

**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**

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**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