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H.B. 331*
135th General Assembly

Bill Analysis

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Version: As Reported by Senate Local Government

Primary Sponsors: Reps. Mathews and T. Young

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SUMMARY

- Creates a new pathway to village dissolution by doing the following:
 - Requiring, about every ten years, each county to evaluate the villages located within the county to determine if the village is providing sufficient services and fielding candidates for all elected village offices.
 - Requiring the question of dissolution to be placed on the ballot if these factors are not satisfied.
- Modifies asset forfeiture notice publication requirements to allow publication via the print or digital edition of a newspaper of general circulation, the official public notice website, or via the township's website and social media account.
- 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.

DETAILED ANALYSIS

Village dissolution

Current law sets forth three pathways to dissolving a village; each is described in [LSC's Members Brief on Village Dissolution \(PDF\)](#), available at www.lsc.ohio.gov. The bill creates a fourth pathway applicable to all villages that requires, about every ten years, each county to evaluate the villages located within the county; if certain factors are not satisfied, the question of whether the village should dissolve is put to the voters.

* 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.

Evaluation

The county auditor, county treasurer, and a county commissioner jointly must evaluate every village located within the county. For a village located in multiple counties, the evaluation is performed by the county wherein the largest portion of the village's population resides. The county must complete its evaluation by December 31 of the year after the results of a federal decennial census is released (e.g., if results are released in 2031, the evaluation must be complete by the end of 2032). The evaluation spans the roughly ten-year period beginning when the previous results were released and ending when the most recent results were released.

Factors

The county must determine two things. First, whether the village itself provided, contracted with a private nongovernmental entity to provide, or contracted with a regional council of governments that includes three or more political subdivisions at least two of which are municipal corporations to provide at least five of the following services:

- Police protection;
- Fire-fighting services;
- Garbage collection;
- Water service;
- Sewer service;
- Emergency medical services;
- Road maintenance;
- Park services or other recreation services;
- Human services;
- A public library established and operated solely by the village.

Second, the county must determine whether, at each election where an elected village position was voted upon, at least one candidate appeared on the ballot for each elected village position.¹

Before beginning the evaluation, the county officials must request, in writing, information from each village to assist the officials in making their determination. The request must indicate the applicable evaluation period. Each village must submit the information, in the manner requested by the county officials, not later than 30 days after receiving the request. The village must include information about the services provided over the evaluation period, the manner by which such services were provided, a copy of the final appropriation budget or budgets applicable to the evaluation period, information on candidates on the ballot for village elected offices during the evaluation period, any documentation regarding the village provision of services during the evaluation period, and any other information specifically requested by the county officials. After

¹ R.C. 703.331(A).

receiving the information, if necessary, the county officials may request additional information, which the village must provide not later than ten days after receiving the request. The county officials must base their finding on the information provided from the village.²

Finding

The county must notify the village of its finding. If the village satisfied the factors, the process ends. If the county finds the village did not satisfy the factors, the village is prohibited from creating any new liabilities, which is current practice under the other pathways to dissolution. And, the county must file its finding with the board of elections of the county where the largest portion of the village's population resides. The board then submits the question of dissolution to the voters at the next general election that is at least 90 days after the board received the finding.

If the voters vote in favor of a dissolution, the dissolution proceeds in accordance with the existing procedures, which are described in [LSC's Members Brief on Village Dissolution \(PDF\)](#), available at www.lsc.ohio.gov.³

Digital publication of public notices

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.⁴

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

Asset forfeiture notices

The bill modifies publication requirements for county prosecutors and law enforcement agencies when publishing required notices regarding asset forfeiture. Where current law requires publication via newspaper, the bill allows the selection of (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

² R.C. 701.331(B).

³ R.C. 703.331, with conforming changes in 703.31, 703.32, and 703.33.

⁴ R.C. 7.10, 7.16, and 125.182.

3. The county's website and social media account.

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

While the bill appears to authorize prosecutors and law enforcement agencies 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, it may be necessary to purchase an advertisement in the newspaper of general circulation, either print, digital, or both.

HISTORY

Action	Date
Introduced	11-15-23
Reported, H. Government Oversight	05-08-24
Passed House (88-3)	06-12-24
Reported, S. Local Government	---
