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Office

H.B. 497
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Passed by the Senate

Primary Sponsors: Reps. Stewart and Klopfenstein

Local Impact Statement Procedure Required: No

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Highlights

- The bill replaces the current and separate deposition and testimony rate schedules for coroner expert testimony with a blanket \$350 per hour rate for services. Compared to current law, this would result in an increase in the rate for deposition services and decrease in the rate for testimony services. The bill also makes various changes to laws concerning coroners that could marginally decrease administrative and investigative costs or likely have no fiscal impact at all.
- 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 in the bill that deal with 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.
- The bill allows counties to publish various required public notices online or on social media instead of in newspapers. This could decrease public notice costs for counties in certain circumstances. Counties will need to maintain proof of publication for online publication on their website and social media accounts.

- 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 per-hour 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

Autopsy transportation costs

The bill adds the cost of transportation to the overall autopsy cost incurred by (1) the county where the body was fatally injured, or (2) the Department of Rehabilitation and Correction or Department of Youth Services when an individual who dies was an inmate of a state correctional facility. This differs from current law, under which the county performing the autopsy incurs these transportation costs. The cost to transport one body could range from \$150 to \$300 for shorter trips, and \$400 to \$700 for longer trips between counties.

Physician completion of medical certificates of death

The bill may marginally decrease administrative costs to the coroner's office by requiring physicians to complete and sign the medical certificate of death for patients under standard care arrangements or supervision agreements. This change would alleviate existing delays that can occur under existing law when releasing a body to the deceased's family. There might be some negligible costs to public hospitals to update standard care arrangements or supervision agreements to include a provision stating that a physician is to complete and sign a medical death certificate.

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.

Coroner qualifications

The bill clarifies that only physicians licensed by the State Medical Board to practice medicine and surgery, or osteopathic medicine and surgery, may serve as coroners. However, the bill makes an exception for coroners serving in elected office on the bill's effective date but are not licensed to practice medicine and surgery, or osteopathic medicine and surgery. Such individuals may continue to serve as coroners after the bill's effective date, and seek reelection.

Notice of facts related to suspicious and unusual deaths

The bill may marginally decrease investigative costs to the coroner's office. It would do so by adding health care workers looking after an individual to the list of professionals who must currently notify coroners in situations where a death is suspicious or unusual, might involve criminal and violent acts, occurs because of suicide, or the deceased is someone with developmental disabilities. Any state or local entities that employ health care workers may realize a minimal increase in costs to provide this notification – if the notification is not already provided.

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 \$75,000 or less. Otherwise, projects exceeding \$75,000 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 decreased costs for providing public notices in certain circumstances. The bill allows counties to forego newspaper advertising, in either digital or print ads, and either publish via the state public notice website or the township's website and social media account. However, the bill does not permit these alternative publication methods in all cases. Specifically, if an existing newspaper publication requirement applies to a variety of entities and not only a county (e.g., townships, counties, and municipal corporations), then the newspaper publication requirement applies. If a township website and social media account are used, the township will need to document and maintain proof of publication.

Also 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.

Erie County Municipal Court jurisdiction

The Erie County Municipal Court may incur costs to hear additional cases arising from an increase in jurisdiction to include territorial jurisdiction beyond the south shore of Lake Erie to the international boundary line between the United States and Canada. Cases heard by the Erie County Municipal Court would be diverted from other courts with this jurisdiction.

Land conveyances

The bill authorizes the Governor to execute a deed conveying property overseen by the Department of Developmental Disabilities (DDD) located at 1250 Vernonview Drive in Mount Vernon (Knox County) to the Knox County Parks District. The bill specifies \$1.00 as consideration for the conveyance which is to be deposited to the credit of the GRF and specifies that the District is responsible for all other costs incidental to the conveyance. Under the bill the district must develop the property as inclusive and accessible for persons of physical and mental disabilities and adhere to all applicable Americans with Disabilities Act (ADA) laws and rules governing persons with disabilities. The bill also specifies that the property reverts ownership back to the state if the property is no longer used exclusively by the District as a park.

Additionally, the bill authorizes the Governor to execute a deed extinguishing a use restriction encumbering property located at 25 Thorpe Drive in Dayton (Montgomery County) formerly owned by the DDD but now overseen by Montgomery County. In addition to the use restriction, the bill authorizes the release of an easement on the property.

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.

The bill also permits a county records commission to meet at the call of the chair rather than at least every six months. Additionally, the bill permits 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. It also exempts a PCSA caseworker from the requirement of obtaining a job-related bachelor's degree within five years of employment if the caseworker demonstrates hardship and is determined to be in good standing.