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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 497
135th General Assembly

Final Analysis

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Primary Sponsors: Reps. Stewart and Klopfenstein

Effective date: April 9, 2025

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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.
- 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 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 to deny a journalist access to preliminary autopsy and investigative notes and findings, photographs taken by a coroner, and suicide notes.
- Requires health care workers who obtain knowledge 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 in office as of April 9, 2025.
- 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 caseworkers

- 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 act 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

Continuing 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 act creates an exception – under which the requirement will not apply for “minor repairs,” which the act 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 act 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

When a project involves a county courthouse or jail, prior law required 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 act, 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

¹ R.C. 135.33.

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

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

⁴ R.C. 153.36.

The act 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 act 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 prior 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 act modifies the method a county follows to donate unneeded property, including vehicles, road machinery, equipment, tools, and supplies. Prior law provided that any property exceeding \$2,500 in value must have been sold by public auction or sealed bid to the highest bidder. Property valued at or below \$2,500 could either be sold directly (without a public process) or donated to an eligible nonprofit. First, the act increases the threshold to \$5,000. Second, the act 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 must be a 501(a) or 501(c)(3) organization located in Ohio, and (2) the nonprofit must submit evidence of its eligibility. The act retains the option to directly sell the property.⁸

County purchases

In light of a recent change to the competitive bidding threshold that applies to county purchases,⁹ the act likewise 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.¹⁰

County contract terms and conditions

The act 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;

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 act (modified in H.B. 33, the FY 2024-FY 2025 budget act of the 135th General Assembly).

¹⁰ R.C. 307.87 and 307.88.

- 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 act 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 does not apply to a contract in effect before April 9, 2025, or to the renewal or extension of a contract in effect before that date.¹²

County prosecuting attorney

The act 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

¹¹ R.C. 149.43, not in the act.

¹² R.C. 307.901.

¹³ R.C. 309.09 and 5540.03.

County coroner

Journalist access to preliminary autopsy results

The act delays journalist access to preliminary autopsy results. Under continuing 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. Under former law, a coroner was required to grant access if such a request was made. Instead, the act 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 act 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 continuing 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 act 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 act 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

Autopsy costs

The act specifies that existing law governing payment of autopsy costs applies to individual components of autopsies, as well as costs to transport the body. Under continuing 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 act maintains this requirement and specifies that the payment applies to any individual component of an autopsy, including transportation costs.¹⁷

¹⁴ R.C. 313.10(A) and (D).

¹⁵ R.C. 313.12(A).

¹⁶ R.C. 313.12(B)(2).

¹⁷ R.C. 313.161(A).

The act 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 act clarifies that the only individuals eligible for the office of coroner are physicians who are licensed by the State Medical Board to practice medicine and surgery or osteopathic medicine and surgery under Ohio law.¹⁹ The act establishes an exception for a person elected as coroner and holding that office on April 9, 2025, but who is not licensed as a medical or osteopathic physician. Also, the act specifies that such a coroner is not prohibited from doing any of the following after that 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

Continuing law establishes compensation schedules for coroners, which vary depending on whether the coroner has a private practice. The act defines, for purposes of that continuing law, “private practice of medicine” to include 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 act 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 prior law, fees were based on an hourly rate that was determined by coroner compensation schedules established under continuing law, and the fee varied depending on whether the coroner was preparing for and giving testimony at a deposition or trial. The testimonial fee for trial testimony was six times the rate for deposition testimony. The act eliminates the distinction between deposition and trial testimony.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 act requires that standard care arrangements between advanced practice registered nurses and collaborating physicians, and

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).

²² R.C. 2335.061(A) and (C).

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 act does not otherwise modify existing requirements concerning completion of death certificates by physicians.²⁴

Juvenile court transfer

The act 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 act 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 act 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 prior law, publishers were 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 continuing 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."

County notice requirements

Rather than require publication via newspaper as under prior law, the act 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

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

²⁴ R.C. 3705.16, not in the act.

²⁵ R.C. 2151.271.

²⁶ R.C. 149.38.

²⁷ R.C. 7.10, 7.16, and 125.182.

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

Therefore, under the act, 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 act 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 act, 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 act 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 act 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 act 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 Developmental Disabilities. The park developed at the site must be accessible and inclusive to persons of physical and mental disabilities.

The act 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 Developmental Disabilities are authorized to review any plans for the development of the land before the start of any construction. However, the act prohibits the Directors from unreasonably withholding approval of such construction. Development of the land must not be inconsistent with the operation of the neighboring property as a development center.²⁹

Montgomery County

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

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.

²⁹ Section 4.

³⁰ Section 3.

Educational requirements for PCSA caseworkers

Under the act, 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 act 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 act'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 act 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

³¹ R.C. 5153.112.

³² R.C. 1901.023.

HISTORY

Action	Date
Introduced	04-22-24
Reported, H. State & Local Gov't	06-25-24
Passed House (96-0)	06-26-24
Reported, S. Local Gov't	12-10-24
Passed Senate (30-0)	12-11-24
House concurred in Senate amendments (87-3)	12-18-24