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Office

H.B. 497
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Reported by House State and Local Government

Primary Sponsors: Reps. Stewart and Klopfenstein

Local Impact Statement Procedure Required: No

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Highlights

- The current deposition and testimony rate schedule for coroner expert testimony would be replaced with a blanket \$350 rate for services. A net gain in revenue may result from an increase in rate for deposition services and decrease in rate for testimony services.
- The bill permits transportation improvement districts to obtain legal services from county prosecuting attorneys. Presumably, they would opt to do this to obtain legal services at a lower cost than their current provider. Costs incurred by county prosecutors for providing legal services would be offset by agreed upon legal fees paid by the contracting entities.
- Counties may incur cost savings for minor construction projects involving county buildings due to certain process changes for approvals, including the necessary documentation needed.
- The bill increases the threshold for which unneeded property may be donated or sold directly by a county from \$2,500 to \$5,000. Additionally, it simplifies the donation process which includes removing the requirement to purchase space in a general circulation newsletter to provide notice.
- Counties may incur savings as a result of a \$25,000 increase, from \$50,000 to \$75,000, in the threshold to trigger certain public notice, guaranty, and bonding requirements.
- The bill may reduce potential financial risks that counties might be exposed to when contracting for goods and services by prohibiting certain contract clauses and conditions, such as indemnification or hold harmless provisions.

Detailed Analysis

Coroner fees for expert testimony

The bill replaces the deposition and testimony rates for coroner expert testimony with a \$350 blanket rate for these services. The rate for deposition services will increase and the rate for testimony services will decrease. The change in these rates will likely offset and result in a gain of revenue as more hours are billed for deposition services than testimony services. The deposition and testimony rates are based on hourly rates paid to county coroners without a private practice of medicine at the class 6 level according to current law pay scales, including annual raises of 1.75%, in effect through calendar year 2028. Deposition rates are paid based on the actual hourly rate. Testimonial fees are based on the hourly rate multiplied by six. The table below displays the current and proposed fee schedules through calendar year 2028.

Coroner Hourly Fees For Expert Testimony: Current and Proposed			
Year	Deposition Rate	Testimony Rate	Proposed Service Rate
2022	\$73.40	\$440.41	--
2023	\$74.69	\$448.12	--
2024	\$75.99	\$455.96	\$350.00
2025	\$77.32	\$463.94	\$350.00
2026	\$78.68	\$472.06	\$350.00
2027	\$80.05	\$480.32	\$350.00
2028	\$81.45	\$488.72	\$350.00

Definition for the private practice of medicine

Under the bill, county coroners under their personal capacity could contract with another county coroner to perform autopsies. The bill specifies that a coroner performing an autopsy at the request of another coroner does not constitute the private practice of medicine for purposes of determining the coroner's compensation. Continuing law sets forth the annual compensation of county coroners based on two factors: the county's population and whether a coroner engages in the private practice of medicine in addition to serving as coroner. Currently, 16 counties have populations of 175,001 or more and are therefore eligible for their coroner to be paid at a higher salary by not engaging in the private practice of medicine. Two of these counties, Cuyahoga and Summit, are chartered and appoint a chief medical examiner rather than elect a coroner. As of May 2024, none of the 14 other eligible county coroners perform work for another county coroner and receive a higher salary by not engaging in the private practice of medicine. It would be unlikely that a county coroner would opt to be paid at the lower rate, more than a \$50,000 pay cut, to perform work for another coroner. County coroners would likely only contract with another county coroner to perform autopsies in their personal capacity if they lacked permanent staff to complete their duties and were unable to contract with other forensic pathologists.

County prosecutor contracts – transportation improvement districts

The bill permits transportation improvement districts, of which there are 53 registered with the Ohio Department of Transportation, to contract with a county prosecuting attorney for legal services. The bill could lower legal services costs for them where county prosecuting attorneys are able to provide legal advice and representation at a lower cost than provided in current contracts with outside counsel. While county prosecutors could incur new costs to provide legal services to these entities, those costs would be offset by agreed upon legal fees to be paid by the contracting entities. The bill specifies that any fees collected by prosecuting attorneys are to be deposited into the county's prosecuting attorney's legal services fund.

County improvements

The bill makes several changes that simplify the approval for minor construction projects involving county buildings and bridge infrastructure and may lead to cost savings.

First, counties may incur cost savings when altering a public building, specifically for minor repairs. Current law requires a county to obtain detailed plans, bills, specifications, and cost estimates from an architect or engineer before constructing, adding to, or altering a public building or the substructure for a bridge. The bill exempts counties from these requirements for minor repairs to existing buildings.

Second, the bill enables the board of county commissioners to approve a county courthouse or jail project that has a total estimated cost of \$25,000 or less. Otherwise, projects exceeding \$25,000 must be approved by a majority of the following: the sheriff, the probate judge, the clerk of the court of common pleas, and an individual appointed by the judge of the court of common pleas. Current law requires all county courthouse or jail projects to be approved by a majority of the above-listed individuals.

Third, county prosecutors may see small administrative cost savings from the provision that decreases the number of contracts that they are currently required to review and approve. Specifically, the bill increases the threshold from \$1,000 to \$20,000 for contracts that the county prosecutor needs to approve.

Contract clauses

The bill may reduce financial risks that counties are exposed to when contracting for goods and services. Specifically, the bill prohibits a contract entered into by a county for the procurement of goods or services from including certain terms and conditions, such as an indemnity clause. It is not clear the extent to which counties may already be excluding the conditions prohibited under the bill from contracts. But going forward, excluding these conditions might result in avoided costs should a contract dispute occur.

Public notice and bid guarantees

Under the bill, counties may see some savings as a result of higher thresholds to trigger certain public notice, guaranty, and bonding requirements. Specifically, the bill increases threshold amounts, from \$50,000 to \$75,000, for the county notice requirement for purchases, leases, construction contracts, and for guaranty and bonding requirements for county contracts.

County donations of unneeded property

The bill decreases the costs associated with donating unneeded property that is underneath the monetary threshold for required sales of unneeded property at public auctions or sealed bid. Under current law, property worth over \$2,500 must be sold by public auction or sealed bid to the highest bidder. The bill increases the threshold from \$2,500 to \$5,000. Additionally, it removes certain process requirements for donations such as purchasing space to post notice in a newspaper of general circulation. The bill also retains the option under current law for a county to sell property through private sale, so long as its value is below the new \$5,000 threshold.

Depositories of county active moneys

The bill allows each board of county commissioners to designate additional public depositories of its active moneys by meeting once between the meetings scheduled every four years. Reviewing these actions more frequently could allow for counties to take advantage of better financial terms on the deposit of active moneys.

Juvenile court

The bill specifies that any court cost, fine, restitution, or other monetary penalty imposed at the time of a transfer to the juvenile court of the child's residence is not a final, appealable order. This provision appears to clarify certain practices that were raised in the *In re Sekulich* Ohio Supreme Court decision.

Other provisions

The bill includes several provisions that appear to have little fiscal effect. For instance, the bill requires plans and specifications related to county improvements, county homes, county children's homes, and county courthouses and jails to be kept on file with the county commissioners, instead of the county auditor as under current law. Similarly, plans and specifications related to county bridges must be kept by the county engineer instead of the county auditor.