
LOCAL GOVERNMENT

Local competitive bidding thresholds

- Increases statutory competitive bidding thresholds to \$75,000 for counties, townships, municipal corporations, libraries, fire and ambulance districts, regional airport authorities, and regional water and sewer districts, and subsequently increases the amount annually by 3%.
- Prohibits subdividing projects or purchases to avoid competitive bidding requirements.

County road improvements

- Increases (from 10% to 20%) the allowable difference between a county road improvement project's estimate and the project's contract price.

County credit cards

- Allows a county to use its credit card to pay fees or charges related to a state-issued license or certificate.

County recorder

- Allows a county recorder to extend current approved funding requests for the county recorder's technology fund beyond those formerly allowed, and requires a board of county commissioners to approve the extension.

Good Samaritan Law

- Removes the requirement that, within 30 days of seeking or obtaining medical assistance, a qualified individual must seek or obtain a screening and receive a referral for treatment from a community addiction services provider.
- Removes the requirement that, upon the request of a prosecuting attorney, a qualified individual must submit documentation verifying that the individual has sought or obtained a screening and received a referral for treatment as described in the preceding dot point.
- Removes the cap on immunity under the Good Samaritan Law.

Drainage Assessment Fund

- Abolishes the Drainage Assessment Fund, which was funded by the General Assembly and which was used to pay each state agency's share of local drainage assessments made under the county ditch laws.
- Eliminates an associated requirement that state agencies include the cost of the state's share of drainage assessments billed by county auditors in budget requests from the fund.

Township deputy fiscal officer appointments

- Clarifies that a board of township trustees may appoint a deputy fiscal officer to act as a fiscal officer when the office is vacant, until a successor fiscal officer is appointed or elected, rather than until a successor fiscal officer is elected.

Township cemetery deeds

- Allows a township to record cemetery lot/right deeds with the county recorder as an alternative to the township maintaining a book of the deeds.

County political party committees

- Permits a county controlling committee of a major political party to change its bylaws to allow a person who is not a resident of the relevant precinct to fill a vacant seat on the committee, so long as the person is a resident of the township or municipal corporation in which the precinct is located.
- Specifies that a member who is appointed in that manner has the same duties and privileges as a member who resides in the precinct the member represents.
- Requires the committee to file a copy of its updated constitution and bylaws with the board of elections.

New community authorities (NCAs)

- Allows inclusion of township-owned property in a new community district.
- Allows a board of township trustees to approve creation of a new community authority (NCA) or a change to the territory of an existing new community district, if the territory of the district (or the territory added or removed) is located entirely in the township and meets certain population criteria.
- Specifies that property subject to an NCA development charge may not also be exempted from taxation by a downtown redevelopment district (DRD) or transportation finance district (TFD).

Free assistance dog registration

- Expands the types of assistance dogs that qualify for free dog registration from the county auditor to include those trained by for-profit special agencies, in addition to those trained by nonprofit special agencies as in current law.
- Eliminates an ambiguity in the law related to the training of assistance dogs.

Local government bidding thresholds

(R.C. 9.17, 307.86, 307.861, 308.13, 505.08, 505.37, 505.376, 511.01, 511.12, 515.01, 715.18, 731.141, 735.05, 737.03, 3375.41, 5549.21, and 6119.10)

The bill increases statutory competitive bidding thresholds from \$50,000 to \$75,000 for counties, townships, municipal corporations, libraries, fire and ambulance districts, regional airport authorities, and regional water and sewer districts.¹⁸⁵ Starting in 2025, the bill increases the threshold amount by 3% each year; the Director of Commerce must calculate and publish the new amount each year.

The increase from \$50,000 to \$75,000 also applies when a town hall is being built in a township. Under continuing law, to build, improve, enlarge, or remove a town hall at a cost exceeding that threshold, the trustees must get the approval of the voters.

The county competitive bidding requirement currently allows the commissioners to exempt an expenditure from the requirement if an emergency exists and the cost is less than \$100,000; the bill increases this amount to \$125,000.

Finally, throughout the competitive bidding laws applicable to each type of political subdivision, the bill prohibits subdividing a purchase, lease, project, or other expenditure into components or separate parts in an effort to avoid a competitive bidding requirement.

County road improvements

(R.C. 5555.61)

Currently, the contract price of a county road improvement project may exceed the estimate by only 10%. The bill increases this to 20%.

County credit cards

(R.C. 301.27)

Counties may use their credit cards only for the purposes prescribed by state law (e.g., transportation expenses or internet service provider expenses). The bill allows a county to use its credit card to pay fees or charges related to a state-issued license or certificate.

County recorder

(R.C. 317.321)

The bill allows a county recorder to extend current approved funding requests for the county recorder's technology fund beyond those formerly allowed, and requires a board of county commissioners to approve these extensions, notwithstanding continuing statutory limitations. Under continuing law, a county recorder's funding request for technology fund purposes generally is limited to a five-year period. However, in 2013 and again in 2019,¹⁸⁶ the

¹⁸⁵ One threshold applicable to municipal corporations is currently \$10,000. See R.C. 715.18.

¹⁸⁶ H.B. 59 of the 130th General Assembly and H.B. 166 of the 133rd General Assembly.

General Assembly enacted language that allowed, temporarily, for extensions of funding beyond the five-year period and a mandatory bump of up to \$3 to be directed to the county recorder's technology fund from the county general fund. Absent the extensions, it appears the law would resort to discretionary county commissioner approval, rejection, or modification with a mandatory bump of up to \$3, for a period of up to five years, provided the total of such allocations could not exceed \$8. Essentially, the General Assembly has "grandfathered" allocation of recorder's fees to the technology fund since 2013, notwithstanding the approved proposal agreement provided for the term of the funding.

The bill similarly extends any proposal that was approved by the board of county commissioners before, and is in effect on the bill's effective date, to continue to January 1, 2030, notwithstanding the number of years of funding specified in the approved proposal. The bill also provides that a proposal submitted between October 1, 2019, and October 1, 2028, for the mandatory bump of up to \$3 be credited to the technology fund, in addition to the other funding allocation; if the total of those two amounts does not exceed \$8, the board must approve the proposal.

Good Samaritan Law

(R.C. 2925.11)

Requirements

Under the Good Samaritan Law, a qualified individual must not be arrested, charged, prosecuted, convicted, or penalized for a violation of a minor drug possession offense, possessing drug abuse instruments, use or possession of drug paraphernalia, or illegal use or possession of marijuana drug paraphernalia, if all of the following apply:

1. The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog, drug abuse instruments, or drug paraphernalia that would be the basis of the offense was obtained as a result of the qualified individual seeking medical assistance or experiencing an overdose and needing medical assistance.
2. Within 30 days after seeking or obtaining medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.
3. The qualified individual who obtains a screening and receives a referral for treatment, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the above requirements.

The bill eliminates the requirements in (2) and (3). It also removes the cap on immunity under the Good Samaritan Law. Under current law, no person may be granted immunity more than two times.

Under current law, "qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose.

Conforming changes

In accordance with the above changes, the bill eliminates the definition of “community addiction services provider” and a reference to compelling a qualified individual to disclose protected health information in a way that conflicts with the requirements of the Health Insurance Portability and Accountability Act of 1996.

Drainage Assessment Fund

(R.C. 6131.43; repealed R.C. 6133.15)

The bill abolishes the Drainage Assessment Fund. The fund was established in the state treasury and funded by the General Assembly. It was used to pay each state agency’s share of local drainage assessments made under the county ditch laws. Correspondingly, the bill eliminates an associated requirement that state agencies include the cost of the state’s share of drainage assessments billed by county auditors in budget requests from the fund.

Township deputy fiscal officer appointments

(R.C. 507.02)

The bill clarifies that a township deputy fiscal officer temporarily acting as a fiscal officer serves until a new fiscal officer is appointed or elected, rather than just elected as under current law.

Under continuing law, when a township fiscal officer’s office becomes vacant, or the officer is incapacitated, the board of township trustees must appoint a deputy fiscal officer to exercise the full power to discharge the duties of the office. Appointing the deputy fiscal officer is temporary, and not the same as filling a vacancy in the office. To fill a vacancy, the township board of trustees must appoint a person with the qualifications of an elector for the unexpired term, or until a successor is elected.¹⁸⁷

Continuing law specifies that, until a successor is elected, a deputy fiscal officer must fill the position. Because a vacancy can be filled by election or appointment under continuing law, the bill clarifies that a deputy fiscal officer must fill the position until a successor is elected or appointed, rather than just elected.

Township cemetery deeds

(R.C. 317.08, 517.07, and 517.271)

The bill provides townships an alternative means of maintaining a record of cemetery lot/right deeds. Currently each township fiscal officer must record the deeds in a book kept by the township. The bill allows a township, alternatively, to record the deeds with the county recorder.

¹⁸⁷ R.C. 503.24, not in the bill.

County political party committees

(R.C. 3517.02 and 3517.03)

When a vacancy occurs on a county controlling committee (central committee) of a major political party, the bill modifies the eligibility requirements for the person the committee appoints to fill the vacancy. Currently, each member of a county controlling committee is elected to represent a particular precinct, and if a seat on the committee becomes vacant, the committee appoints another resident of the precinct to fill the vacancy.

The bill permits a county controlling committee to change its bylaws to allow a person who is not a resident of the relevant precinct to fill a vacant seat on the committee, so long as the person is a resident of the township or municipal corporation in which the precinct is located. A member who is appointed in that manner has the same duties and privileges as a member who resides in the precinct the member represents. If a committee adopts such a bylaw, it must file a copy of its updated constitution and bylaws with the board of elections.

Under continuing law, a person must be a resident of a precinct in order to be *elected* to represent the precinct on the committee. A person who fills a vacancy as permitted under the bill would not be eligible to be elected to continue to hold that seat unless the person moved into the precinct.

New community authorities (NCAs)

(R.C. 349.01, 349.03, 349.04, and 349.14)

Background

Continuing law allows for the creation and implementation of “new community development programs,” which aim to develop new properties in relation to existing communities while incorporating planning concepts that promote utility, open space, and supportive facilities for industrial, commercial, residential, cultural, educational, and recreational activities. The resulting “new community districts,” each of which is governed by a body referred to as a new community authority (NCA), are intended to be characterized by well-balanced and diversified land-use patterns.

Township developers

Under existing law, changed in part by the bill, a developer that controls or owns land and would like to form a new community district must file a petition with the clerk of the appropriate organizational board of commissioners to create an NCA. A “developer,” under existing law, includes a person, municipal corporation, county, or port authority. The bill adds a township to that definition and, thereby, explicitly authorizes townships to petition to form a new NCA, or add or delete territory from an existing new community district.

New NCAs

Under existing law, the board of county commissioners or sometimes, depending on the location of the new community district, the legislative authority of a municipal corporation, is the organizational board of commissioners with the authority to approve the district and create an NCA. Additionally, depending on the location of the proposed district, the petition must also

be approved by the most populous municipal corporation of the county or the most populous municipal corporation of a neighboring county. If more than half of the proposed NCA is located within the most populous municipal corporation of a county, the legislative authority of that municipal corporation, and not the board of county commissioners of the county, must approve the petition.

The bill specifies that if a proposed new community district is comprised entirely of unincorporated territory within the boundaries of a township with a population of at least 5,000, and it is also located in a county with a population of at least 200,000 and not more than 400,000 (i.e., Butler, Stark, Lorain, Warren, Lake, Mahoning, Delaware, Clermont, or Trumbull county), then the organizational board of commissioners may be either the board of county commissioners or the board of township trustees of the township. Furthermore, if the petition to create an NCA for such a district is submitted to the board of county commissioners, and not to the board of township trustees, the bill allows the board of township trustees to intervene and disallow the NCA.

Existing NCAs

Under continuing law, changed in part by the bill, a developer that wishes to add or delete territory from an existing new community district may file an application with the clerk of the organizational board of commissioners that originally approved creation of the NCA. If the territory proposed to be added or deleted from the district is (1) located entirely within a municipal corporation, (2) mostly located in the most populous municipal corporation in the county, or (3) located in the unincorporated area of a township described above, the bill requires the developer to submit the petition to both the original organizational board of commissioners and the legislative authority of the municipal corporation or board of trustees of the township, as applicable. The bill specifies that the legislative authority of the municipal corporation or board of trustees of the township is the “acting organizational board of commissioners” for the purposes of the petition and, therefore, has the authority to approve or disapprove the proposed territory changes.

Community development charge

Under continuing law, an NCA may levy a “community development charge” within its boundaries to pay for its community development programs. If an NCA imposes a community development charge determined on the basis of rentals received from leases of real property, that real property cannot be exempted from taxation under a tax increment financing (TIF) arrangement. The bill also prohibits exemption of such property under a downtown redevelopment district (DRD) or transportation finance district (TFD) arrangement. Under continuing law, a DRD and TFD generate revenue for economic development projects in the same manner as a TIF – by exempting improvements to real property and requiring the property owner to make service payments in lieu of taxes.

Free assistance dog registration

(R.C. 955.011)

The bill expands the types of assistance dogs that qualify for free dog registration from the county auditor. Under current law, an assistance dog is a guide dog, hearing dog, or dog that has been trained to assist a person with a mobility impairment (service dog). An assistance dog owner is exempt from county dog registration fees if the owner shows proof that the dog is, in fact, an assistance dog. To qualify for free registration, the dog must be trained by a nonprofit special agency. The bill allows an assistance dog to be trained by a for-profit special agency, in addition to a nonprofit, to qualify for free dog registration.

In addition, the bill eliminates an ambiguity in the law related to the training of assistance dogs. Under current law, it is unclear what qualifies as “training” because the phrase “by a nonprofit special agency” may only apply to the training of a service dog under a legal interpretation known as the doctrine of the last antecedent. R.C. 1.42 provides that statutory words and phrases must be read in context and construed according to the rules of grammar and common usage. The rules of grammar provide that absent of legislative intent to the contrary, qualifying words and phrases must be applied only to their immediate or last antecedent, and not to the other remote or preceding words.¹⁸⁸

Current law defines “assistance dog” to mean “a guide dog, hearing dog, or service dog that has been trained by a nonprofit special agency.” Therefore, when applying the doctrine of the last antecedent, the phrase “that has been trained by a nonprofit special agency” may only apply to a service dog. The bill eliminates this ambiguity by removing the last antecedent and clarifying that the training applies to each type of assistance dog, not just service dogs.

¹⁸⁸ See *Ohio Neighborhood Fin., Inc. v. Scott*, 139 Ohio St.3d 536, 2014- Ohio-2440, 13 N.E.3d 1115 and *Hedges v. Nationwide Mut. Ins. Co.*, 109 Ohio St.3d 70, 2006-Ohio-1926, 846 N.E.2d 16.