

**As Reported by the Senate State and Local Government and  
Veterans Affairs Committee**

**128th General Assembly**

**Regular Session**

**2009-2010**

**Sub. H. B. No. 393**

**Representatives Gerberry, Blessing**

**Cosponsors: Representatives Chandler, Weddington, Blair, Boose,  
Derickson, Domenick, Luckie, Ruhl, Slesnick, Yuko, Balderson, Batchelder,  
Beck, Bolon, Bubp, Combs, Daniels, Evans, Garland, Goodwin, Grossman,  
Hackett, Harris, Harwood, Koziura, Lehner, Letson, Lundy, Mallory, McClain,  
McGregor, Mecklenborg, Moran, Morgan, Newcomb, Patten, Phillips, Pillich,  
Pryor, Sayre, Snitchler, Stautberg, Uecker, Williams, B., Winburn**

**Senators Fedor, Grendell, Turner**

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**A B I L L**

To amend sections 311.06, 313.07, 317.321, 505.87, 1  
and 1711.15 and to enact sections 5.033 and 5.034 2  
of the Revised Code, to amend Section 701.05 of 3  
Am. Sub. H.B. 1 of the 128th General Assembly, and 4  
to amend Section 701.20 of Am. Sub. H.B. 562 of 5  
the 127th General Assembly, as subsequently 6  
amended, to revise the notice required to be 7  
provided by a board of township trustees to a 8  
landowner and any lienholder for a subsequent 9  
nuisance determination made within 12 months after 10  
a nuisance determination was made regarding the 11  
same property, to authorize maintenance of a 12  
sheriff's or coroner's office outside the county 13  
seat of justice, to increase the maximum portion 14  
of recording fees that may be earmarked for county 15  
recorders' equipment funds, to authorize a board 16

of county commissioners that provides financial 17  
assistance to a county agricultural society to 18  
provide such assistance from the county's 19  
permanent improvement fund, to authorize a 20  
single-county solid waste management district to 21  
make a loan to a port authority in the same county 22  
for use by the authority to assist facilities that 23  
provide general health services in that county, to 24  
adopt the spotted salamander as the state 25  
amphibian and the bullfrog as the state frog, to 26  
change the report deadline of the Ohio Legislative 27  
Commission on the Education and Preservation of 28  
State History from July 1, 2010, to September 1, 29  
2010, and to declare an emergency. 30

**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 31  
1711.15 be amended and sections 5.033 and 5.034 of the Revised 32  
Code be enacted to read as follows: 33

Sec. 5.033. The salamander, *Ambystoma maculatum*, commonly 34  
known as the spotted salamander, is the official amphibian of the 35  
state. 36

Sec. 5.034. The frog, *Rana catesbeiana*, commonly known as the 37  
bullfrog, is the official frog of the state. 38

**Sec. 311.06.** (A) The sheriff's office shall be maintained at 39  
the county seat of justice, or at another location as provided in 40  
division (B) of this section, in such rooms as the board of county 41  
commissioners provides for that purpose. Such office shall be 42  
furnished with all necessary furniture, blankbooks, stationery, 43

and blanks at the expense of the county. 44

(B) With the consent of the sheriff, the board of county 45  
commissioners may provide by resolution for establishment of the 46  
primary office of the sheriff at a location outside the county 47  
seat of justice. The adoption of the resolution and the location 48  
of the sheriff's primary office shall be entered on the journal of 49  
the board. The board shall give reasonable public notice of its 50  
action taken pursuant to this division in accordance with division 51  
(F) of section 121.22 of the Revised Code. 52

**Sec. 313.07.** (A) There may be established in the county seat 53  
of justice, or at another location as provided in division (B) of 54  
this section, suitable quarters, laboratories, and equipment 55  
necessary for the proper performance of the duties of the coroner. 56  
Such quarters shall be known as the coroner's office, laboratory, 57  
and county morgue. 58

(B) With the consent of the coroner, the board of county 59  
commissioners may provide by resolution for establishment of the 60  
primary quarters, laboratory, and equipment of the coroner at a 61  
location outside the county seat of justice. The adoption of the 62  
resolution and the location of the coroner's primary quarters, 63  
laboratory, and equipment shall be entered on the journal of the 64  
board. The board shall give reasonable public notice of its action 65  
taken pursuant to this division in accordance with division (F) of 66  
section 121.22 of the Revised Code. 67

**Sec. 317.321.** (A) Not later than the first day of October of 68  
any year, the county recorder may submit to the board of county 69  
commissioners a proposal for the acquisition or maintenance of 70  
micrographic or other equipment or for contract services. The 71  
proposal shall be in writing and shall include at least the 72  
following: 73

(1) A request that an amount not to exceed ~~four~~ seven dollars 74  
of the fee collected for filing or recording a document for which 75  
a fee is charged as required by division (A) of section 317.32 of 76  
the Revised Code or by section 1309.525 or 5310.15 of the Revised 77  
Code be placed in the county treasury and designated as "general 78  
fund moneys to supplement the equipment needs of the county 79  
recorder"; 80

(2) The number of years, not to exceed five, for which the 81  
county recorder requests that the amount requested under division 82  
(A)(1) of this section be given the designation specified in that 83  
division; 84

(3) An estimate of the total amount of fees that will be 85  
generated for filing or recording a document for which a fee is 86  
charged as required by division (A) of section 317.32 of the 87  
Revised Code or by section 1309.525 or 5310.15 of the Revised 88  
Code; 89

(4) An estimate of the total amount of fees for filing or 90  
recording a document for which a fee is charged as required by 91  
division (A) of section 317.32 of the Revised Code or by section 92  
1309.525 or 5310.15 of the Revised Code that will be designated as 93  
"general fund moneys to supplement the equipment needs of the 94  
county recorder" if the request submitted under division (A)(1) of 95  
this section is approved by the board of county commissioners. 96

The proposal may include a description or summary of the 97  
micrographic or other equipment, or maintenance thereof, that the 98  
county recorder proposes to acquire, or the nature of contract 99  
services that the county recorder proposes to utilize. If the 100  
county recorder has no immediate plans for the acquisition of 101  
equipment or services, the proposal shall explain the general 102  
needs of the office for equipment and shall state that the intent 103  
of the proposal is to reserve funds for the office's future 104  
equipment needs. 105

(B) The board of county commissioners shall receive the 106  
proposal and the clerk shall enter it on the journal. At the same 107  
time, the board shall establish a date, not sooner than fifteen 108  
nor later than thirty days after the board's receipt of the 109  
proposal, on which to meet with the recorder to review the 110  
proposal. 111

(C) Not later than the fifteenth day of December of any year 112  
in which a proposal is submitted under division (A) of this 113  
section, the board of county commissioners shall approve, reject, 114  
or modify the proposal and notify the county recorder of its 115  
action on the proposal. If the board rejects or modifies the 116  
proposal, it shall make a written finding that the request is for 117  
a purpose other than for acquiring, leasing, or otherwise 118  
obtaining micrographic or other equipment or contracts for use by 119  
the county recorder or that the amount requested is excessive as 120  
determined by the board. If the board approves the proposal, it 121  
shall request the establishment of a special fund under section 122  
5705.12 of the Revised Code for any fees designated as "general 123  
fund moneys to supplement the equipment needs of the county 124  
recorder." 125

(D) The acquisition or maintenance of micrographic or other 126  
equipment and the acquisition of contract services shall be 127  
specifically governed by sections 307.80 to 307.806, 307.84 to 128  
307.846, 307.86 to 307.92, and 5705.38, and by division (D) of 129  
section 5705.41 of the Revised Code. 130

**Sec. 505.87.** (A) A board of township trustees may provide for 131  
the abatement, control, or removal of vegetation, garbage, refuse, 132  
and other debris from land in the township, if the board 133  
determines that the owner's maintenance of that vegetation, 134  
garbage, refuse, or other debris constitutes a nuisance. 135

(B) At least seven days before providing for the abatement, 136

control, or removal of any vegetation, garbage, refuse, or other 137  
debris, the board of township trustees shall notify the owner of 138  
the land and any holders of liens of record upon the land that: 139

(1) The owner is ordered to abate, control, or remove the 140  
vegetation, garbage, refuse, or other debris, the owner's 141  
maintenance of which has been determined by the board to be a 142  
nuisance; 143

(2) If that vegetation, garbage, refuse, or other debris is 144  
not abated, controlled, or removed, or if provision for its 145  
abatement, control, or removal is not made, within seven days, the 146  
board shall provide for the abatement, control, or removal, and 147  
any expenses incurred by the board in performing that task shall 148  
be entered upon the tax duplicate and become a lien upon the land 149  
from the date of entry. 150

The board shall send the notice to the owner of the land by 151  
certified mail if the owner is a resident of the township or is a 152  
nonresident whose address is known, and by certified mail to 153  
lienholders of record; alternatively, if the owner is a resident 154  
of the township or is a nonresident whose address is known, the 155  
board may give notice to the owner by causing any of its agents or 156  
employees to post the notice on the principal structure on the 157  
land and to photograph that posted notice with a camera capable of 158  
recording the date of the photograph on it. If the owner's address 159  
is unknown and cannot reasonably be obtained, it is sufficient to 160  
publish the notice once in a newspaper of general circulation in 161  
the township. The 162

(C) If a board of township trustees determines within twelve 163  
consecutive months after a prior nuisance determination that the 164  
same owner's maintenance of vegetation, garbage, refuse, or other 165  
debris on the same land in the township constitutes a nuisance, at 166  
least four days before providing for the abatement, control, or 167  
removal of any vegetation, garbage, refuse, or other debris, the 168

board shall give notice of the subsequent nuisance determination 169  
to the owner of the land and to any holders of liens of record 170  
upon the land as follows: 171

(1) The board shall send written notice by first class mail 172  
to the owner of the land and to any lienholders of record. Failure 173  
of delivery of the notice shall not invalidate any action to 174  
abate, control, or remove the nuisance. Alternatively, the board 175  
may give notice to the owner by causing any of its agents or 176  
employees to post the notice on the principal structure on the 177  
land and to photograph that posted notice with a camera capable of 178  
recording the date of the photograph on it. 179

(2) If the owner's address is unknown and cannot reasonably 180  
be obtained, it is sufficient to post the notice on the board of 181  
township trustee's internet web site for four consecutive days, or 182  
to post the notice in a conspicuous location in the board's office 183  
for four consecutive days if the board does not maintain an 184  
internet web site. 185

(D) The owner of the land or holders of liens of record upon 186  
the land may enter into an agreement with the board of township 187  
trustees providing for either party to the agreement to perform 188  
the abatement, control, or removal before the time the board is 189  
required to provide for the abatement, control, or removal under 190  
division ~~(C)~~(E) of this section. 191

~~(C)~~(E) If, within seven days after notice is given under 192  
division (B) of this section, or within four days after notice is 193  
given under division (C) of this section, the owner of the land 194  
fails to abate, control, or remove the vegetation, garbage, 195  
refuse, or other debris, or no agreement for its abatement, 196  
control, or removal is entered into under division ~~(B)~~(D) of this 197  
section, the board of township trustees shall provide for the 198  
abatement, control, or removal and may employ the necessary labor, 199  
materials, and equipment to perform the task. All expenses 200

incurred, when approved by the board, shall be paid out of the 201  
township general fund from moneys not otherwise appropriated, 202  
except that if the expenses incurred exceed five hundred dollars, 203  
the board may borrow moneys from a financial institution to pay 204  
for the expenses in whole or in part. 205

~~(D)~~(F) The board of township trustees shall make a written 206  
report to the county auditor of the board's action under this 207  
section. The board shall include in the report a proper 208  
description of the premises and a statement of all expenses 209  
incurred in providing for the abatement, control, or removal of 210  
any vegetation, garbage, refuse, or other debris as provided in 211  
division ~~(C)~~(E) of this section, including the board's charges for 212  
its services, the costs incurred in providing notice, any fees or 213  
interest paid to borrow moneys, and the amount paid for labor, 214  
materials, and equipment. The expenses incurred, when allowed, 215  
shall be entered upon the tax duplicate, are a lien upon the land 216  
from the date of the entry, shall be collected as other taxes, and 217  
shall be returned to the township and placed in the township 218  
general fund. 219

**Sec. 1711.15.** In any county in which there is a duly 220  
organized county agricultural society, the board of county 221  
commissioners or the county agricultural society itself may 222  
purchase or lease, for a term of not less than twenty years, real 223  
estate on which to hold fairs under the management and control of 224  
the county agricultural society, and may erect suitable buildings 225  
on the real estate and otherwise improve it. 226

In counties in which there is a county agricultural society 227  
that has purchased, or leased, for a term of not less than twenty 228  
years, real estate as a site on which to hold fairs or in which 229  
the title to the site is vested in fee in the county, the board of 230  
county commissioners may erect or repair buildings or otherwise 231



improve the site and pay the rental of it, or contribute to or pay 232  
any other form of indebtedness of the society, if the director of 233  
agriculture has certified to the board that the county 234  
agricultural society is complying with all laws and rules 235  
governing the operation of county agricultural societies. The 236  
board may appropriate from the county's general fund or permanent 237  
improvement fund any amount that it considers necessary for any of 238  
those purposes. 239

**Section 2.** That existing sections 311.06, 313.07, 317.321, 240  
505.87, and 1711.15 of the Revised Code are hereby repealed. 241

**Section 3.** Notwithstanding division (G) of section 8 3734.57 242  
of the Revised Code, beginning on the effective date of 9 this 243  
section and ending ninety days after the effective date of 10 this 244  
section, the board of county commissioners of a solid waste 11 245  
management district established under Chapter 3734. of the 12 246  
Revised Code that consists of a single county may enter into an 13 247  
agreement with a port authority, as defined in section 4582.01 14 248  
of the Revised Code, that is in existence on the effective date 15 249  
of this section to loan money to the port authority if both of 16 250  
the following apply: 251

(A) The balance of the district's fund that is required to 18 252  
be created under division (G) of section 3734.57 of the Revised 19 253  
Code is greater than one million dollars on the date on which 20 254  
the loan is made. 255

(B) The port authority to which the loan will be made is 22 256  
located in the same county as the solid waste management 23 257  
district. 258

The amount of a loan that is made under this section shall 25 259  
not exceed seventy-five per cent of the balance of the 26 260  
district's fund as the balance exists on the date on which the 27 261

loan is made. The port authority shall repay the loan not later 28 262  
than one hundred eighty days after the date on which the loan is 263  
29 made. The port authority shall use money from the loan to 30 264  
assist facilities that provide general health services and that 31 265  
are located in the same county as the port authority. 266

**Section 4.** That Section 701.05 of Am. Sub. H.B. 1 of the 267  
128th General Assembly be amended to read as follows: 268

**Sec. 701.05.** (A) There is hereby created the Ohio Legislative 269  
Commission on the Education and Preservation of State History 270  
consisting of the following members: 271

(1) Three members of the Senate appointed by the President of 272  
the Senate, one of whom shall be from the minority party and be 273  
recommended by the Minority Leader of the Senate; 274

(2) Three members of the House of Representatives appointed 275  
by the Speaker of the House of Representatives, one of whom shall 276  
be from the minority party and be recommended by the Minority 277  
Leader of the House of Representatives; 278

(3) Three members appointed by the Governor who shall have 279  
specific knowledge regarding museum or archive management. 280

The Commission may appoint nonvoting members to the 281  
Commission who represent state agencies, educational institutions, 282  
or private organizations and who have expertise in museum or 283  
archive management. 284

(B)(1) Appointments shall be made to the Commission not later 285  
than thirty days after the effective date of this section. A 286  
member of the Senate appointed by and so designated by the 287  
President of the Senate shall be the chairperson of the 288  
Commission. A member of the House of Representatives appointed by 289  
and so designated by the Speaker of the House of Representatives 290  
shall be the vice-chairperson of the Commission. The Commission 291

shall meet as often as necessary to carry out its duties and 292  
responsibilities. Members of the Commission shall serve without 293  
compensation. 294

(2) The Legislative Service Commission shall provide 295  
professional and technical support that is necessary for the Ohio 296  
Legislative Commission on the Education and Preservation of State 297  
History to perform its duties. 298

(C) The Ohio Legislative Commission on the Education and 299  
Preservation of State History shall do all of the following: 300

(1) Review the overall delivery of services and instruction 301  
on Ohio's history by organizations that have individually received 302  
in the previous two bienniums a total of at least one million 303  
dollars in funding through legislative appropriation for their 304  
operations. The review shall include a needs assessment with 305  
regard to each organization for all of the following: 306

(a) Historic sites owned or managed by the organization; 307

(b) Archives owned or maintained by the organization; 308

(c) Programs offered by the organization; 309

(d) The governance structure of the organization; 310

(e) A comparison of the organization's operations with the 311  
operations of organizations that are located inside and outside 312  
the state and that have similar functions. 313

(2) Following the review, make recommendations on all of the 314  
following: 315

(a) Improving the efficiency of the organizations; 316

(b) Alternative methods for the performance or discharge of 317  
state-mandated functions and other functions by the organizations; 318

(c) Best practices regarding governance structures for the 319  
organizations; 320

(d) Any other recommendations that the Commission determines 321  
to be necessary. 322

(3) Identify alternative public and private funding sources 323  
to support the organizations. 324

(D) The Commission shall issue a report of its findings and 325  
recommendations to the President of the Senate, the Speaker of the 326  
House of Representatives, and the Governor not later than ~~July~~ 327  
September 1, 2010. Upon submission of the report, the Commission 328  
shall cease to exist. 329

**Section 5.** That existing Section 701.05 of Am. Sub. H.B. 1 of 330  
the 128th General Assembly is hereby repealed. 331

**Section 6.** That Section 701.20 of Am. Sub. H.B. 562 of the 332  
127th General Assembly, as amended by Am. Sub. H.B. 1 of the 128th 333  
General Assembly, be amended to read as follows: 334

**Sec. 701.20.** (A) The Ohio Commission on Local Government 335  
Reform and Collaboration shall develop recommendations on ways to 336  
increase the efficiency and effectiveness of local government 337  
operations, to achieve cost savings for taxpayers, and to 338  
facilitate economic development in this state. In developing the 339  
recommendations, the commission shall consider, but is not limited 340  
to, the following: 341

(1) Restructuring and streamlining local government offices 342  
to achieve efficiencies and cost savings for taxpayers and to 343  
facilitate local economic development; 344

(2) Restructuring and streamlining special taxing districts 345  
and local government authorities authorized by the constitution or 346  
the laws of this state to levy a tax of any kind or to have a tax 347  
of any kind levied on its behalf, and of local government units, 348  
including schools and libraries, to reduce overhead and 349

administrative expenses;	350
(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;	351 352 353
(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;	354 355 356 357
(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;	358 359 360 361 362 363
(6) Making annual financial reporting across local governments consistent for ease of comparison; and	364 365
(7) Aligning regional planning units across state agencies.	366
(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	367 368 369 370 371 372 373 374 375 376 377 378 379 380

after the effective date of this section. Vacancies shall be 381  
filled in the manner provided for original appointments. Members 382  
are not entitled to compensation for their services. 383

(2) The initial meeting of the commission shall be called by 384  
the Governor within forty-five days after the initial appointments 385  
to the commission are complete. The commission shall elect two of 386  
its members to serve as co-chairpersons of the commission. 387

(C) The commission may create an advisory council consisting 388  
of interested parties representing taxing authorities and 389  
political subdivisions that are not taxing authorities. The 390  
appointment of members to the advisory council is a matter of the 391  
commission's discretion. The commission may direct the advisory 392  
council to provide relevant information to the commission. 393  
Advisory council members are not members of the commission, and 394  
may not vote on commission business. 395

(D) The commission may consult with and obtain assistance 396  
from state institutions of higher education (as defined in section 397  
3345.011 of the Revised Code) and from business organizations for 398  
research and data gathering related to its mission. State 399  
institutions of higher education and business organizations shall 400  
cooperate with the commission. 401

(E) The commission shall issue a report of its findings and 402  
recommendations to the President of the Senate, the Speaker of the 403  
House of Representatives, and the Governor not later than ~~July~~ 404  
September 1, 2010. The commission ceases to exist upon submitting 405  
its report. 406

**Section 7.** That existing Section 701.20 of Am. Sub. H.B. 562 407  
of the 127th General Assembly, as amended by Am. Sub. H.B. 1 of 408  
the 128th General Assembly, is hereby repealed. 409

**Section 8.** This act is declared to be an emergency measure 410

necessary for the immediate preservation of the public peace, 411  
health, and safety. Immediate action is necessary to extend the 412  
deadline for the Ohio Commission on Local Government Reform and 413  
Collaboration to submit its report. Therefore, this act shall go 414  
into immediate effect. 415