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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 497*
135th General Assembly

Bill Analysis

[Click here for H.B. 497's Fiscal Note](#)

Version: As Reported by Senate Local Government

Primary Sponsors: Reps. Stewart and Klopfenstein

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SUMMARY

County law

- Allows counties to designate additional public depositories of active moneys during the four-year designation period.
- Exempts county improvement projects for minor repairs from the requirement to obtain detailed plans, bills, specifications, and cost estimates from an architect or engineer.
- Modifies the approval process for county courthouse and jail projects with an estimated cost of \$75,000 or less.
- Increases, from \$1,000 to \$20,000, the threshold at which a county prosecutor is required to approve contracts related to county improvements.
- Requires plans and specifications related to county improvements, county homes, and county children's homes to be kept on file with the county commissioners instead of the county auditor.
- Requires plans and specifications related to county bridges to be kept by the county engineer instead of the county auditor.
- Simplifies the process a county must follow to donate unneeded property.
- Increases threshold amounts, from \$50,000 to \$75,000, related to the county notice requirement for purchases, leases, and construction contracts, and related to guaranty and bonding requirements for county contracts.

* This analysis was prepared before the report of the Senate Local Government Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

- Prohibits a contract entered into by a county for the procurement of goods or services from including certain terms and conditions.
- Allows a county prosecutor to provide legal services to a transportation improvement district.
- Specifies that a county 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.
- Sets the county coroner's deposition fee and testimonial fee at \$350 per hour.
- 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.
- Permits a county records commission to meet at the call of the chair rather than at least every six months.

Public notice requirements

- Requires a publisher to establish a government rate for posting legal advertisements, notices, and proclamations that are required by law to be published, in a newspaper of general circulation's digital edition on the newspaper's website.
- Permits a county to publish required county advertisements in only the digital edition of a newspaper of general circulation within the county, or only on the county's website and social media account.

Coroner

- Authorizes a coroner, while an autopsy is pending, to deny a journalist access to preliminary autopsy and investigative notes and findings, photographs taken by a coroner, and suicide notes (access must be granted once a final autopsy report and final death certification are complete).
- Requires health care workers who obtain knowledge of facts related to an individual's suspicious or unusual death, including criminal and violent deaths, suicides, and deaths of individuals with developmental disabilities, to immediately notify the coroner of those facts.
- Specifies that autopsy costs include any component of an autopsy, as well as costs to transport the body.
- Establishes new eligibility requirements for the office of coroner, with exceptions for those currently in office.
- Defines "private practice of medicine" for purposes of coroner compensation, and specifies that it includes performing an autopsy at the request of another coroner, a hospital, a business entity, an institution of higher education, or any other person.

- Establishes a \$350 per hour fee for a coroner for time spent preparing for and giving expert testimony at a trial, hearing, or deposition in a civil action.
- Requires that collaboration agreements between advanced practice registered nurses and collaborating physicians, and supervision agreements between physician assistants and supervising physicians, contain an agreement that the physician must complete and sign the medical certificate of death.

Land conveyances

- Authorizes the conveyance of certain state-owned land in Monroe Township to the Knox County Park District for development into a park that is accessible and inclusive to persons of physical and mental disabilities.
- Authorizes the release of an easement respecting certain land in Montgomery County formerly under the jurisdiction of the Department of Developmental Disabilities.

PCSA Workers

- Allows a public children services agency (PCSA) to hire as a caseworker a person who has completed at least 60 credit hours or the equivalent towards a degree in human services-related studies.
- Exempts a PCSA caseworker from the requirement to obtain a job-related bachelor’s degree within five years of employment if the caseworker demonstrates hardship and is determined to be in good standing.

Erie County Municipal Court

- Extends the territorial jurisdiction of the Erie County Municipal Court.

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DETAILED ANALYSIS

County depository designation

Under continuing law, each board of county commissioners must meet every four years to designate its public depositories of active moneys, with the designation lasting four years. The bill allows the county, during that time, to designate additional public depositories for the remainder of that four-year period. The board may do this only once during the four-year period, and the additional designation must take effect at least 180 days before the current four-year period expires.¹

County improvements

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 creates an exception – under which the requirement will not apply for “minor repairs,” which the bill defines as “the reconstruction or renewal of any part of an existing building for the purpose of its maintenance when the work has limited impact on access, safety, or health.” The bill specifically excludes the following from the definition of “minor repair:”

- The cutting away of any wall, partition, or portions of walls;
- The removal or cutting of any structural beam or load bearing support;
- The removal or change of any required element of accessibility, means of egress, or rearrangement of parts of a structure affecting the egress requirements;
- The addition to, alteration of, replacement of, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, mechanical work, or other work affecting public health or general safety.²

¹ R.C. 135.33.

² R.C. 153.31. See also R.C. 153.68 and 153.69, not in the bill.

When a project involves a county courthouse or jail, current law requires the plans, bills, specifications, and cost estimates to be approved by a majority of the following: the board of county commissioners (each has one vote³), 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. Under the bill, the board of county commissioners can approve a project that has a total estimated cost of \$75,000 or less, and may seek advice of the clerk of the court of common pleas, the sheriff, and a probate judge. Projects exceeding \$75,000 must be approved by a majority of the others listed above – 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.⁴

The bill increases, from \$1,000 to \$20,000, the threshold related to the requirement that the county prosecutor approve contracts for county improvements.⁵

Finally, 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.⁶ And, plans and specifications related to county bridges must be kept by the county engineer instead of the county auditor.⁷

County donations

The bill modifies the method a county follows to donate unneeded property, including vehicles, road machinery, equipment, tools, and supplies. Continuing law provides that any property exceeding \$2,500 in value must be sold by public auction or sealed bid to the highest bidder. Property valued at or below \$2,500 may either be sold directly (without a public process) or donated to an eligible nonprofit. First, the bill increases the threshold to \$5,000. Second, the bill modifies the process for donating property valued at or below that threshold to a nonprofit organization by eliminating all previous requirements, except two: (1) the nonprofit organization still must be a 501(a) or 501(c)(3) organization located in Ohio, and (2) the nonprofit must submit evidence of its eligibility. The bill retains the option to directly sell the property.⁸

County purchases

In light of a recent change to the competitive bidding threshold applicable to county purchases,⁹ the bill likewise increases threshold amounts, from \$50,000 to \$75,000, related to

³ 1973 Ohio Op.Att'y.Gen. No. 059 (1973).

⁴ R.C. 153.36.

⁵ R.C. 153.44.

⁶ R.C. 153.35, 153.36, 153.37, and 153.39.

⁷ R.C. 153.38.

⁸ R.C. 307.12.

⁹ R.C. 307.86, not in the bill.

the county notice requirement for purchases, leases, and construction contracts, and related to guaranty and bonding requirements for county contracts.¹⁰

County contract terms and conditions

The bill prohibits a contract entered into by the county for the procurement of goods or services from including any of the following, unless otherwise required or permitted by state or federal law:

- A provision that requires the county to indemnify or hold harmless another person;
- A provision by which the county agrees to binding arbitration or any other binding extra-judicial dispute resolution process;
- A provision that names a venue for any action or dispute against the county other than a court of proper jurisdiction in the county;
- A provision that requires the county to agree to limit the liability for any direct loss to the county for bodily injury, death, or damage to property of the county caused by the negligence, intentional or willful misconduct, fraudulent act, recklessness, or other tortious conduct of a person or a person's employees or agents, or a provision that otherwise imposes an indemnification obligation on the county;
- A provision that requires the county to be bound by a term or condition that is unknown to the county at the time of signing a contract, that is not specifically negotiated with the county, that may be unilaterally changed by the other party, or that is electronically accepted by a county employee;
- A provision that provides for a person other than the prosecuting attorney, or an attorney otherwise employed by the county, to serve as legal counsel for the county;
- A provision that is inconsistent with the county's obligations under Ohio's Public Records Act;¹¹
- A provision that limits the county's ability to recover the cost for a replacement contractor.

If a contract contains one of these terms or conditions, the term or condition is void *ab initio* (invalid from the outset), and the contract otherwise is enforceable as if it did not contain the invalid term or condition. The bill specifies that a contract containing an invalid term or condition is governed by and must be construed in accordance with Ohio law notwithstanding any term or condition to the contrary in the contract. Finally, this provision of the bill does not apply to a contract in effect before the provision's effective date, or to the renewal or extension of a contract in effect before that date.¹²

¹⁰ R.C. 307.87 and 307.88.

¹¹ R.C. 149.43, not in the bill.

¹² R.C. 307.901.

County prosecuting attorney

The bill allows a county prosecutor, in the prosecutor's discretion and with the approval of the board of county commissioners, to provide legal services to a transportation improvement district via a contract that may provide for the payment of a fee to the prosecutor for legal services agreed to under the contract. All money received under the contract must be deposited into the prosecutor's legal services fund. Moneys in that fund may be appropriated only to the county prosecutor for providing legal services under the contract with the district.¹³

County coroner

Journalist access to preliminary autopsy results

The bill delays journalist access to preliminary autopsy results. Under current law, coroner records are generally public records, except that certain records, including the following, are not public records: (1) preliminary autopsy and investigative notes and findings, (2) photographs taken by a coroner, and (3) suicide notes. Even though those records are not public records, journalists are authorized to request to view preliminary autopsy and investigative information, suicide notes, and coroner photographs, and a coroner is required to grant access if such a request is made. Instead, the bill permits, but does not require, a coroner to grant the request if it is made before the final autopsy report and final death certification are complete. After that time, a coroner must grant a journalist's request to view preliminary autopsy and investigative information, suicide notes, and coroner photographs.¹⁴

Notice of facts related to suspicious and unusual deaths

The bill expands the individuals who are required to notify a coroner that a person has died through criminal or violent means, by casualty, by suicide, or in a suspicious or unusual manner, or when any person dies suddenly when in apparent good health, or when any person with a developmental disability dies regardless of the circumstances. Under current law, the following individuals must immediately notify the coroner of the known facts concerning the circumstances of the death: the physician called in attendance; and any member of an ambulance service, emergency squad, or law enforcement agency who obtains knowledge of the death arising from the individual's duties. The bill adds that a health care worker caring for the person also must notify the coroner of any related facts obtained arising from the health care worker's duties.¹⁵

The bill defines "health care worker" as any individual licensed or otherwise authorized to practice a health care profession in Ohio and any other individual who provides health-related services in any setting as part of the individual's employment or otherwise for remuneration.¹⁶

¹³ R.C. 309.09 and 5540.03.

¹⁴ R.C. 313.10(A) and (D).

¹⁵ R.C. 313.12(A).

¹⁶ R.C. 313.12(B)(2).

Autopsy costs

The bill specifies that existing law governing payment of autopsy costs applies to individual components of autopsies, as well as costs to transport the body. Under current law, whenever an autopsy is performed, if the injury causing the death occurred within the boundaries of a county other than the county performing the autopsy, the other county must pay the costs of the autopsy. The bill maintains this requirement and specifies that the payment applies to any individual component of an autopsy, including transportation costs.¹⁷

The bill makes a similar change to a similar provision that requires that when an individual who dies was an inmate of a state correctional facility, the Department of Rehabilitation and Correction or the Department of Youth Services, as appropriate, must pay for the costs of the autopsy.¹⁸

Coroner qualification

The bill clarifies that the only individuals eligible to the office of coroner are physicians who are licensed to practice medicine and surgery or osteopathic medicine and surgery under Revised Code Chapter 4731.¹⁹ That chapter governs physician licensure by the State Medical Board. The bill establishes an exception for a person elected as coroner and holding that office on the bill's effective date but who is not licensed as a medical or osteopathic physician. Also, the bill specifies that such a coroner is not prohibited from doing any of the following after the bill's effective date: (1) continuing to hold that office or (2) seeking reelection to that office for subsequent terms, and, if reelected, continuing to hold office.²⁰

Coroner compensation related to private practice of medicine

Current law establishes compensation schedules for coroners, which vary depending on whether the coroner has a private practice. The bill defines, for purposes of that continuing law, "private practice of medicine" to mean both of the following:

- The provision of services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease for remuneration;
- The performance of an autopsy at the request of another coroner, a hospital, a business entity, an institution of higher education, or any other person.²¹

Coroner fees for expert testimony

The bill establishes a flat \$350 per hour fee for a coroner for time spent preparing for and giving expert testimony at a trial, hearing, or deposition in a civil action. Under current law, fees are based on an hourly rate that is determined by coroner compensation schedules established

¹⁷ R.C. 313.161(A).

¹⁸ R.C. 313.161(B)(1).

¹⁹ R.C. 313.02(A).

²⁰ R.C. 313.02(A)(2).

²¹ R.C. 325.15(E).

under continuing law, and the fee varies depending on whether the coroner is preparing for and giving testimony at a deposition or trial. The testimonial fee for trial testimony is six times the rate for deposition testimony. The distinction between deposition and trial testimony is eliminated by the bill.²²

Physician completion of medical certificates of death

Related to circumstances where an individual who was under the care of an advanced practice registered nurse or physician assistant dies, the bill requires that standard care arrangements between advanced practice registered nurses and collaborating physicians, and supervision agreements between physician assistants and supervising physicians, contain an agreement that the physician must complete and sign the medical certificate of death.²³ The bill does not otherwise modify existing requirements concerning completion of death certificates by physicians.²⁴

Juvenile court transfer

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.²⁵

County records commission

The bill permits a county records commission to meet at the call of the chair rather than at least every six months. Under continuing law, there is a county records commission in each county, composed of a member of the board of county commissioners as chairperson, the prosecuting attorney, the county auditor, the county recorder, and the clerk of the court of common pleas.²⁶

Public notices, generally

The bill authorizes a publisher to establish a government rate for posting legal advertisements, notices, and proclamations in a newspaper's digital edition on the newspaper's website. The rate may not exceed the lowest classified advertising rate and lowest insert rate paid by other advertisers. Under current law, publishers are authorized only to charge for publication of such documents in the print edition of a newspaper.²⁷

Continuing law requires an Ohio trade organization, which represents the majority of newspapers of general circulation, to operate an "official public notice web site." In all cases in which a notice or advertisement is required by a law to be published in a newspaper of general circulation, the notice or advertisement also must be posted on the official public notice website by the publisher of the newspaper. Therefore, under current law, whenever a government entity

²² R.C. 2335.061(A) and (C).

²³ R.C. 4723.431(B)(5) and 4730.19(B)(2)(e).

²⁴ R.C. 3705.16, not in the bill.

²⁵ R.C. 2151.271.

²⁶ R.C. 149.38.

²⁷ R.C. 7.10, 7.16, and 125.182.

purchases a required print advertisement, the notice appears on the newspaper's website, and on the statewide "official public notice web site."

County notice requirements

Rather than require publication via newspaper as under current law, the bill generally allows a county to select one (or more) of three methods for publication:

1. The print or digital edition of a newspaper of general circulation within the county;
2. The official public notice website; or
3. The county's website and social media account.

Therefore, under the bill, a county may meet the public notice requirements by purchasing digital advertisements only, or posting on the county's website, completely foregoing the newspaper of general circulation, or the print edition of the newspaper.

While the bill appears to authorize a county to publish only on the official public notice website, that website, operated by newspaper organizations, only includes documents that have been published via the print edition of a newspaper. Under the bill, in order to publish a document on the official public notice website, a county must purchase an advertisement in the newspaper of general circulation, either print, digital, or both.²⁸

Land conveyances

Knox County

The bill authorizes the Governor and the Department of Administrative Services (DAS) to convey all of the state's interest in certain real property located in Monroe Township to the Knox County Park District for \$1. The bill allows DAS to include restrictions, exceptions, reservations, and reversionary interests in the deed if it determines that such provisions are in the best interest of the state. The bill expressly reserves any mineral interests in the land for the state. Furthermore, if the land is no longer being used exclusively for park purposes, it reverts back to the state at the sole discretion of the DAS Director and the Director of the Department of Developmental Disabilities. The park developed at the site must be accessible and inclusive to persons of physical and mental disabilities.

The bill requires any development of the property by the Knox County Park District to include a buffer zone area between improvements and adjacent state-owned facilities. The DAS Director and the Director of the Department of Disabilities are authorized to review any plans for the development of the land prior to the commencement of any construction. However, the bill prohibits the Directors from unreasonably withholding approval of such construction.

²⁸ R.C. 301.02, 301.15, 301.28, 301.29, 303.06, 303.08, 303.09, 303.12, 303.15, 303.32, 303.58, 307.022, 307.041, 307.10, 307.12, 307.37, 307.39, 307.561, 307.676, 307.70, 307.79, 307.791, 307.81, 307.82, 307.83, 307.87, 307.88, 307.981, 313.14, 317.20, 319.11, 321.18, 322.02, 322.021, 323.08, 323.122, 323.62, 323.73, 331.06, 339.08, and 345.03.

Development of the land must not be inconsistent with the operation of the neighboring property as a development center.²⁹

Montgomery County

The bill authorizes the Governor and DAS extinguish a use restriction encumbering certain land in Dayton formerly under the jurisdiction of the Department of Developmental Disabilities. Furthermore, the bill authorizes the release of an easement in that land.³⁰

Educational requirements for PCSA caseworkers

Under the bill, a public children services agency (PCSA) may hire as a caseworker a person who has completed at least 60 credit hours or the equivalent towards a degree in human services-related studies from an accredited institution of higher education. Continuing law also allows a PCSA to hire as a caseworker any of the following:

- A person who has a bachelor's degree in human services-related studies;
- A person who has a bachelor's degree in any field and has been employed for at least two years in a human services-related occupation;
- A person who has an associate's degree in human services-related studies;
- A person who has been employed for at least five years in a human services-related occupation.

Additionally, continuing law requires a PCSA caseworker who has not obtained a bachelor's degree in human-services related studies, for employment to continue, to obtain a job-related bachelor's degree no later than five years after the employee's employment with the PCSA begins. The bill allows a PCSA's executive director to waive the requirement for an employee in good standing who demonstrates inability to meet the requirement due to hardship. To be considered in good standing for the bill's purposes, an employee must meet at least all of the following requirements:

1. Be in compliance with training requirements;
2. Has not received any formal discipline during the 12 months preceding the employee's five-year anniversary date;
3. Is not the subject of any investigation into allegations of professional misconduct.³¹

Erie County Municipal Court jurisdiction

The bill extends the territorial jurisdiction of the Erie County Municipal Court beyond the south shore of Lake Erie to the international boundary line between the U.S. and Canada.³²

²⁹ Section 4.

³⁰ Section 3.

³¹ R.C. 5153.112.

³² R.C. 1901.023.

HISTORY

Action	Date
Introduced	04-22-24
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