

# AN ACT

To amend sections 311.06, 313.07, 317.321, 505.87, and 1711.15 and to enact sections 5.033 and 5.034 of the Revised Code, to amend Section 701.05 of Am. Sub. H.B. 1 of the 128th General Assembly, and to amend Section 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly, as subsequently amended, to revise the notice required to be provided by a board of township trustees to a landowner and any lienholder for a subsequent nuisance determination made within 12 months after a nuisance determination was made regarding the same property, to authorize maintenance of a sheriff's or coroner's office outside the county seat of justice, to increase the maximum portion of recording fees that may be earmarked for county recorders' equipment funds, to authorize a board of county commissioners that provides financial assistance to a county agricultural society to provide such assistance from the county's permanent improvement fund, to authorize a single-county solid waste management district to make a loan to a port authority in the same county for use by the authority to assist facilities that provide general health services in that county, to adopt the spotted salamander as the state amphibian and the bullfrog as the state frog, to change the report deadline of the Ohio Legislative Commission on the Education and Preservation of State History from July 1, 2010, to September 1, 2010, and to declare an emergency.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 311.06, 313.07, 317.321, 505.87, and 1711.15 be amended and sections 5.033 and 5.034 of the Revised Code be enacted to read as follows:

Sec. 5.033. The salamander, *Ambystoma maculatum*, commonly known as the spotted salamander, is the official amphibian of the state.

Sec. 5.034. The frog, *Rana catesbeiana*, commonly known as the bullfrog, is the official frog of the state.

Sec. 311.06. (A) The sheriff's office shall be maintained at the county seat of justice, or at another location as provided in division (B) of this section, in such rooms as the board of county commissioners provides for that purpose. Such office shall be furnished with all necessary furniture, blankbooks, stationery, and blanks at the expense of the county.

(B) With the consent of the sheriff, the board of county commissioners may provide by resolution for establishment of the primary office of the sheriff at a location outside the county seat of justice. The adoption of the resolution and the location of the sheriff's primary office shall be entered on the journal of the board. The board shall give reasonable public notice of its action taken pursuant to this division in accordance with division (F) of section 121.22 of the Revised Code.

Sec. 313.07. (A) There may be established in the county seat of justice, or at another location as provided in division (B) of this section, suitable quarters, laboratories, and equipment necessary for the proper performance of the duties of the coroner. Such quarters shall be known as the coroner's office, laboratory, and county morgue.

(B) With the consent of the coroner, the board of county commissioners may provide by resolution for establishment of the primary quarters, laboratory, and equipment of the coroner at a location outside the county seat of justice. The adoption of the resolution and the location of the coroner's primary quarters, laboratory, and equipment shall be entered on the journal of the board. The board shall give reasonable public notice of its action taken pursuant to this division in accordance with division (F) of section 121.22 of the Revised Code.

Sec. 317.321. (A) Not later than the first day of October of any year, the county recorder may submit to the board of county commissioners a proposal for the acquisition or maintenance of micrographic or other equipment or for contract services. The proposal shall be in writing and shall include at least the following:

- (1) A request that an amount not to exceed ~~four~~ seven dollars of the fee

collected for filing or recording a document for which a fee is charged as required by division (A) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code be placed in the county treasury and designated as "general fund moneys to supplement the equipment needs of the county recorder";

(2) The number of years, not to exceed five, for which the county recorder requests that the amount requested under division (A)(1) of this section be given the designation specified in that division;

(3) An estimate of the total amount of fees that will be generated for filing or recording a document for which a fee is charged as required by division (A) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code;

(4) An estimate of the total amount of fees for filing or recording a document for which a fee is charged as required by division (A) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code that will be designated as "general fund moneys to supplement the equipment needs of the county recorder" if the request submitted under division (A)(1) of this section is approved by the board of county commissioners.

The proposal may include a description or summary of the micrographic or other equipment, or maintenance thereof, that the county recorder proposes to acquire, or the nature of contract services that the county recorder proposes to utilize. If the county recorder has no immediate plans for the acquisition of equipment or services, the proposal shall explain the general needs of the office for equipment and shall state that the intent of the proposal is to reserve funds for the office's future equipment needs.

(B) The board of county commissioners shall receive the proposal and the clerk shall enter it on the journal. At the same time, the board shall establish a date, not sooner than fifteen nor later than thirty days after the board's receipt of the proposal, on which to meet with the recorder to review the proposal.

(C) Not later than the fifteenth day of December of any year in which a proposal is submitted under division (A) of this section, the board of county commissioners shall approve, reject, or modify the proposal and notify the county recorder of its action on the proposal. If the board rejects or modifies the proposal, it shall make a written finding that the request is for a purpose other than for acquiring, leasing, or otherwise obtaining micrographic or other equipment or contracts for use by the county recorder or that the amount requested is excessive as determined by the board. If the board approves the proposal, it shall request the establishment of a special fund

under section 5705.12 of the Revised Code for any fees designated as "general fund moneys to supplement the equipment needs of the county recorder."

(D) The acquisition or maintenance of micrographic or other equipment and the acquisition of contract services shall be specifically governed by sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, and 5705.38, and by division (D) of section 5705.41 of the Revised Code.

Sec. 505.87. (A) A board of township trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance.

(B) At least seven days before providing for the abatement, control, or removal of any vegetation, garbage, refuse, or other debris, the board of township trustees shall notify the owner of the land and any holders of liens of record upon the land that:

(1) The owner is ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris, the owner's maintenance of which has been determined by the board to be a nuisance;

(2) If that vegetation, garbage, refuse, or other debris is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not made, within seven days, the board shall provide for the abatement, control, or removal, and any expenses incurred by the board in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry.

The board shall send the notice to the owner of the land by certified mail if the owner is a resident of the township or is a nonresident whose address is known, and by certified mail to lienholders of record; alternatively, if the owner is a resident of the township or is a nonresident whose address is known, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the township. ~~The~~

(C) If a board of township trustees determines within twelve consecutive months after a prior nuisance determination that the same owner's maintenance of vegetation, garbage, refuse, or other debris on the same land in the township constitutes a nuisance, at least four days before providing for the abatement, control, or removal of any vegetation, garbage,

refuse, or other debris, the board shall give notice of the subsequent nuisance determination to the owner of the land and to any holders of liens of record upon the land as follows:

(1) The board shall send written notice by first class mail to the owner of the land and to any lienholders of record. Failure of delivery of the notice shall not invalidate any action to abate, control, or remove the nuisance. Alternatively, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it.

(2) If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to post the notice on the board of township trustee's internet web site for four consecutive days, or to post the notice in a conspicuous location in the board's office for four consecutive days if the board does not maintain an internet web site.

(D) The owner of the land or holders of liens of record upon the land may enter into an agreement with the board of township trustees providing for either party to the agreement to perform the abatement, control, or removal before the time the board is required to provide for the abatement, control, or removal under division ~~(C)~~(E) of this section.

~~(C)~~(E) If, within seven days after notice is given under division (B) of this section, or within four days after notice is given under division (C) of this section, the owner of the land fails to abate, control, or remove the vegetation, garbage, refuse, or other debris, or no agreement for its abatement, control, or removal is entered into under division ~~(B)~~(D) of this section, the board of township trustees shall provide for the abatement, control, or removal and may employ the necessary labor, materials, and equipment to perform the task. All expenses incurred, when approved by the board, shall be paid out of the township general fund from moneys not otherwise appropriated, except that if the expenses incurred exceed five hundred dollars, the board may borrow moneys from a financial institution to pay for the expenses in whole or in part.

~~(D)~~(F) The board of township trustees shall make a written report to the county auditor of the board's action under this section. The board shall include in the report a proper description of the premises and a statement of all expenses incurred in providing for the abatement, control, or removal of any vegetation, garbage, refuse, or other debris as provided in division ~~(C)~~(E) of this section, including the board's charges for its services, the costs incurred in providing notice, any fees or interest paid to borrow moneys, and the amount paid for labor, materials, and equipment. The expenses incurred,

when allowed, shall be entered upon the tax duplicate, are a lien upon the land from the date of the entry, shall be collected as other taxes, and shall be returned to the township and placed in the township general fund.

Sec. 1711.15. In any county in which there is a duly organized county agricultural society, the board of county commissioners or the county agricultural society itself may purchase or lease, for a term of not less than twenty years, real estate on which to hold fairs under the management and control of the county agricultural society, and may erect suitable buildings on the real estate and otherwise improve it.

In counties in which there is a county agricultural society that has purchased, or leased, for a term of not less than twenty years, real estate as a site on which to hold fairs or in which the title to the site is vested in fee in the county, the board of county commissioners may erect or repair buildings or otherwise improve the site and pay the rental of it, or contribute to or pay any other form of indebtedness of the society, if the director of agriculture has certified to the board that the county agricultural society is complying with all laws and rules governing the operation of county agricultural societies. The board may appropriate from the county's general fund or permanent improvement fund any amount that it considers necessary for any of those purposes.

SECTION 2. That existing sections 311.06, 313.07, 317.321, 505.87, and 1711.15 of the Revised Code are hereby repealed.

SECTION 3. Notwithstanding division (G) of section 8 3734.57 of the Revised Code, beginning on the effective date of 9 this section and ending ninety days after the effective date of 10 this section, the board of county commissioners of a solid waste 11 management district established under Chapter 3734. of the 12 Revised Code that consists of a single county may enter into an 13 agreement with a port authority, as defined in section 4582.01 14 of the Revised Code, that is in existence on the effective date 15 of this section to loan money to the port authority if both of 16 the following apply:

(A) The balance of the district's fund that is required to 18 be created under division (G) of section 3734.57 of the Revised 19 Code is greater than one million dollars on the date on which 20 the loan is made.

(B) The port authority to which the loan will be made is 22 located in the same county as the solid waste management 23 district.

The amount of a loan that is made under this section shall 25 not exceed

seventy-five per cent of the balance of the 26 district's fund as the balance exists on the date on which the 27 loan is made. The port authority shall repay the loan not later 28 than one hundred eighty days after the date on which the loan is 29 made. The port authority shall use money from the loan to 30 assist facilities that provide general health services and that 31 are located in the same county as the port authority.

SECTION 4. That Section 701.05 of Am. Sub. H.B. 1 of the 128th General Assembly be amended to read as follows:

Sec. 701.05. (A) There is hereby created the Ohio Legislative Commission on the Education and Preservation of State History consisting of the following members:

(1) Three members of the Senate appointed by the President of the Senate, one of whom shall be from the minority party and be recommended by the Minority Leader of the Senate;

(2) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be from the minority party and be recommended by the Minority Leader of the House of Representatives;

(3) Three members appointed by the Governor who shall have specific knowledge regarding museum or archive management.

The Commission may appoint nonvoting members to the Commission who represent state agencies, educational institutions, or private organizations and who have expertise in museum or archive management.

(B)(1) Appointments shall be made to the Commission not later than thirty days after the effective date of this section. A member of the Senate appointed by and so designated by the President of the Senate shall be the chairperson of the Commission. A member of the House of Representatives appointed by and so designated by the Speaker of the House of Representatives shall be the vice-chairperson of the Commission. The Commission shall meet as often as necessary to carry out its duties and responsibilities. Members of the Commission shall serve without compensation.

(2) The Legislative Service Commission shall provide professional and technical support that is necessary for the Ohio Legislative Commission on the Education and Preservation of State History to perform its duties.

(C) The Ohio Legislative Commission on the Education and Preservation of State History shall do all of the following:

(1) Review the overall delivery of services and instruction on Ohio's history by organizations that have individually received in the previous two

bienniums a total of at least one million dollars in funding through legislative appropriation for their operations. The review shall include a needs assessment with regard to each organization for all of the following:

- (a) Historic sites owned or managed by the organization;
- (b) Archives owned or maintained by the organization;
- (c) Programs offered by the organization;
- (d) The governance structure of the organization;
- (e) A comparison of the organization's operations with the operations of organizations that are located inside and outside the state and that have similar functions.

(2) Following the review, make recommendations on all of the following:

- (a) Improving the efficiency of the organizations;
- (b) Alternative methods for the performance or discharge of state-mandated functions and other functions by the organizations;
- (c) Best practices regarding governance structures for the organizations;
- (d) Any other recommendations that the Commission determines to be necessary.

(3) Identify alternative public and private funding sources to support the organizations.

(D) The Commission shall issue a report of its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Governor not later than ~~July~~ September 1, 2010. Upon submission of the report, the Commission shall cease to exist.

SECTION 5. That existing Section 701.05 of Am. Sub. H.B. 1 of the 128th General Assembly is hereby repealed.

SECTION 6. That Section 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly, as amended by Am. Sub. H.B. 1 of the 128th General Assembly, be amended to read as follows:

Sec. 701.20. (A) The Ohio Commission on Local Government Reform and Collaboration shall develop recommendations on ways to increase the efficiency and effectiveness of local government operations, to achieve cost savings for taxpayers, and to facilitate economic development in this state. In developing the recommendations, the commission shall consider, but is not limited to, the following:

- (1) Restructuring and streamlining local government offices to achieve efficiencies and cost savings for taxpayers and to facilitate local economic



development;

(2) Restructuring and streamlining special taxing districts and local government authorities authorized by the constitution or the laws of this state to levy a tax of any kind or to have a tax of any kind levied on its behalf, and of local government units, including schools and libraries, to reduce overhead and administrative expenses;

(3) Restructuring, streamlining, and finding ways to collaborate on the delivery of services, functions, or authorities of local government to achieve cost savings for taxpayers;

(4) Examining the relationship of services provided by the state to services provided by local government and the possible realignment of state and local services to increase efficiency and improve accountability;

(5) Ways of reforming or restructuring constitutional, statutory, and administrative laws to facilitate collaboration for local economic development, to increase the efficiency and effectiveness of local government operations, to identify duplication of services, and to achieve costs savings for taxpayers;

(6) Making annual financial reporting across local governments consistent for ease of comparison; and

(7) Aligning regional planning units across state agencies.

(B)(1) There is hereby created the Ohio Commission on Local Government Reform and Collaboration, consisting of fifteen voting members. The President of the Senate shall appoint three members, one of whom may be a person who is recommended by the Minority Leader of the Senate. The Speaker of the House of Representatives shall appoint three members, one of whom may be a person who is recommended by the Minority Leader of the House of Representatives. The Governor shall appoint three members. One member shall be appointed by, and shall represent, each of the following organizations: the Ohio Municipal League, the Ohio Township Association, the Ohio School Boards Association, the County Commissioners' Association of Ohio, the Ohio Library Council, and the Ohio Association of Regional Councils. The initial appointments shall be made not later than ninety days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments. Members are not entitled to compensation for their services.

(2) The initial meeting of the commission shall be called by the Governor within forty-five days after the initial appointments to the commission are complete. The commission shall elect two of its members to serve as co-chairpersons of the commission.

(C) The commission may create an advisory council consisting of

interested parties representing taxing authorities and political subdivisions that are not taxing authorities. The appointment of members to the advisory council is a matter of the commission's discretion. The commission may direct the advisory council to provide relevant information to the commission. Advisory council members are not members of the commission, and may not vote on commission business.

(D) The commission may consult with and obtain assistance from state institutions of higher education (as defined in section 3345.011 of the Revised Code) and from business organizations for research and data gathering related to its mission. State institutions of higher education and business organizations shall cooperate with the commission.

(E) The commission shall issue a report of its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Governor not later than ~~July~~ September 1, 2010. The commission ceases to exist upon submitting its report.

SECTION 7. That existing Section 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly, as amended by Am. Sub. H.B. 1 of the 128th General Assembly, is hereby repealed.

SECTION 8. This act is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. Immediate action is necessary to extend the deadline for the Ohio Commission on Local Government Reform and Collaboration to submit its report. Therefore, this act shall go into immediate effect.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

Sub. H. B. No. 393

128th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_