

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 445**

**Representative Hill**

**Cosponsors: Representatives Adams, J., Grossman, Buchy, Thompson,  
Combs, Murray, Stebelton, Peterson, McGregor, Terhar, O'Brien, McClain,  
Gardner, Henne, Gonzales, Hackett, Schuring, Baker, Young**

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**A B I L L**

To amend sections 305.03 and 313.01 and to enact 1  
section 313.011 of the Revised Code to authorize 2  
one or more boards of county commissioners to 3  
contract with another board of county 4  
commissioners for the services of that county's 5  
coroner. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 305.03 and 313.01 be amended and 7  
section 313.011 of the Revised Code be enacted to read as follows: 8

**Sec. 305.03.** (A) Whenever any county officer fails to perform 9  
the duties of office for ninety consecutive days, except in case 10  
of sickness or injury as provided in divisions (B) and (C) of this 11  
section, the office shall be deemed vacant. 12

(B) Whenever any county officer is absent because of sickness 13  
or injury, the officer shall cause to be filed with the board of 14  
county commissioners a physician's certificate of the officer's 15  
sickness or injury. If such certificate is not filed with the 16  
board within ten days after the expiration of ninety consecutive 17

days of absence, the office shall be deemed vacant. 18

(C) Whenever a county officer files a physician's certificate 19  
under division (B) of this section, but continues to be absent for 20  
an additional thirty days commencing immediately after the last 21  
day on which this certificate may be filed under division (B) of 22  
this section, the office shall be deemed vacant. 23

(D) If at any time two county commissioners in a county are 24  
absent and have filed a physician's certificate under division (B) 25  
of this section, the county ~~coroner~~ treasurer, in addition to 26  
performing the duties of ~~coroner~~ county treasurer, shall serve as 27  
county commissioner until at least one of the absent commissioners 28  
returns to office or until the office of at least one of the 29  
absent commissioners is deemed vacant under this section and the 30  
vacancy is filled. If the ~~coroner~~ county treasurer so requests, 31  
the ~~coroner~~ county treasurer shall be paid a per diem rate for ~~the~~ 32  
~~coroner's~~ service as a commissioner. That per diem rate shall be 33  
the annual salary specified by law for a county commissioner of 34  
that county whose term of office began in the same year as the 35  
~~coroner's~~ county treasurer's term of office began, divided by the 36  
number of days in the year. 37

While the ~~coroner~~ county treasurer is serving as a county 38  
commissioner, the ~~coroner~~ county treasurer shall be considered an 39  
acting county commissioner and shall perform the duties of the 40  
office of county commissioner until at least one of the absent 41  
commissioners returns to office or until the office of at least 42  
one of the absent commissioners is deemed vacant. Before assuming 43  
the office of acting county commissioner, the ~~coroner~~ county 44  
treasurer shall take an oath of office as provided in sections 45  
3.22 and 3.23 of the Revised Code. The ~~coroner's~~ county 46  
treasurer's service as an acting county commissioner does not 47  
constitute the holding of an incompatible public office or 48  
employment in violation of any statutory or common law prohibition 49

against the simultaneous holding of more than one public officer  
office or employment. 50 51

The ~~coroner~~ county treasurer shall give a new bond in the 52  
same amount and signed and approved as provided in section 305.04 53  
of the Revised Code. The bond shall be conditioned for the 54  
faithful discharge of the ~~coroner's~~ county treasurer's duties as 55  
acting county commissioner and for the payment of any loss or 56  
damage that the county may sustain by reason of the ~~coroner's~~ 57  
county treasurer's failure in those duties. The bond, along with 58  
the oath of office and approval of the probate judge indorsed on 59  
it, shall be deposited and paid for as provided for the bonds in 60  
section 305.04 of the Revised Code. 61

(E) Any vacancy declared under this section shall be filled 62  
in the manner provided by section 305.02 of the Revised Code. 63

(F) This section shall not apply to a county officer while in 64  
the active military service of the United States. 65

**Sec. 313.01.** A Except as provided in section 313.011 of the 66  
Revised Code, a coroner shall be elected quadrennially in each 67  
county, who shall hold ~~his~~ office for a term of four years, 68  
beginning on the first Monday of January next after ~~his~~ election. 69

As used in the Revised Code, unless the context otherwise 70  
requires, "coroner" means the coroner of the county in which death 71  
occurs or the dead human body is found. 72

**Sec. 313.011.** (A) One or more boards of county commissioners 73  
may enter into a contract with another board of county 74  
commissioners for the services of that county's coroner. A 75  
contract entered into under this section shall not take effect 76  
before the first Monday of January 2017, and shall be for a term 77  
of not less than four years that coincides with the term of office 78  
of coroners elected under section 313.01 of the Revised Code. The 79

election for and the office of coroner shall be eliminated in any 80  
county that is contracting for the services of another county's 81  
coroner for the term of the contract. A coroner under contract 82  
with any board of county commissioners is the coroner of that 83  
county for purposes of the Revised Code. 84

(B) The contract shall set forth the conditions of employment 85  
and the term of the contract, and shall specify that the coroner's 86  
office is eliminated in any county that is contracting for the 87  
services of another county's coroner and that no election for 88  
coroner shall be held in that county during the term of the 89  
contract. The contract shall be entered into and any board of 90  
county commissioners that is contracting for the services of 91  
another county's coroner shall provide to the board of elections a 92  
copy of the contract, at least fifteen days before the deadline 93  
established under section 3513.05 of the Revised Code for filing a 94  
declaration of candidacy for the office of coroner. Once the board 95  
of elections receives a copy of the contract, the board shall not 96  
accept any declarations of candidacy for the office of coroner of 97  
that county during the term of the contract. 98

(C) A contract entered into under this section may not be 99  
terminated during its term unless both of the following conditions 100  
are met before the contract is terminated: 101

(1) All of the boards of county commissioners that are 102  
parties to the contract agree to its termination; 103

(2) Any board of county commissioners that entered into the 104  
contract for the services of the other county's coroner enters 105  
into a contract, in accordance with this section, with another 106  
board of county commissioners for the services of that county's 107  
coroner for the duration of that part of the four-year term that 108  
remains. 109

(D) In the last year of a contract entered into under this 110

section, any board of county commissioners that contracted for the 111  
services of another county's coroner may renew the contract in 112  
accordance with this section, may enter into a new contract under 113  
this section with another board of county commissioners for the 114  
provision of such services, or may allow the contract to expire 115  
and instead elect a coroner for the county. If any board of county 116  
commissioners fails to renew a contract or to enter into a new 117  
contract for the services of another county's coroner, the board 118  
shall give written notice of that fact to the county's board of 119  
elections at least sixty days before the deadline established 120  
under section 3513.05 of the Revised Code for filing a declaration 121  
of candidacy for the office of coroner. Not later than five 122  
business days after receiving the notice, the board of elections 123  
shall publish a notice once a week for two consecutive weeks in a 124  
newspaper of general circulation or as provided in section 7.16 of 125  
the Revised Code that the board of elections will accept 126  
declarations of candidacy for the office of coroner of the county. 127

**Section 2.** That existing sections 305.03 and 313.01 of the 128  
Revised Code are hereby repealed. 129