

As Reported by the House State and Local Government Committee

135th General Assembly

Regular Session

2023-2024

Sub. S. B. No. 44

Senator Brenner

Cosponsors: Senators Antonio, Cirino, Craig, DeMora, Hackett, Hicks-Hudson, Ingram, Johnson, Landis, Lang, McColley, Reineke, Reynolds, Roegner, Romanchuk, Rulli, Wilson

A BILL

To amend sections 315.251, 319.203, 323.78, 325.14, 1
4582.30, and 5721.20 and to enact sections 2
305.021 and 4743.06 of the Revised Code to 3
require a state occupational licensing agency to 4
accept electronic license applications; to 5
modify the law regarding county engineers; to 6
modify the law governing transfers of abandoned 7
land subject to tax foreclosure proceedings; and 8
to allow certain counties to create an 9
additional port authority. 10

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

Section 1. That sections 315.251, 319.203, 323.78, 325.14, 11
4582.30, and 5721.20 be amended and sections 305.021 and 4743.06 12
of the Revised Code be enacted to read as follows: 13

Sec. 305.021. (A) When there is a vacancy in the county 14
engineer's office as a result of death or resignation and the 15
vacancy cannot be filled by election or appointment as provided 16
in section 305.02 of the Revised Code, or if no one runs for the 17

office of county engineer and, for that reason, the office is 18
vacant, the board of county commissioners may contract with 19
another county's county engineer to exercise the powers and 20
perform the acts, duties, or functions of the county engineer. 21
Notwithstanding any contrary provision of the Revised Code or 22
the common law, the same person may serve as the county engineer 23
of more than one county, including adjacent counties, under this 24
section. 25

(B) In addition to the applicable amounts of compensation 26
specified in sections 325.14 and 325.18 of the Revised Code, a 27
county engineer with whom the board contracts shall receive 28
supplemental compensation for services rendered under the 29
contract in an amount that is not less than eighty per cent nor 30
more than one hundred per cent of the compensation amount 31
specified in sections 325.14 and 325.18 of the Revised Code for 32
the population range of the county in which the engineer is 33
contracted to perform services. The supplemental compensation 34
shall have no effect on the compensation a county engineer 35
receives for serving as county engineer in the county in which 36
the engineer holds office. The duration of the contract shall 37
not extend beyond the last day of the term for which there was a 38
vacancy. 39

Sec. 315.251. ~~(A)~~—If a deed conveying title to real 40
property is presented to the county auditor for transfer, and 41
the deed contains a legal description for land that is a cut-up 42
or split of the grantor's one or more existing parcels of land 43
as shown in the county auditor's records, or if the legal 44
description of the land conveyed in the deed is different from 45
the legal description shown in the prior deed to the grantor, a 46
boundary survey plat in conformity with the new description 47
shall be submitted with the deed. The survey plat and 48

description shall satisfy the minimum standards for boundary 49
surveys promulgated by the board of registration for 50
professional engineers and surveyors pursuant to Chapter 4733. 51
of the Revised Code. If, in the opinion of the county engineer, 52
the survey plat and description satisfy those standards, the 53
county auditor shall accept the deed for transfer and a copy of 54
the survey plat shall be filed in the county engineer's survey 55
file for public inspection. 56

This section applies only if the requirements of this 57
section are included in the standards governing conveyances of 58
real property in the county adopted under section 319.203 of the 59
Revised Code. 60

~~(B) Beginning on the effective date of this amendment, in 61
the counties where the county engineer elects to engage in the 62
private practice of engineering or surveying under division (B) 63
of section 325.14 of the Revised Code the county auditor of that 64
county shall designate another engineer who is registered under 65
Chapter 4733. of the Revised Code and who is employed in the 66
same county engineer's office to perform the duty of the county 67
engineer under division (A) of this section or to exercise or 68
perform any authority or duty of the county engineer under 69
section 319.203 of the Revised Code if the county engineer 70
reasonably believes that the performance of that duty or 71
exercise of that authority by the county engineer would 72
constitute a violation of Chapter 102. of the Revised Code or 73
any other similar civil or criminal statute. Pursuant to this 74
authorization, the designee engineer shall act in the place of 75
the county engineer. Neither the county engineer nor the 76
designee engineer shall discuss any matter reasonably related to 77
this authorization. Any act in compliance with this section is 78
not a violation of Chapter 102. of the Revised Code or any other 79~~

~~similar statute.~~ 80

~~Division (B) of this section applies only to a county
engineer holding office on the effective date of this amendment
during such time as the person continues to serve that term or
an immediately consecutive term of office as a county engineer.~~ 81
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Sec. 319.203. ~~Subject to division (B) of section 315.251~~ 85
~~of the Revised Code, the~~ The county auditor and the county 86
engineer of each county, by written agreement, shall adopt 87
standards governing conveyances of real property in the county. 88
These standards may include the requirements specified in 89
section 315.251 of the Revised Code. The county auditor and 90
county engineer may modify those standards from time to time as 91
they consider necessary or desirable. The standards shall be 92
adopted or modified only after the county auditor and county 93
engineer have held two public hearings, not less than ten days 94
apart, concerning adoption or modification of the standards. The 95
standards shall be available for public inspection during normal 96
business hours at the offices of the county auditor and county 97
engineer. 98

Before the county auditor transfers any conveyance of real 99
property presented to the auditor under section 319.20 or 100
315.251 of the Revised Code, the county auditor shall review the 101
conveyance to determine whether it complies with the standards 102
adopted under this section. The county auditor shall not 103
transfer any conveyance that does not comply with those 104
standards. 105

Sec. 323.78. (A) Notwithstanding anything in Chapters 106
323., 5721., and 5723. of the Revised Code, a county treasurer 107
may elect to invoke the alternative redemption period in any 108
petition for foreclosure of abandoned lands under section 109

323.25, sections 323.65 to 323.79, or section 5721.18 of the Revised Code.

(B) If a county treasurer invokes the alternative redemption period pursuant to this section, and if a municipal corporation, township, county, school district, community development organization, or county land reutilization corporation has requested title to the parcel, then upon adjudication of foreclosure of the parcel, the court or board of revision shall order, in the decree of foreclosure or by separate order, that the equity of redemption and any statutory or common law right of redemption in the parcel by its owner shall be forever terminated after the expiration of the alternative redemption period and that the parcel shall be transferred by deed directly to the requesting municipal corporation, township, county, school district, community development ~~corporation~~organization, or county land reutilization corporation without appraisal and without a sale, free and clear of all impositions and any other liens on the property, which shall be deemed forever satisfied and discharged. The court or board of revision shall order such a transfer regardless of whether the value of the taxes, assessments, penalties, interest, and other charges due on the parcel, and the costs of the action, exceed the fair market value of the parcel. No further act of confirmation or other order shall be required for such a transfer, or for the extinguishment of any statutory or common law right of redemption.

(C) If a county treasurer invokes the alternative redemption period pursuant to this section and if no community development organization, county land reutilization corporation, municipal corporation, county, township, or school district has

requested title to the parcel, then upon adjudication of 141
foreclosure of the parcel, the court or board of revision shall 142
order the property sold as otherwise provided in Chapters 323. 143
and 5721. of the Revised Code, and, failing any bid at any such 144
sale, the parcel shall be forfeited to the state and otherwise 145
disposed of pursuant to Chapter 5723. of the Revised Code. 146

(D) (1) A municipal corporation, township, county, school 147
district, community development organization, or county land 148
reutilization corporation to which property is transferred 149
pursuant to division (B) of this section shall cause the 150
property to be sold through either of the following means: 151

(a) At a public auction conducted by the sheriff of the 152
county in which the property is located or a designee of the 153
sheriff in the manner provided by law for the sale of real 154
property on execution. The auction shall be advertised in the 155
same manner required in division (A) of section 323.73 of the 156
Revised Code. 157

(b) By the solicitation of sealed bids. The political 158
subdivision, community development organization, or county land 159
reutilization corporation shall advertise the sale in a 160
newspaper of general circulation that meets the requirements of 161
section 7.12 of the Revised Code in the county in which the 162
property is located, prescribe the form of bids, and accept bids 163
over a period of at least three weeks. 164

(2) Upon a sale of property pursuant to division (D) (1) of 165
this section, the municipal corporation, township, county, 166
school district, community development organization, or county 167
land reutilization corporation that sold the property shall 168
calculate the sum of the taxes, assessments, penalties, 169
interest, and other charges due on the property at the time the 170

property was transferred under division (B) of this section; the 171
costs of the foreclosure action that resulted in the property's 172
transfer under that division; and any costs incurred by the 173
political subdivision, community development organization, or 174
county land reutilization corporation in connection with the 175
property. If the sale price exceeds that sum, the excess 176
proceeds shall be delivered to the county treasurer of the 177
county in which the property is located not later than forty- 178
five days after its sale. Thereafter, the excess proceeds shall 179
be treated in the same manner as surplus funds under section 180
5721.20 of the Revised Code. 181

The political subdivision, community development 182
organization, or county land reutilization corporation shall 183
maintain a record of the amounts calculated under this division, 184
and the property's sale price, for three years after its sale 185
date. The record is a public record subject to section 149.43 of 186
the Revised Code. 187

Sec. 325.14. (A) Each county engineer shall be classified, 188
for salary purposes, according to the population of the county. 189
All county engineers shall receive annual compensation in 190
accordance with the following ~~schedules~~schedule and in 191
accordance with section 325.18 of the Revised Code: 192

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 193

~~FOR CALENDAR YEAR 2018 FOR~~ 194

~~COUNTY ENGINEERS WITH A PRIVATE PRACTICE~~ 195

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A	Class	Population Range	Compensation
B	1	1 — 55,000	\$67,746
C	2	55,001 — 95,000	73,059
D	3	95,001 — 200,000	78,594
E	4	200,001 — 400,000	83,022
F	5	400,001 — 1,000,000	88,556
G	6	1,000,001 or more	92,009

CLASSIFICATION AND COMPENSATION SCHEDULE	197
FOR CALENDAR YEAR 2018 FOR	198
COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE	199
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	1	2	3
A	Class	Population Range	Compensation
B	1	1 — 55,000	\$94,103
C	2	55,001 — 95,000	99,417
D	3	95,001 — 200,000	104,950
E	4	200,001 — 400,000	109,378
F	5	400,001 — 1,000,000	114,914

A	Class	Population Range	Compensation
B	1	1 — 55,000	\$98,808
C	2	55,001 — 95,000	104,388
D	3	95,001 — 200,000	110,198
E	4	200,001 — 400,000	114,847
F	5	400,001 — 1,000,000	120,660
G	6	1,000,001 or more	124,279

CLASSIFICATION AND COMPENSATION SCHEDULE	209
FOR CALENDAR YEAR 2020 FOR COUNTY ENGINEERS	210
WITH A PRIVATE PRACTICE	211

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	1	2	3
A	Class	Population Range	Compensation
B	1	1 — 55,000	\$74,690
C	2	55,001 — 95,000	80,548
D	3	95,001 — 200,000	86,650
E	4	200,001 — 400,000	91,532
F	5	400,001 — 1,000,000	97,633

G 6 ~~1,000,001 or more~~ 101,440

CLASSIFICATION AND COMPENSATION SCHEDULE 213
 FOR CALENDAR YEAR 2020 FOR COUNTY ENGINEERS 214
 WITHOUT A PRIVATE PRACTICE 215

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	1	2	3
A	Class	Population Range	Compensation
B	1	1 - 55,000	\$103,749
C	2	55,001 - 95,000	109,607
D	3	95,001 - 200,000	115,707
E	4	200,001 - 400,000	120,589
F	5	400,001 - 1,000,000	126,693
G	6	1,000,001 or more	130,493

Such salary may be paid monthly out of the general county 217
 fund or out of the county's share of the fund derived from the 218
 receipts from motor vehicle licenses, as distributed by section 219
 4501.04 of the Revised Code, and the county's share of the fund 220
 derived from the motor vehicle fuel tax, as distributed by 221
 section 5735.27 of the Revised Code, as the board of county 222
 commissioners directs, upon the warrant of the county auditor 223
 and shall be in lieu of all fees, costs, per diem or other 224
 allowances, and other perquisites, of whatever kind, which any 225

engineer collects and receives. The engineer shall be the county 226
tax map draftperson, but shall receive no additional 227
compensation for performing the duties of that position. When 228
the engineer performs service in connection with ditches or 229
drainage works, the engineer shall charge and collect the per 230
diem allowances or other fees provided by law and shall pay all 231
of those allowances and fees, monthly, into the county treasury 232
to the credit of the general county fund. The engineer shall pay 233
into the county treasury all allowances and fees collected when 234
the engineer performs services under sections 315.28 to 315.34 235
of the Revised Code. 236

(B) A county engineer may elect to engage or not to engage 237
in the private practice of engineering or surveying ~~before the~~ 238
~~commencement of each new term of office, and a county engineer~~ 239
~~who elects not to engage in the private practice of engineering~~ 240
~~or surveying may, for a period of six months after taking~~ 241
~~office, engage in the private practice of engineering or~~ 242
~~surveying for the purpose of concluding the affairs of private~~ 243
~~practice without any diminution of salary as provided in~~ 244
~~division (A) of this section and in section 325.18 of the~~ 245
~~Revised Code. A county engineer, including an acting county~~ 246
~~engineer described in section 305.021 of the Revised Code, shall~~ 247
~~not perform any private engineering or surveying work that would~~ 248
~~go before the office of the county engineer of any county in~~ 249
~~which the person serves as the county engineer or acting county~~ 250
~~engineer.~~ 251

Sec. 4582.30. (A) (1) Except as otherwise provided in 252
division (A) (2) or (3) of this section, the area of jurisdiction 253
of a port authority created in accordance with section 4582.22 254
of the Revised Code shall include all of the territory of the 255
political subdivision or subdivisions creating it and, if the 256

port authority owns or leases a railroad line or airport, the 257
territory on which the railroad's line, terminals, and related 258
facilities or the airport's runways, terminals, and related 259
facilities are located, regardless of whether the territory is 260
located in the political subdivision or subdivisions creating 261
the port authority. 262

(2) A municipal corporation with a population of at least 263
one hundred thousand according to the most recent federal 264
decennial census may create a port authority within a county 265
that previously created an existing port authority, if the 266
municipal corporation did not join with the county in creating 267
the port authority or thereafter join that port authority. The 268
newly created port authority and the previously created and 269
existing port authority shall possess concurrent jurisdiction 270
over any territory within the jurisdiction of both. 271

(3) A county may create a port authority the area of 272
jurisdiction of which excludes any territory that is located in 273
that county and is in the area of jurisdiction of any port 274
authority created in accordance with section 4582.02 or 4582.22 275
of the Revised Code that is then existing in the county. 276

(B) (1) Except as provided in division (B) (2), (3), or ~~(3)~~ 277
(4) of this section, a political subdivision that has created a 278
port authority or joined an existing port authority shall not be 279
included in any other port authority. 280

(2) A municipal corporation with a population of less than 281
one hundred thousand according to the most recent federal 282
decennial census that has joined an existing port authority in a 283
county with a population of five hundred thousand or less may 284
create a port authority within the territorial jurisdiction of 285
the municipal corporation. 286

(3) A municipal corporation and a county jointly may	287
create a new port authority if both of the following apply:	288
(a) The municipal corporation created a port authority	289
after July 9, 1982, and that port authority operates an airport;	290
(b) The county joined a port authority after July 9, 1982,	291
and that port authority operated an airport.	292
<u>(4) A county with a population of less than one hundred</u>	293
<u>thousand according to the most recent federal decennial census</u>	294
<u>that is included in the jurisdiction of an existing port</u>	295
<u>authority that has an area of jurisdiction that includes more</u>	296
<u>than one county may create a port authority that includes the</u>	297
<u>territorial jurisdiction of the county.</u>	298
Sec. 4743.06. <u>(A) Except as provided in divisions (B) and</u>	299
<u>(C) of this section, a department, agency, or office of this</u>	300
<u>state that issues a license, certificate, registration, or other</u>	301
<u>authorization to a person to practice a trade or profession</u>	302
<u>shall require a person to submit an application for an initial</u>	303
<u>license, certificate, registration, or other authorization</u>	304
<u>issued by the department, agency, or office using any electronic</u>	305
<u>licensing system the department, agency, or office elects to use</u>	306
<u>to receive applications.</u>	307
<u>(B) A department, agency, or office may adopt a policy to</u>	308
<u>allow a person to apply for an initial license, certificate,</u>	309
<u>registration, or other authorization issued by the department,</u>	310
<u>agency, or office by submitting a paper copy of the application</u>	311
<u>to the department, agency, or office. A department, agency, or</u>	312
<u>office that adopts such a policy shall not require a person to</u>	313
<u>submit a paper copy of the application and shall accept an</u>	314
<u>application submitted using the electronic licensing system used</u>	315

by the department, agency, or office. 316

(C) This section does not apply to the supreme court when 317
issuing initial licenses pursuant to rules prescribed under Ohio 318
Constitution, Article IV, Section 5. 319

Sec. 5721.20. ~~Except in cases where the~~ This section does 320
not apply to transfers of property is transferred without sale 321
to a municipal corporation, township, county, community 322
development organization, or county land reutilization 323
corporation pursuant to the alternative redemption period 324
procedures contained in section 323.78 of the Revised Code, ~~any~~ 325
except as provided in division (D) of that section. 326

Any residue of moneys from the sale or foreclosure of 327
lands remaining to the owner on the order of distribution, and 328
unclaimed by such owner within sixty days from its receipt, 329
shall be paid into the county treasury and shall be charged 330
separately to the county treasurer by the county auditor, in the 331
name of the supposed owner. The treasurer shall retain such 332
excess in the treasury for the proper owner of such lands upon 333
which the foreclosure was had, and upon demand by such owner, 334
within three years from the date of receipt, shall pay such 335
excess to the owner. If the owner does not demand payment of the 336
excess within three years, then the excess shall be forfeited to 337
the delinquent tax and assessment collection fund created under 338
section 323.261 of the Revised Code, or in counties that have 339
established a county land reutilization corporation fund under 340
section 323.263 of the Revised Code, to the county land 341
reutilization corporation fund. 342

Section 2. That existing sections 315.251, 319.203, 343
323.78, 325.14, 4582.30, and 5721.20 of the Revised Code are 344
hereby repealed. 345

Section 3. Division (A) of section 325.14 of the Revised Code, as amended by this act, applies to a county engineer whose term of office begins on or after the effective date of this section. Pursuant to Section 20 of Article II, Ohio Constitution, a county engineer shall continue to receive compensation in accordance with the law in effect before the effective date of this section for the remainder of a term of office that began before the effective date of this section.

Section 4. Section 315.251 of the Revised Code is presented in this act as a composite of the section as amended by both S.B. 262 and S.B. 287 of the 121st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.