

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 430

Representatives Klopfenstein, Rogers

**Cosponsors: Representatives Claggett, Dean, King, Miller, J., Grim, Fowler Arthur,
Creech, Plummer, Brennan**

A BILL

To amend sections 315.251, 319.203, and 325.14 and 1
to enact section 305.021 of the Revised Code 2
regarding county engineers. 3

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

Section 1. That sections 315.251, 319.203, and 325.14 be 4
amended and section 305.021 of the Revised Code be enacted to 5
read as follows: 6

Sec. 305.021. (A) When there is a vacancy in the county 7
engineer's office as a result of death or resignation and the 8
vacancy cannot be filled by election or appointment as provided 9
in section 305.02 of the Revised Code, or if no one runs for the 10
office of county engineer and, for that reason, the office is 11
vacant, the board of county commissioners may contract with 12
another county's county engineer to exercise the powers and 13
perform the acts, duties, or functions of the county engineer. 14
Notwithstanding any contrary provision of the Revised Code or 15
the common law, the same person may serve as the county engineer 16
of more than one county, including adjacent counties, under this 17
section. 18

(B) A county engineer with whom the board contracts shall 19
receive supplemental compensation for services rendered under 20
the contract in an amount equal to the compensation specified in 21
sections 325.14 and 325.18 of the Revised Code for the 22
population range of the county in which the engineer is 23
contracted to perform services, prorated for the duration of the 24
contract. The supplemental compensation shall have no effect on 25
the compensation a county engineer receives for serving as 26
county engineer in the county in which the engineer holds 27
office. The duration of the contract shall not extend beyond the 28
last day of the term for which there was a vacancy. 29

Sec. 315.251. ~~(A)~~—If a deed conveying title to real 30
property is presented to the county auditor for transfer, and 31
the deed contains a legal description for land that is a cut-up 32
or split of the grantor's one or more existing parcels of land 33
as shown in the county auditor's records, or if the legal 34
description of the land conveyed in the deed is different from 35
the legal description shown in the prior deed to the grantor, a 36
boundary survey plat in conformity with the new description 37
shall be submitted with the deed. The survey plat and 38
description shall satisfy the minimum standards for boundary 39
surveys promulgated by the board of registration for 40
professional engineers and surveyors pursuant to Chapter 4733. 41
of the Revised Code. If, in the opinion of the county engineer, 42
the survey plat and description satisfy those standards, the 43
county auditor shall accept the deed for transfer and a copy of 44
the survey plat shall be filed in the county engineer's survey 45
file for public inspection. 46

This section applies only if the requirements of this 47
section are included in the standards governing conveyances of 48
real property in the county adopted under section 319.203 of the 49

Revised Code. 50

~~(B) Beginning on the effective date of this amendment, in 51
the counties where the county engineer elects to engage in the 52
private practice of engineering or surveying under division (B) 53
of section 325.14 of the Revised Code the county auditor of that 54
county shall designate another engineer who is registered under 55
Chapter 4733. of the Revised Code and who is employed in the 56
same county engineer's office to perform the duty of the county 57
engineer under division (A) of this section or to exercise or 58
perform any authority or duty of the county engineer under 59
section 319.203 of the Revised Code if the county engineer 60
reasonably believes that the performance of that duty or 61
exercise of that authority by the county engineer would 62
constitute a violation of Chapter 102. of the Revised Code or 63
any other similar civil or criminal statute. Pursuant to this 64
authorization, the designee engineer shall act in the place of 65
the county engineer. Neither the county engineer nor the 66
designee engineer shall discuss any matter reasonably related to 67
this authorization. Any act in compliance with this section is 68
not a violation of Chapter 102. of the Revised Code or any other 69
similar statute. 70~~

~~Division (B) of this section applies only to a county 71
engineer holding office on the effective date of this amendment 72
during such time as the person continues to serve that term or 73
an immediately consecutive term of office as a county engineer. 74~~

~~**Sec. 319.203.** Subject to division (B) of section 315.251 75
of the Revised Code, the The county auditor and the county 76
engineer of each county, by written agreement, shall adopt 77
standards governing conveyances of real property in the county. 78
These standards may include the requirements specified in 79~~

section 315.251 of the Revised Code. The county auditor and 80
county engineer may modify those standards from time to time as 81
they consider necessary or desirable. The standards shall be 82
adopted or modified only after the county auditor and county 83
engineer have held two public hearings, not less than ten days 84
apart, concerning adoption or modification of the standards. The 85
standards shall be available for public inspection during normal 86
business hours at the offices of the county auditor and county 87
engineer. 88

Before the county auditor transfers any conveyance of real 89
property presented to the auditor under section 319.20 or 90
315.251 of the Revised Code, the county auditor shall review the 91
conveyance to determine whether it complies with the standards 92
adopted under this section. The county auditor shall not 93
transfer any conveyance that does not comply with those 94
standards. 95

Sec. 325.14. (A) Each county engineer shall be classified, 96
for salary purposes, according to the population of the county. 97
All county engineers shall receive annual compensation in 98
accordance with the following ~~schedules~~schedule and in 99
accordance with section 325.18 of the Revised Code: 100

~~CLASSIFICATION AND COMPENSATION SCHEDULE 101~~
~~FOR CALENDAR YEAR 2018 FOR 102~~
~~COUNTY ENGINEERS WITH A PRIVATE PRACTICE 103~~

104

| A | Class | Population Range | Compensation |
|---|-------|--------------------------------|---------------------|
| B | 1 | 1 — 55,000 | \$67,746 |
| C | 2 | 55,001 — 95,000 | 73,059 |
| D | 3 | 95,001 — 200,000 | 78,594 |
| E | 4 | 200,001 — 400,000 | 83,022 |
| F | 5 | 400,001 — 1,000,000 | 88,556 |
| G | 6 | 1,000,001 or more | 92,009 |

| | |
|--------------------------------------------------------|-----|
| CLASSIFICATION AND COMPENSATION SCHEDULE | 105 |
| FOR CALENDAR YEAR 2018 FOR | 106 |
| COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE | 107 |

108

| | 1 | 2 | 3 |
|---|-------|--------------------------------|---------------------|
| A | Class | Population Range | Compensation |
| B | 1 | 1 — 55,000 | \$94,103 |
| C | 2 | 55,001 — 95,000 | 99,417 |
| D | 3 | 95,001 — 200,000 | 104,950 |
| E | 4 | 200,001 — 400,000 | 109,378 |
| F | 5 | 400,001 — 1,000,000 | 114,914 |

| A | Class | Population Range | Compensation |
|---|-------|--------------------------------|---------------------|
| B | 1 | 1 — 55,000 | \$98,808 |
| C | 2 | 55,001 — 95,000 | 104,388 |
| D | 3 | 95,001 — 200,000 | 110,198 |
| E | 4 | 200,001 — 400,000 | 114,847 |
| F | 5 | 400,001 — 1,000,000 | 120,660 |
| G | 6 | 1,000,001 or more | 124,279 |

| | |
|--------------------------------------------------------|-----|
| CLASSIFICATION AND COMPENSATION SCHEDULE | 117 |
| FOR CALENDAR YEAR 2020 FOR COUNTY ENGINEERS | 118 |
| WITH A PRIVATE PRACTICE | 119 |

120

| | 1 | 2 | 3 |
|---|-------|--------------------------------|---------------------|
| A | Class | Population Range | Compensation |
| B | 1 | 1 — 55,000 | \$74,690 |
| C | 2 | 55,001 — 95,000 | 80,548 |
| D | 3 | 95,001 — 200,000 | 86,650 |
| E | 4 | 200,001 — 400,000 | 91,532 |
| F | 5 | 400,001 — 1,000,000 | 97,633 |

G 6 ~~1,000,001 or more~~ ~~101,440~~

CLASSIFICATION AND COMPENSATION SCHEDULE 121
FOR CALENDAR YEAR 2020 FOR COUNTY ENGINEERS 122
~~WITHOUT A PRIVATE PRACTICE~~ 123

124

| | 1 | 2 | 3 |
|---|-------|---------------------|--------------|
| A | Class | Population Range | Compensation |
| B | 1 | 1 - 55,000 | \$103,749 |
| C | 2 | 55,001 - 95,000 | 109,607 |
| D | 3 | 95,001 - 200,000 | 115,707 |
| E | 4 | 200,001 - 400,000 | 120,589 |
| F | 5 | 400,001 - 1,000,000 | 126,693 |
| G | 6 | 1,000,001 or more | 130,493 |

Such salary may be paid monthly out of the general county 125
fund or out of the county's share of the fund derived from the 126
receipts from motor vehicle licenses, as distributed by section 127
4501.04 of the Revised Code, and the county's share of the fund 128
derived from the motor vehicle fuel tax, as distributed by 129
section 5735.27 of the Revised Code, as the board of county 130
commissioners directs, upon the warrant of the county auditor 131
and shall be in lieu of all fees, costs, per diem or other 132
allowances, and other perquisites, of whatever kind, which any 133

engineer collects and receives. The engineer shall be the county 134
tax map draftperson, but shall receive no additional 135
compensation for performing the duties of that position. When 136
the engineer performs service in connection with ditches or 137
drainage works, the engineer shall charge and collect the per 138
diem allowances or other fees provided by law and shall pay all 139
of those allowances and fees, monthly, into the county treasury 140
to the credit of the general county fund. The engineer shall pay 141
into the county treasury all allowances and fees collected when 142
the engineer performs services under sections 315.28 to 315.34 143
of the Revised Code. 144

(B) A county engineer may elect to engage or not to engage 145
in the private practice of engineering or surveying ~~before the~~ 146
~~commencement of each new term of office, and a county engineer~~ 147
~~who elects not to engage in the private practice of engineering~~ 148
~~or surveying may, for a period of six months after taking~~ 149
~~office, engage in the private practice of engineering or~~ 150
~~surveying for the purpose of concluding the affairs of private~~ 151
~~practice without any diminution of salary as provided in~~ 152
~~division (A) of this section and in section 325.18 of the~~ 153
~~Revised Code. A county engineer, including an acting county~~ 154
~~engineer described in section 305.021 of the Revised Code, shall~~ 155
~~not perform any private engineering or surveying work that would~~ 156
~~go before the office of the county engineer of any county in~~ 157
~~which the person serves as the county engineer or acting county~~ 158
~~engineer.~~ 159

Section 2. That existing sections 315.251, 319.203, and 160
325.14 of the Revised Code are hereby repealed. 161

Section 3. Division (A) of section 325.14 of the Revised 162
Code, as amended by this act, applies to a county engineer whose 163

term of office begins on or after the effective date of this 164
section. Pursuant to Section 20 of Article II, Ohio 165
Constitution, a county engineer shall continue to receive 166
compensation in accordance with the law in effect before the 167
effective date of this section for the remainder of a term of 168
office that began before the effective date of this section. 169

Section 4. Section 315.251 of the Revised Code is 170
presented in this act as a composite of the section as amended 171
by both S.B. 262 and S.B. 287 of the 121st General Assembly. The 172
General Assembly, applying the principle stated in division (B) 173
of section 1.52 of the Revised Code that amendments are to be 174
harmonized if reasonably capable of simultaneous operation, 175
finds that the composite is the resulting version of the section 176
in effect prior to the effective date of the section as 177
presented in this act. 178