

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 497

Representatives Stewart, Klopfenstein

**Cosponsors: Representatives Creech, Peterson, Seitz, Dean, Lorenz, Johnson,
Hoops, Claggett, Barhorst, Wiggam**

A BILL

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

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

Section 1. That sections 135.33, 153.31, 153.35, 153.36, 9
153.37, 153.38, 153.39, 153.44, 307.12, 309.09, 325.15, 10
2335.061, and 5540.03 of the Revised Code be amended to read as 11
follows: 12

Sec. 135.33. ~~(A)~~(A) (1) The board of county commissioners 13
shall meet every ~~four~~two years in the month next preceding the 14
date of the expiration of its current period of designation for 15
the purpose of designating ~~its public depositories of active~~ 16
~~moneys for the~~ length of time for the next succeeding ~~four-year~~ 17
~~period commencing on the date of expiration of the preceding~~ 18

period of designation. A period of designation shall be not less 19
than two years. 20

(2) At least sixty days before the ~~meeting~~ expiration of 21
the current period of designation, the county treasurer shall 22
submit to the board an estimate of the aggregate amount of 23
public moneys that might be available for deposit as active 24
moneys at any one time during the next ~~four-year period of~~ 25
designation. Upon receipt of such estimate, the board shall 26
immediately notify all eligible institutions that might desire 27
to be designated as such public depositories of the date on 28
which the designation is to be made; the amount that has been 29
estimated to be available for deposit; the length of time for 30
the period of designation; and the date fixed as the last date 31
on which applications may be submitted, that shall not be more 32
than thirty days or less than ten days prior to the date set for 33
the meeting designating public depositories. 34

(3) The board shall meet in the month preceding the date 35
of the expiration of its current period of designation for the 36
purpose of designating its public depositories of active moneys 37
for the next succeeding period of designation. A period of 38
designation shall commence on the date of expiration of the 39
preceding period of 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 performed showing the manner and style required to be done, with such directions as will enable a competent builder to carry them out, and which will afford to bidders all needful information;

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

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

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

(D) The requirements of division (A) of this section do not apply to any of the following:

(1) Any project with an estimated professional design fee of twenty-five thousand dollars or less;

(2) Any project with an estimated professional design fee of more than twenty-five thousand dollars but less than fifty thousand dollars if both of the following requirements are met:

(a) The board selects a single design professional or firm from among those that have submitted a current statement of qualifications within the immediately preceding year, as provided under section 153.68 of the Revised Code, based on the board's determination that the selected design professional or firm is the most qualified to provide the required professional

design services; 137

(b) The board and the selected design professional or firm 138
comply with division (B) of section 153.69 of the Revised Code 139
with respect to the negotiation of a contract. 140

Sec. 153.35. The plans and specifications upon which the 141
contracts are awarded, shall be kept on file in the office of 142
the ~~county auditor~~ board of county commissioners and made a part 143
of the contract with the successful bidder. When it is necessary 144
to alter, repair, or make an addition to a bridge, the board of 145
county commissioners in making contracts therefor, shall conform 146
to sections 153.01 to 153.60, inclusive, of the Revised Code, in 147
relation to the erection of bridges as nearly as the nature of 148
the case will permit. 149

Sec. 153.36. (A) If the plans, drawings, representations, 150
bills of material, and specifications of work, and estimates of 151
the cost thereof in detail and in the aggregate, required in 152
sections 153.31 to 153.35, inclusive, of the Revised Code, 153
relate to the building of a courthouse or jail, or an addition 154
to or alteration, repair, or improvement thereof, they shall be 155
submitted to the board of county commissioners, ~~together with.~~ 156
If the estimated total cost of the project is greater than 157
twenty-five thousand dollars, the materials also shall be 158
submitted to the clerk of the court of common pleas, the 159
sheriff, and probate judge, and one person to be appointed by 160
the judge of the court of common pleas, for their approval. ~~If A~~ 161
project with an estimated total cost greater than twenty-five 162
thousand dollars shall not commence unless approved by a 163
majority of them, ~~a.~~ A copy thereof of the materials shall be 164
~~deposited with the county auditor and kept in his~~ the office of 165
the board of county commissioners. 166

(B) A board of county commissioners may independently 167
approve a project described in division (A) of this section that 168
has an estimated total cost of twenty-five thousand dollars or 169
less. The board may seek the advice of the clerk of the court of 170
common pleas, the sheriff, and a probate judge, on the project. 171

Sec. 153.37. If the plans, drawings, representations, 172
bills of material, and specifications of work and estimates of 173
the cost thereof relate to the building, addition to, or 174
alteration of a county home, they shall be submitted to the 175
board of county commissioners. If approved by a majority of the 176
board, a copy thereof shall be deposited in the office of the 177
~~county auditor~~ board of county commissioners and kept for the 178
inspection and use of parties interested. 179

Sec. 153.38. If the plans, drawings, representations, 180
bills of material, specifications of work, and estimates relate 181
to the building of a bridge, they shall be submitted to the 182
board of county commissioners, ~~county auditor,~~ and the county 183
engineer. If approved by a majority of them, a copy thereof 184
shall be deposited ~~with in the auditor office of county engineer~~ 185
and kept for the inspection of parties interested. 186

Sec. 153.39. If the plans, drawings, representations, 187
bills of material, specifications of work, and estimates relate 188
to the building of a children's home, they shall be submitted to 189
the board of county commissioners and three citizens of the 190
county, to be appointed by a resident judge of the court of 191
common pleas, or a judge residing in the same subdivision of the 192
judicial district. If approved by a majority of them, a copy 193
thereof shall be deposited ~~with in the county auditor office of~~ 194
the board of county commissioners and kept by the ~~auditor board~~ 195
for the inspection of interested parties. Before such plans are 196

adopted, they shall be submitted to the department of job and 197
family services for suggestions and criticism. The boards of 198
counties composing a district for the purpose of establishing a 199
district children's home, in letting contracts for the necessary 200
buildings or the repair or alteration thereof, shall be governed 201
by the law relating to letting contracts for erecting, 202
repairing, or altering other public buildings. 203

Sec. 153.44. Before work is done or material furnished, 204
all contracts that exceed ~~one~~ twenty thousand dollars in amount 205
shall be submitted by the board of county commissioners to the 206
prosecuting attorney of the county, or to an attorney employed 207
under division (C) of section 309.09 of the Revised Code. If 208
found ~~by him~~ to be in accordance with sections 153.01 to 153.60, 209
inclusive, of the Revised Code, and ~~his~~ a certificate to that 210
effect is indorsed thereon by the prosecuting attorney or the 211
attorney, such contracts shall have full effect, otherwise ~~they~~ 212
the contract shall be void. 213

Sec. 307.12. (A) Except as otherwise provided in divisions 214
(D), (E), and (G) of this section, when the board of county 215
commissioners finds, by resolution, that the county has personal 216
property, including motor vehicles acquired for the use of 217
county officers and departments, and road machinery, equipment, 218
tools, or supplies, that is not needed for public use, is 219
obsolete, or is unfit for the use for which it was acquired, and 220
when the fair market value of the property to be sold or donated 221
under this division is, in the opinion of the board, in excess 222
of ~~two~~ five thousand ~~five hundred~~ dollars, the board may do 223
either of the following: 224

(1) Sell the property at public auction or by sealed bid 225
to the highest bidder. Notice of the time, place, and manner of 226

the sale shall be published in a newspaper of general 227
circulation in the county at least ten days prior to the sale, 228
and a typewritten or printed notice of the time, place, and 229
manner of the sale shall be posted at least ten days before the 230
sale in the offices of the county auditor and the board of 231
county commissioners. 232

If a board conducts a sale of property by sealed bid, the 233
form of the bid shall be as prescribed by the board, and each 234
bid shall contain the name of the person submitting it. Bids 235
received shall be opened and tabulated at the time stated in the 236
notice. The property shall be sold to the highest bidder, except 237
that the board may reject all bids and hold another sale, by 238
public auction or sealed bid, in the manner prescribed by this 239
section. 240

(2) Donate any motor vehicle that does not exceed four 241
thousand five hundred dollars in value to a nonprofit 242
organization exempt from federal income taxation pursuant to 26 243
U.S.C. 501(a) and (c)(3) for the purpose of meeting the 244
transportation needs of participants in the Ohio works first 245
program established under Chapter 5107. of the Revised Code and 246
participants in the prevention, retention, and contingency 247
program established under Chapter 5108. of the Revised Code. 248

(B) When the board of county commissioners finds, by 249
resolution, that the county has personal property, including 250
motor vehicles acquired for the use of county officers and 251
departments, and road machinery, equipment, tools, or supplies, 252
that is not needed for public use, is obsolete, or is unfit for 253
the use for which it was acquired, and when the fair market 254
value of the property to be sold or donated under this division 255
is, in the opinion of the board, ~~two-five thousand five hundred-~~ 256

dollars or less, the board may do either of the following: 257

(1) Sell the property by private sale, without 258
advertisement or public notification; 259

(2) Donate the property to an eligible nonprofit 260
organization that is located in this state and is exempt from 261
federal income taxation pursuant to 26 U.S.C. 501(a) and (c) (3). 262
~~Before donating any property under this division, the board~~ 263
~~shall adopt a resolution expressing its intent to make unneeded,~~ 264
~~obsolete, or unfit for use county personal property available to~~ 265
~~these organizations. The resolution shall include guidelines and~~ 266
~~procedures the board considers necessary to implement a donation~~ 267
~~program under this division and shall indicate whether the~~ 268
~~county will conduct the donation program or the board will~~ 269
~~contract with a representative to conduct it. If a~~ 270
~~representative is known when the resolution is adopted, the~~ 271
~~resolution shall provide contact information such as the~~ 272
~~representative's name, address, and telephone number.~~ 273

~~The resolution shall include within its procedures a~~ 274
~~requirement that any nonprofit organization desiring to obtain~~ 275
~~donated property under this division shall submit a written~~ 276
~~notice to the board or its representative. The written notice,~~ 277
~~the nonprofit organization shall include provide the board~~ 278
evidence that the organization is a nonprofit organization that 279
is located in this state and is exempt from federal income 280
taxation pursuant to 26 U.S.C. 501(a) and (c) (3); a description 281
of the organization's primary purpose; a description of the type 282
or types of property the organization needs; and the name, 283
address, and telephone number of a person designated by the 284
organization's governing board to receive donated property and 285
to serve as its agent. 286

~~After adoption of the resolution, the board shall publish, 287
in a newspaper of general circulation in the county, notice of 288
its intent to donate unneeded, obsolete, or unfit for use county 289
personal property to eligible nonprofit organizations. The 290
notice shall include a summary of the information provided in 291
the resolution and shall be published twice or as provided in 292
section 7.16 of the Revised Code. The second and any subsequent 293
notice shall be published not less than ten nor more than twenty 294
days after the previous notice. A similar notice also shall be 295
posted continually in a conspicuous place in the offices of the 296
county auditor and the board of county commissioners. If the 297
county maintains a web site on the internet, the notice shall be 298
posted continually at that web site. 299~~

~~The board or its representative shall maintain a list of 300
all nonprofit organizations that notify the board or its 301
representative of their desire to obtain donated property under 302
this division and that the board or its representative 303
determines to be eligible, in accordance with the requirements 304
set forth in this section and in the donation program's 305
guidelines and procedures, to receive donated property. 306~~

~~The board or its representatives also shall maintain a 307
list of all county personal property the board finds to be 308
unneeded, obsolete, or unfit for use and to be available for 309
donation under this division. The list shall be posted 310
continually in a conspicuous location in the offices of the 311
county auditor and the board of county commissioners, and, if 312
the county maintains a web site on the internet, the list shall 313
be posted continually at that web site. An item of property on 314
the list shall be donated to the eligible nonprofit organization 315
that first declares to the board or its representative its 316
desire to obtain the item unless the board previously has 317~~

~~established, by resolution, a list of eligible nonprofit~~ 318
~~organizations that shall be given priority with respect to the~~ 319
~~item's donation. Priority may be given on the basis that the~~ 320
~~purposes of a nonprofit organization have a direct relationship~~ 321
~~to specific public purposes of programs provided or administered~~ 322
~~by the board. A resolution giving priority to certain nonprofit~~ 323
~~organizations with respect to the donation of an item of~~ 324
~~property shall specify the reasons why the organizations are~~ 325
~~given that priority.~~ 326

(C) Members of the board of county commissioners shall 327
consult with the Ohio ethics commission, and comply with the 328
provisions of Chapters 102. and 2921. of the Revised Code, with 329
respect to any sale or donation under division (A) or (B) of 330
this section to a nonprofit organization of which a county 331
commissioner, any member of the county commissioner's family, or 332
any business associate of the county commissioner is a trustee, 333
officer, board member, or employee. 334

(D) Notwithstanding anything to the contrary in division 335
(A), (B), or (E) of this section and regardless of the 336
property's value, the board of county commissioners may sell or 337
donate county personal property, including motor vehicles, to 338
the federal government, the state, any political subdivision of 339
the state, or a county land reutilization corporation without 340
advertisement or public notification. 341

(E) Notwithstanding anything to the contrary in division 342
(A), (B), or (G) of this section and regardless of the 343
property's value, the board of county commissioners may sell 344
personal property, including motor vehicles acquired for the use 345
of county officers and departments, and road machinery, 346
equipment, tools, or supplies, that is not needed for public 347

use, is obsolete, or is unfit for the use for which it was 348
acquired, by internet auction. The board shall adopt a 349
resolution expressing its intent to sell property by internet 350
auction. The resolution shall include a description of how the 351
internet auctions will be conducted and shall specify the number 352
of days for bidding on the property, which shall be no less than 353
ten days, including Saturdays, Sundays, and legal holidays. The 354
resolution shall indicate whether the county will conduct the 355
internet auctions or the board will contract with a 356
representative to conduct the internet auctions and shall 357
establish the general terms and conditions of sale. If a 358
representative is known when the resolution is adopted, the 359
resolution shall provide contact information such as the 360
representative's name, address, and telephone number. 361

After adoption of the resolution, the board shall publish, 362
in a newspaper of general circulation in the county, notice of 363
its intent to sell unneeded, obsolete, or unfit-for-use county 364
personal property by internet auction. The notice shall include 365
a summary of the information provided in the resolution and 366
shall be published twice or as provided in section 7.16 of the 367
Revised Code. The second and any subsequent notice shall be 368
published not less than ten nor more than twenty days after the 369
previous notice. A similar notice also shall be posted 370
continually in a conspicuous place in the offices of the county 371
auditor and the board of county commissioners. If the county 372
maintains a web site on the internet, the notice shall be posted 373
continually at that web site. 374

When property is to be sold by internet auction, the board 375
or its representative may establish a minimum price that will be 376
accepted for specific items and may establish any other terms 377
and conditions for a particular sale, including requirements for 378

pick-up or delivery, method of payment, and sales tax. This type 379
of information shall be provided on the internet at the time of 380
the auction and may be provided before that time upon request 381
after the terms and conditions have been determined by the board 382
or its representative. 383

(F) When a county officer or department head determines 384
that county-owned personal property under the jurisdiction of 385
the officer or department head, including motor vehicles, road 386
machinery, equipment, tools, or supplies, is not of immediate 387
need, the county officer or department head may notify the board 388
of county commissioners, and the board may lease that personal 389
property to any municipal corporation, township, other political 390
subdivision of the state, or to a county land reutilization 391
corporation. The lease shall require the county to be reimbursed 392
under terms, conditions, and fees established by the board, or 393
under contracts executed by the board. 394

(G) If the board of county commissioners finds, by 395
resolution, that the county has vehicles, equipment, or 396
machinery that is not needed, or is unfit for public use, and 397
the board desires to sell the vehicles, equipment, or machinery 398
to the person or firm from which it proposes to purchase other 399
vehicles, equipment, or machinery, the board may offer to sell 400
the vehicles, equipment, or machinery to that person or firm, 401
and to have the selling price credited to the person or firm 402
against the purchase price of other vehicles, equipment, or 403
machinery. 404

(H) If the board of county commissioners advertises for 405
bids for the sale of new vehicles, equipment, or machinery to 406
the county, it may include in the same advertisement a notice of 407
the willingness of the board to accept bids for the purchase of 408

county-owned vehicles, equipment, or machinery that is obsolete 409
or not needed for public use, and to have the amount of those 410
bids subtracted from the selling price of the other vehicles, 411
equipment, or machinery as a means of determining the lowest 412
responsible bidder. 413

(I) If a board of county commissioners determines that 414
county personal property is not needed for public use, or is 415
obsolete or unfit for the use for which it was acquired, and 416
that the property has no value, the board may discard or salvage 417
that property. 418

(J) A county engineer, in the engineer's discretion, may 419
dispose of scrap construction materials on such terms as the 420
engineer determines reasonable, including disposal without 421
recovery of costs, if the total value of the materials does not 422
exceed twenty-five thousand dollars. The engineer shall maintain 423
records of all dispositions made under this division, including 424
identification of the origin of the materials, the final 425
disposition, and copies of all receipts resulting from the 426
dispositions. 427

As used in division ~~(I)~~ (J) of this section, "scrap 428
construction materials" means construction materials that result 429
from a road or bridge improvement, remain after the improvement 430
is completed, and are not reusable. Construction material that 431
is metal and that results from a road or bridge improvement and 432
remains after the improvement is completed is scrap construction 433
material only if it cannot be used in any other road or bridge 434
improvement or other project in its current state. 435

Sec. 309.09. (A) The prosecuting attorney shall be the 436
legal adviser of the board of county commissioners, board of 437
elections, all other county officers and boards, and all tax- 438

supported public libraries, and any of them may require written 439
opinions or instructions from the prosecuting attorney in 440
matters connected with their official duties. The prosecuting 441
attorney shall prosecute and defend all suits and actions that 442
any such officer, board, or tax-supported public library directs 443
or to which it is a party, and no county officer may employ any 444
other counsel or attorney at the expense of the county, except 445
as provided in section 305.14 of the Revised Code. 446

(B) (1) The prosecuting attorney shall be the legal adviser 447
for all township officers, boards, and commissions, unless, 448
subject to division (B) (2) of this section, the township has 449
adopted a limited home rule government pursuant to Chapter 504. 450
of the Revised Code and has not entered into a contract to have 451
the prosecuting attorney serve as the township law director, in 452
which case, subject to division (B) (2) of this section, the 453
township law director, whether serving full-time or part-time, 454
shall be the legal adviser for all township officers, boards, 455
and commissions. When the board of township trustees finds it 456
advisable or necessary to have additional legal counsel, it may 457
employ an attorney other than the township law director or the 458
prosecuting attorney of the county, either for a particular 459
matter or on an annual basis, to represent the township and its 460
officers, boards, and commissions in their official capacities 461
and to advise them on legal matters. No such legal counsel may 462
be employed, except on the order of the board of township 463
trustees, duly entered upon its journal, in which the 464
compensation to be paid for the legal services shall be fixed. 465
The compensation shall be paid from the township fund. 466

Nothing in this division confers any of the powers or 467
duties of a prosecuting attorney under section 309.08 of the 468
Revised Code upon a township law director. 469

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

(i) 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) (c) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township in the trial and argument in any court or tribunal of any challenge to the validity of the resolution. If the challenge to the validity of the resolution is before a federal court, the prosecuting attorney may request the attorney general to assist the prosecuting attorney in prosecuting and defending the challenge and, upon the prosecuting attorney's making of such a request, the attorney general shall assist the prosecuting attorney in performing that service if the resolution was drafted in accordance with legal guidance provided by the attorney general 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 501
prosecute and defend on behalf of the township a civil action to 502
enjoin the violation of the resolution in question. 503

(iii) Upon the request of a township in the county that 504
has adopted, or in which has been adopted, a resolution of that 505
nature that is made pursuant to division (E) (1) (b) of section 506
503.52 of the Revised Code, the prosecuting attorney shall 507
prosecute and defend on behalf of the township a civil action 508
under Chapter 3767. of the Revised Code to abate as a nuisance 509
the place in the unincorporated area of the township at which 510
the resolution is being or has been violated. Proceeds from the 511
sale of personal property or contents seized pursuant to the 512
action shall be applied and deposited in accordance with 513
division (E) (1) (b) of section 503.52 of the Revised Code. 514

(b) Division (B) (2) (a) of this section applies regarding 515
all townships, including townships that have adopted a limited 516
home rule government pursuant to Chapter 504. of the Revised 517
Code, and regardless of whether a township that has so adopted a 518
limited home rule government has entered into a contract with 519
the prosecuting attorney as described in division (B) of section 520
504.15 of the Revised Code or has appointed a law director as 521
described in division (A) of that section. 522

The prosecuting attorney shall prosecute and defend in the 523
actions and proceedings described in division (B) (2) (a) of this 524
section without charge to the township for which the services 525
are performed. 526

(C) Whenever the board of county commissioners employs an 527
attorney other than the prosecuting attorney of the county, 528
without the authorization of the court of common pleas as 529
provided in section 305.14 of the Revised Code, either for a 530

particular matter or on an annual basis, to represent the board 531
in its official capacity and to advise it on legal matters, the 532
board shall enter upon its journal an order of the board in 533
which the compensation to be paid for the legal services shall 534
be fixed. The compensation shall be paid from the county general 535
fund. The total compensation paid, in any year, by the board for 536
legal services under this division shall not exceed the total 537
annual compensation of the prosecuting attorney for that county. 538

(D) The prosecuting attorney and the board of county 539
commissioners jointly may contract with a board of park 540
commissioners under section 1545.07 of the Revised Code for the 541
prosecuting attorney to provide legal services to the park 542
district the board of park commissioners operates. 543

(E) The prosecuting attorney may be, in the prosecuting 544
attorney's discretion and with the approval of the board of 545
county commissioners, the legal adviser of a joint fire district 546
created under section 505.371 of the Revised Code at no cost to 547
the district, or may be the legal adviser to the district under 548
a contract that the prosecuting attorney and the district enter 549
into, and that the board of county commissioners approves, to 550
authorize the prosecuting attorney to provide legal services to 551
the district. 552

(F) The prosecuting attorney may be, in the prosecuting 553
attorney's discretion and with the approval of the board of 554
county commissioners, the legal adviser of a joint ambulance 555
district created under section 505.71 of the Revised Code at no 556
cost to the district, or may be the legal adviser to the 557
district under a contract that the prosecuting attorney and the 558
district enter into, and that the board of county commissioners 559
approves, to authorize the prosecuting attorney to provide legal 560

services to the district. 561

(G) The prosecuting attorney may be, in the prosecuting 562
attorney's discretion and with the approval of the board of 563
county commissioners, the legal adviser of a joint emergency 564
medical services district created under section 307.052 of the 565
Revised Code at no cost to the district, or may be the legal 566
adviser to the district under a contract that the prosecuting 567
attorney and the district enter into, and that the board of 568
county commissioners approves, to authorize the prosecuting 569
attorney to provide legal services to the district. 570

(H) The prosecuting attorney may be, in the prosecuting 571
attorney's discretion and with the approval of the board of 572
county commissioners, the legal adviser of a fire and ambulance 573
district created under section 505.375 of the Revised Code at no 574
cost to the district, or may be the legal adviser to the 575
district under a contract that the prosecuting attorney and the 576
district enter into, and that the board of county commissioners 577
approves, to authorize the prosecuting attorney to provide legal 578
services to the district. 579

(I) The prosecuting attorney may be, in the prosecuting 580
attorney's discretion and with the approval of the board of 581
county commissioners, the legal adviser to the board of trustees 582
of a regional airport authority created under Chapter 308. of 583
the Revised Code or the board of directors of a port authority 584
created under Chapter 4582. of the Revised Code under a contract 585
that the prosecuting attorney and the board of trustees or board 586
of directors enter into. If the regional airport authority or 587
port authority covers territory in more than one county, the 588
board of trustees or board of directors may choose the 589
prosecuting attorney with whom it enters into such contract, 590

with the approval of the board of county commissioners of that 591
county. The contract may provide for the payment of a fee to the 592
prosecuting attorney for legal services agreed to under the 593
contract. 594

(J) The prosecuting attorney may be, in the prosecuting 595
attorney's discretion and with the approval of the board of 596
county commissioners, the legal adviser to a regional planning 597
commission created under section 713.21 of the Revised Code 598
under a contract that the prosecuting attorney and commission 599
enter into. If the regional planning commission covers a region 600
in more than one county, the commission may choose the 601
prosecuting attorney with whom it enters into such contract, 602
with the approval of the board of county commissioners of that 603
county. The contract may provide for the payment of a fee to the 604
prosecuting attorney for legal services agreed to under the 605
contract. 606

(K) The prosecuting attorney may be, in the prosecuting 607
attorney's discretion and with the approval of the board of 608
county commissioners, the legal adviser to a regional council of 609
governments created under Chapter 167. of the Revised Code under 610
a contract that the prosecuting attorney and council enter into. 611
If the regional council of governments covers a region in more 612
than one county, the council may choose the prosecuting attorney 613
with whom it enters into such contract, with the approval of the 614
board of county commissioners of that county. The contract may 615
provide for the payment of a fee to the prosecuting attorney for 616
legal services agreed to under the contract. 617

(L) The prosecuting attorney may be, in the prosecuting 618
attorney's discretion and with the approval of the board of 619
county commissioners, the legal adviser to a metropolitan 620

planning organization, or to a regional transportation planning 621
organization that has been designated by the governor under 23 622
U.S.C. 135, under a contract that the prosecuting attorney and 623
organization enter into. If the organization covers a region in 624
more than one county, the organization may choose the 625
prosecuting attorney with whom it enters into such contract, 626
with the approval of the board of county commissioners of that 627
county. The contract may provide for the payment of a fee to the 628
prosecuting attorney for legal services agreed to under the 629
contract. 630

(M) The prosecuting attorney may be, in the prosecuting 631
attorney's discretion and with the approval of the board of 632
county commissioners, the legal adviser to a transportation 633
improvement district created under section 5540.02 of the 634
Revised Code, at no cost to the district. The prosecuting 635
attorney also may be the legal adviser to the district under a 636
contract that the prosecuting attorney and the district enter 637
into, and that the board of county commissioners approves, to 638
authorize the prosecuting attorney to provide legal services to 639
the district. The contract may provide for the payment of a fee 640
to the prosecuting attorney for legal services agreed to under 641
the contract. 642

(N) All money received pursuant to a contract entered into 643
under division (D), (E), (F), (G), (H), (I), (J), (K), ~~or (L)~~, 644
or (M) of this section shall be deposited into the prosecuting 645
attorney's legal services fund, which shall be established in 646
the county treasury of each county in which such a contract 647
exists. Moneys in that fund may be appropriated only to the 648
prosecuting attorney for the purpose of providing legal services 649
to a park district, joint fire district, joint ambulance 650
district, joint emergency medical services district, fire and 651

ambulance district, regional airport authority, port authority, 652
regional planning commission, regional council of governments, 653
metropolitan planning organization, ~~or~~ regional transportation 654
planning organization, or transportation improvement district as 655
applicable, under a contract entered into under the applicable 656
division. 657

~~(N)~~ (O) The prosecuting attorney shall be the legal 658
adviser of a lake facilities authority as provided in section 659
353.02 of the Revised Code. 660

Sec. 325.15. (A) As used in this section, "private 661
practice of medicine" does not include performing an autopsy at 662
the request of another coroner. 663

(B) Each coroner shall be classified, for salary purposes, 664
according to the population of the county. All coroners shall 665
receive annual compensation in accordance with the following 666
schedules and in accordance with section 325.18 of the Revised 667
Code: 668

CLASSIFICATION AND COMPENSATION SCHEDULE 669

FOR CALENDAR YEAR 2018 FOR 670

CORONERS WITH A PRIVATE PRACTICE 671

672

	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	673
FOR CALENDAR YEAR 2018 FOR	674
CORONERS WITHOUT A PRIVATE PRACTICE	675

676

	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	677
FOR CALENDAR YEAR 2019 FOR CORONERS	678
WITH A PRIVATE PRACTICE	679

680

	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 681

FOR CALENDAR YEAR 2019 FOR CORONERS 682

WITHOUT A PRIVATE PRACTICE 683

684

	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 685

FOR CALENDAR YEAR 2020 FOR CORONERS 686

WITH A PRIVATE PRACTICE 687

688

	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 689

FOR CALENDAR YEAR 2020 FOR CORONERS 690

WITHOUT A PRIVATE PRACTICE 691

692

	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 693
one hundred seventy-five thousand one or more shall not engage 694
in the private practice of medicine unless, before taking 695
office, the coroner notifies the board of county commissioners 696
of the intention to engage in that private practice. A coroner 697
in such a county shall elect to engage or not to engage in the 698
private practice of medicine before the commencement of each new 699
term of office. A coroner in such a county who engages in the 700
private practice of medicine, but who intends not to engage in 701
the private practice of medicine during the coroner's next term 702
of office, shall so notify the board of county commissioners as 703
specified in this division. For a period of six months after 704
taking office, a coroner who elects not to engage in the private 705
practice of medicine may engage in the private practice of 706
medicine, without any reduction of compensation as provided in 707
division ~~(A)~~ (B) of this section and in section 325.18 of the 708
Revised Code, for the purpose of concluding the affairs of the 709
coroner's private practice of medicine. 710

(2) A coroner in a county with a population of one hundred 711
seventy-five thousand one or more who elects not to engage in 712
the private practice of medicine under division ~~(B) (1)~~ (C) (1) of 713
this section may, during the coroner's term of office, elect to 714
engage in the private practice of medicine by notifying the 715
board in writing of the intention to so engage. The notice shall 716
state the date on which the coroner will commence the private 717
practice of medicine and shall be given to the board at least 718

thirty days before that date. On the date stated in the notice, 719
the coroner's compensation shall be reduced as provided in 720
division ~~(A)~~ (B) of this section and in section 325.18 of the 721
Revised Code for coroners with a private practice. 722

~~(C)~~ (D) Each coroner who is the coroner in a county with a 723
population of one hundred seventy-five thousand one or more and 724
who is without a private practice of medicine shall receive 725
supplemental compensation of an additional fifty per cent of the 726
annual compensation calculated under division ~~(A)~~ (B) of this 727
section and section 325.18 of the Revised Code in each calendar 728
year in which the office of the coroner satisfies all of the 729
following: 730

(1) The office operates as a regional forensic pathology 731
examination referral center, and the operation generates 732
coroner's laboratory fund income, for purposes of section 313.16 733
of the Revised Code, that is in excess of the fund's expenses 734
and is sufficient to provide the supplemental compensation 735
specified in division ~~(C)~~ (D) of this section; 736

(2) The coroner is a forensic pathologist certified by the 737
American board of pathology; and 738

(3) The coroner performs a minimum of seventy-five post 739
mortem examinations annually. 740

~~(D)~~ (E) Each coroner who is the coroner in a county with a 741
population of one hundred seventy-five thousand one or more and 742
who is without a private practice of medicine and does not 743
operate a regional forensic pathology examination referral 744
center may, on approval of the board of county commissioners, 745
receive supplemental compensation of up to an additional twenty- 746
five per cent of the annual compensation calculated under 747

division ~~(A)~~ (B) of this section and section 325.18 of the Revised Code in each calendar year in which the coroner is a forensic pathologist certified by the American board of pathology and is performing the forensic examinations of the county.

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

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

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

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

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

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

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

(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. 776

(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.~~ 777
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780
781

~~(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 for preparing for and giving expert testimony at a trial or hearing in a civil action pursuant to this section.~~ 782
783
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787

(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: 788
789
790
791

(a) The name of the coroner or deputy coroner whose testimony is sought; 792
793

(b) A brief statement of the issues upon which the party seeks expert testimony from the coroner or deputy coroner; 794
795

(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; 796
797
798
799

(d) A statement of the obligations of the coroner or deputy coroner under division (C) of this section. 800
801

(2) The notice under division (B) (1) of this section shall be served together with the subpoena. 802
803

(C) A party that obtains the expert testimony of a coroner 804
or deputy coroner at a trial, hearing, or deposition in a civil 805
action pursuant to division (B) or (D) of this section shall pay 806
to the treasury of the county in which the coroner or deputy 807
coroner holds office or is appointed or employed a testimonial 808
fee or deposition fee, whichever is applicable, within thirty 809
days after receiving the statement described in this division. 810
Upon the conclusion of the coroner's or deputy coroner's expert 811
testimony, the coroner or deputy coroner shall file a statement 812
with the court on behalf of the county in which the coroner or 813
deputy coroner holds office or is appointed or employed showing 814
the fee due ~~and how the coroner or deputy coroner calculated the~~ 815
~~fee~~. The coroner or deputy coroner shall serve a copy of the 816
statement on each of the parties. 817

(D) For good cause shown, the court may permit a coroner 818
or deputy coroner who has not been served with a subpoena under 819
division (B) of this section to give expert testimony at a 820
trial, hearing, or deposition in a civil action. Unless good 821
cause is shown, the failure of a party to file with the court 822
the notice described in division (B)(1) of this section 823
prohibits the party from having a coroner or deputy coroner 824
subpoenaed to give expert testimony at a trial, hearing, or 825
deposition in a civil action or from otherwise calling the 826
coroner or a deputy coroner to give expert testimony at a trial, 827
hearing, or deposition in a civil action. 828

(E) In the event of a dispute as to the contents of the 829
notice filed by a party under division (B) of this section or as 830
to the nature of the testimony sought from or given by a coroner 831
or a deputy coroner at a trial, hearing, or deposition in a 832
civil action, the court shall determine whether the testimony 833
sought from or given by the coroner or deputy coroner is expert 834

testimony or fact testimony. In making this determination, the 835
court shall consider all of the following: 836

(1) The definitions of "expert testimony" and "fact 837
testimony" set forth in this section; 838

(2) All applicable rules of evidence; 839

(3) Any other information that the court considers 840
relevant. 841

(F) Nothing in this section shall be construed to alter, 842
amend, or supersede the requirements of the Rules of Civil 843
Procedure or the Rules of Evidence. 844

Sec. 5540.03. (A) A transportation improvement district 845
may: 846

(1) Adopt bylaws for the regulation of its affairs and the 847
conduct of its business; 848

(2) Adopt an official seal; 849

(3) Sue and be sued in its own name, plead and be 850
impleaded, provided any actions against the district shall be 851
brought in the court of common pleas of the county in which the 852
principal office of the district is located, or in the court of 853
common pleas of the county in which the cause of action arose, 854
and all summonses, exceptions, and notices of every kind shall 855
be served on the district by leaving a copy thereof at its 856
principal office with the secretary-treasurer; 857

(4) Purchase, fund, finance, construct, maintain, repair, 858
sell, exchange, police, operate, or lease projects; 859

(5) Issue either or both of the following for the purpose 860
of providing funds to pay the costs of any project or part 861

thereof:	862
(a) Transportation improvement district revenue bonds;	863
(b) Bonds pursuant to Section 13 of Article VIII, Ohio Constitution.	864 865
(6) Maintain such funds as it considers necessary;	866
(7) Direct its agents or employees, when properly identified in writing and after at least five days' written notice, to enter upon lands within its jurisdiction to make surveys and examinations preliminary to the location and construction of projects for the district, without liability of the district or its agents or employees except for actual damage done;	867 868 869 870 871 872 873
(8) Make and enter into all contracts and agreements necessary or incidental to the performance of its functions and the execution of its powers under this chapter;	874 875 876
(9) Employ or retain or contract for the services of consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts, auditors, financial advisers, trustees, marketing, remarketing, and administrative agents, attorneys, and other employees, independent contractors, or agents as are necessary in its judgment and fix their compensation, provided all such expenses shall be payable solely from the proceeds of bonds or from revenues;	877 878 879 880 881 882 883 884 885
(10) Receive and accept from the federal or any state or local government, including, but not limited to, any agency, entity, or instrumentality of any of the foregoing, loans and grants for or in aid of the construction, maintenance, or repair of any project, and receive and accept aid or contributions from	886 887 888 889 890

any source or person of money, property, labor, or other things 891
of value, to be held, used, and applied only for the purposes 892
for which such loans, grants, and contributions are made. 893
Nothing in division (A) (10) of this section shall be construed 894
as imposing any liability on this state for any loan received by 895
a transportation improvement district from a third party unless 896
this state has entered into an agreement to accept such 897
liability. 898

(11) Acquire, hold, and dispose of property in the 899
exercise of its powers and the performance of its duties under 900
this chapter; 901

(12) Establish and collect tolls or user charges for its 902
projects; 903

(13) Subject to section 5540.18 of the Revised Code, enter 904
into an agreement with a contiguous board of county 905
commissioners other than the board of county commissioners that 906
created the transportation improvement district, for the 907
district to exercise all or any portion of its powers with 908
respect to a project that is located wholly or partially within 909
the county that is party to the agreement; 910

(14) Cooperate with any governmental agencies in the 911
planning, design, acquisition, construction, maintenance, 912
funding, and financing of projects, including qualifying 913
projects. In doing so, the district may enter into agreements 914
with other governmental agencies to plan, design, acquire, 915
construct, maintain, fund, and finance the projects or 916
qualifying projects and to use pledged or assigned sales and use 917
tax revenue to pay the debt service on qualifying bonds. 918

(15) Enter into an agreement with the board of county 919

commissioners that created the transportation improvement 920
district and with the boards of county commissioners of any 921
contiguous group of counties to exercise all powers of the 922
district with respect to a project that is both of the 923
following: 924

(a) Located partially or wholly within any county that is 925
a party to the agreement; 926

(b) Partially funded with federal money. 927

(16) Do all acts necessary and proper to carry out the 928
powers expressly granted in this chapter. 929

(B) (1) Chapters 123., 124., 125., and 153., and sections 930
9.331 to 9.335 and 307.86 of the Revised Code do not apply to 931
contracts or projects of a transportation improvement district. 932

(2) A transportation improvement district is subject to 933
sections 4115.03 to 4115.21 and 4115.99 of the Revised Code, 934
unless the amount of state or local government funds, including, 935
but not limited to, those provided by any agency, entity, or 936
instrumentality of the state or a local government as described 937
in division (A) (10) of this section received for the contract or 938
project, is, in the aggregate, less than the amounts described 939
in or calculated under section 4115.03 of the Revised Code. 940

(C) A transportation improvement district may contract 941
with the prosecuting attorney of a county, as provided in 942
section 309.09 of the Revised Code, to obtain legal services 943
from the prosecuting attorney. 944

Section 2. That existing sections 135.33, 153.31, 153.35, 945
153.36, 153.37, 153.38, 153.39, 153.44, 307.12, 309.09, 325.15, 946
2335.061, and 5540.03 of the Revised Code are hereby repealed. 947

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

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

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

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