year 2001 and thereafter, divided by two thousand eighty.~~

~~(7) "Testimonial fee" means the amount derived by multiplying the hourly rate by six and multiplying the product by the number of hours that a coroner or deputy coroner spent of three hundred fifty dollars per hour for preparing for and giving expert testimony at a trial or hearing in a civil action pursuant to this section.~~

(B) (1) A party may subpoena a coroner or deputy coroner to give expert testimony at a trial, hearing, or deposition in a civil action only upon filing with the court a notice that includes all of the following:

(a) The name of the coroner or deputy coroner whose testimony is sought;

(b) A brief statement of the issues upon which the party seeks expert testimony from the coroner or deputy coroner;

(c) An acknowledgment by the party that the giving of expert testimony by the coroner or deputy coroner at the trial, hearing, or deposition is governed by this section and that the party will comply with all of the requirements of this section;

(d) A statement of the obligations of the coroner or deputy coroner under division (C) of this section.

(2) The notice under division (B) (1) of this section shall 946
be served together with the subpoena. 947

(C) A party that obtains the expert testimony of a coroner 948
or deputy coroner at a trial, hearing, or deposition in a civil 949
action pursuant to division (B) or (D) of this section shall pay 950
to the treasury of the county in which the coroner or deputy 951
coroner holds office or is appointed or employed a testimonial 952
fee or deposition fee, whichever is applicable, within thirty 953
days after receiving the statement described in this division. 954
Upon the conclusion of the coroner's or deputy coroner's expert 955
testimony, the coroner or deputy coroner shall file a statement 956
with the court on behalf of the county in which the coroner or 957
deputy coroner holds office or is appointed or employed showing 958
the fee due ~~and how the coroner or deputy coroner calculated the~~ 959
~~fee~~. The coroner or deputy coroner shall serve a copy of the 960
statement on each of the parties. 961

(D) For good cause shown, the court may permit a coroner 962
or deputy coroner who has not been served with a subpoena under 963
division (B) of this section to give expert testimony at a 964
trial, hearing, or deposition in a civil action. Unless good 965
cause is shown, the failure of a party to file with the court 966
the notice described in division (B) (1) of this section 967
prohibits the party from having a coroner or deputy coroner 968
subpoenaed to give expert testimony at a trial, hearing, or 969
deposition in a civil action or from otherwise calling the 970
coroner or a deputy coroner to give expert testimony at a trial, 971
hearing, or deposition in a civil action. 972

(E) In the event of a dispute as to the contents of the 973
notice filed by a party under division (B) of this section or as 974
to the nature of the testimony sought from or given by a coroner 975

or a deputy coroner at a trial, hearing, or deposition in a 976
civil action, the court shall determine whether the testimony 977
sought from or given by the coroner or deputy coroner is expert 978
testimony or fact testimony. In making this determination, the 979
court shall consider all of the following: 980

(1) The definitions of "expert testimony" and "fact 981
testimony" set forth in this section; 982

(2) All applicable rules of evidence; 983

(3) Any other information that the court considers 984
relevant. 985

(F) Nothing in this section shall be construed to alter, 986
amend, or supersede the requirements of the Rules of Civil 987
Procedure or the Rules of Evidence. 988

Sec. 5540.03. (A) A transportation improvement district 989
may: 990

(1) Adopt bylaws for the regulation of its affairs and the 991
conduct of its business; 992

(2) Adopt an official seal; 993

(3) Sue and be sued in its own name, plead and be 994
impleaded, provided any actions against the district shall be 995
brought in the court of common pleas of the county in which the 996
principal office of the district is located, or in the court of 997
common pleas of the county in which the cause of action arose, 998
and all summonses, exceptions, and notices of every kind shall 999
be served on the district by leaving a copy thereof at its 1000
principal office with the secretary-treasurer; 1001

(4) Purchase, fund, finance, construct, maintain, repair, 1002
sell, exchange, police, operate, or lease projects; 1003

(5) Issue either or both of the following for the purpose	1004
of providing funds to pay the costs of any project or part	1005
thereof:	1006
(a) Transportation improvement district revenue bonds;	1007
(b) Bonds pursuant to Section 13 of Article VIII, Ohio	1008
Constitution.	1009
(6) Maintain such funds as it considers necessary;	1010
(7) Direct its agents or employees, when properly	1011
identified in writing and after at least five days' written	1012
notice, to enter upon lands within its jurisdiction to make	1013
surveys and examinations preliminary to the location and	1014
construction of projects for the district, without liability of	1015
the district or its agents or employees except for actual damage	1016
done;	1017
(8) Make and enter into all contracts and agreements	1018
necessary or incidental to the performance of its functions and	1019
the execution of its powers under this chapter;	1020
(9) Employ or retain or contract for the services of	1021
consulting engineers, superintendents, managers, and such other	1022
engineers, construction and accounting experts, auditors,	1023
financial advisers, trustees, marketing, remarketing, and	1024
administrative agents, attorneys, and other employees,	1025
independent contractors, or agents as are necessary in its	1026
judgment and fix their compensation, provided all such expenses	1027
shall be payable solely from the proceeds of bonds or from	1028
revenues;	1029
(10) Receive and accept from the federal or any state or	1030
local government, including, but not limited to, any agency,	1031
entity, or instrumentality of any of the foregoing, loans and	1032

grants for or in aid of the construction, maintenance, or repair 1033
of any project, and receive and accept aid or contributions from 1034
any source or person of money, property, labor, or other things 1035
of value, to be held, used, and applied only for the purposes 1036
for which such loans, grants, and contributions are made. 1037
Nothing in division (A)(10) of this section shall be construed 1038
as imposing any liability on this state for any loan received by 1039
a transportation improvement district from a third party unless 1040
this state has entered into an agreement to accept such 1041
liability. 1042

(11) Acquire, hold, and dispose of property in the 1043
exercise of its powers and the performance of its duties under 1044
this chapter; 1045

(12) Establish and collect tolls or user charges for its 1046
projects; 1047

(13) Subject to section 5540.18 of the Revised Code, enter 1048
into an agreement with a contiguous board of county 1049
commissioners other than the board of county commissioners that 1050
created the transportation improvement district, for the 1051
district to exercise all or any portion of its powers with 1052
respect to a project that is located wholly or partially within 1053
the county that is party to the agreement; 1054

(14) Cooperate with any governmental agencies in the 1055
planning, design, acquisition, construction, maintenance, 1056
funding, and financing of projects, including qualifying 1057
projects. In doing so, the district may enter into agreements 1058
with other governmental agencies to plan, design, acquire, 1059
construct, maintain, fund, and finance the projects or 1060
qualifying projects and to use pledged or assigned sales and use 1061
tax revenue to pay the debt service on qualifying bonds. 1062

(15) Enter into an agreement with the board of county commissioners that created the transportation improvement district and with the boards of county commissioners of any contiguous group of counties to exercise all powers of the district with respect to a project that is both of the following:

(a) Located partially or wholly within any county that is a party to the agreement;

(b) Partially funded with federal money.

(16) Do all acts necessary and proper to carry out the powers expressly granted in this chapter.

(B) (1) Chapters 123., 124., 125., and 153., and sections 9.331 to 9.335 and 307.86 of the Revised Code do not apply to contracts or projects of a transportation improvement district.

(2) A transportation improvement district is subject to sections 4115.03 to 4115.21 and 4115.99 of the Revised Code, unless the amount of state or local government funds, including, but not limited to, those provided by any agency, entity, or instrumentality of the state or a local government as described in division (A) (10) of this section received for the contract or project, is, in the aggregate, less than the amounts described in or calculated under section 4115.03 of the Revised Code.

(C) A transportation improvement district may contract with the prosecuting attorney of a county, as provided in section 309.09 of the Revised Code, to obtain legal services from the prosecuting attorney.

Section 2. That existing sections 135.33, 153.31, 153.35, 153.36, 153.37, 153.38, 153.39, 153.44, 307.12, 307.87, 307.88, 309.09, 325.15, 2151.271, 2335.061, and 5540.03 of the Revised

Code are hereby repealed. 1092

Section 3. That the version of section 153.39 of the 1093
Revised Code that is scheduled to take effect January 1, 2025, 1094
be amended to read as follows: 1095

Sec. 153.39. If the plans, drawings, representations, 1096
bills of material, specifications of work, and estimates relate 1097
to the building of a children's home, they shall be submitted to 1098
the board of county commissioners and three citizens of the 1099
county, to be appointed by a resident judge of the court of 1100
common pleas, or a judge residing in the same subdivision of the 1101
judicial district. If approved by a majority of them, a copy 1102
thereof shall be deposited ~~with in the county auditor office of~~ 1103
the board of county commissioners and kept by the ~~auditor board~~ 1104
for the inspection of interested parties. Before such plans are 1105
adopted, they shall be submitted to the department of children 1106
and youth for suggestions and criticism. The boards of counties 1107
composing a district for the purpose of establishing a district 1108
children's home, in letting contracts for the necessary 1109
buildings or the repair or alteration thereof, shall be governed 1110
by the law relating to letting contracts for erecting, 1111
repairing, or altering other public buildings. 1112

Section 4. That the existing version of section 153.39 of 1113
the Revised Code that is scheduled to take effect January 1, 1114
2025, is hereby repealed. 1115

Section 5. Sections 3 and 4 of this act shall take effect 1116
January 1, 2025. 1117