
MISCELLANEOUS (MSC)

- Increases the filing fee for most disclosure statements that are required to be filed with the appropriate ethics commission.
- Limits the cumulative total amount recovered in a civil action for forfeiture (\$10,000) and the amount of attorney's fees (not to exceed the forfeiture amount recovered) for a violation of the prohibition against the unlawful removal, destruction, mutilation, transfer, or other damage to or disposition of the records of a public office.
- Provides that a person is not aggrieved by such a violation if clear and convincing evidence shows that the request for a record was contrived as a pretext to create potential liability.
- Precludes the recovery of a forfeiture by others involving the same record once a person has recovered a forfeiture, regardless of the number of persons aggrieved or the number of civil actions commenced.
- Prescribes a five-year period of limitations for a civil action for injunctive relief or for forfeiture for a violation of the prohibition.
- Changes the name of the Ohio Community Service Council to the Ohio Commission on Service and Volunteerism.
- Specifies that (1) the expenses of a decedent's last continuous stay in a nursing home, residential facility for persons with mental retardation or a developmental disability, or hospital long-term care unit are seventh in the order in which a decedent's debts are to be paid and (2) the decedent's last continuous stay includes up to 30 consecutive days during which the decedent was temporarily absent from the facility.
- Removes the requirement that the bill of costs for the prosecution of a nonindigent felon be presented to and certified by the prosecuting attorney.
- Authorizes the conveyance of state-owned real estate in Brown County to Ripley Union Lewis Huntington School District for the construction and operation of a water well.
- Authorizes the conveyance of state-owned real estate in Stark County to Jackson Township.



- Extends the expiration date for an authorization to convey state land to the Dayton Public Schools.
- Authorizes conveyance of the real estate in the possession of Cleveland State University to a purchaser who is to be determined.

Ethics disclosure statements

(R.C. 102.02(E))

Filing fees

The act increases the filing fee for most required disclosure statements filed with the Ohio Ethics Commission, the Joint Legislative Ethics Commission, and the Board of Commissioners on Grievances and Discipline of the Supreme Court. Most public offices are required to file a statement, including: every elected state, county, or city official; State Board of Education members; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every office of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center; and Ohio Livestock Care Standards Board members.

The act eliminates the special \$25 filing fee paid by the members of the Ohio Livestock Care Standards Board, which may result in the members of that Board paying the general \$40 fee or no fee, depending upon how the amendment is interpreted.

The act increases disclosure statement filing fees for the following offices:

--For state offices, except members of the State Board of Education, from \$65 to \$95;

--For county offices, from \$40 to \$60;

--For city offices, from \$25 to \$35;

--For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board, from \$20 to \$30;

--For position of business manager, treasurer, or superintendant of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center, from \$20 to \$30.



The act does *not* increase the disclosure statement filing fees paid by General Assembly members (\$40) and State Board of Education members (\$25).

Destruction or damage of records

(R.C. 149.351)

Continuing law provides that all records are the property of the public office concerned and generally prohibits their removal, destruction, mutilation, transfer, or other damage or disposition, in whole or in part. Under former law, any person who was aggrieved by the removal, destruction, mutilation, or transfer of, or by other damage to or disposition of a record in violation of the above prohibition or by threat of any such act could bring a civil action for injunctive relief or a civil action to recover a forfeiture in the amount of \$1,000 for each violation and obtain an award of the reasonable attorney's fees incurred by the person in the action. The act limits the cumulative total amount to be recovered in forfeiture to a maximum of \$10,000, regardless of the number of violations, and limits the amount of attorney's fees to a maximum of the forfeiture amount recovered.

Under the act, a person is not aggrieved by a violation of the above prohibition if clear and convincing evidence shows that the request for a record was contrived as a pretext to create potential liability under the above provisions. The commencement of a civil action waives any right under R.C. Chapter 149. to decline to divulge the purpose for requesting the record, but only to the extent needed to evaluate whether the request was contrived as a pretext to create potential liability. If clear and convincing evidence in a civil action shows that the request for a record was a pretext to create potential liability, the court may award reasonable attorney's fees to any defendant or defendants in the action. Once a person recovers a forfeiture in a civil action, the act precludes any other person from recovering a forfeiture for a violation of the prohibition involving the same record, regardless of the number of persons aggrieved by a violation of the prohibition or the number of civil actions commenced.

The act further provides that a civil action for injunctive relief or a civil action to recover a forfeiture must be commenced within five years after the day in which the prohibition was allegedly violated or was threatened to be violated.

Ohio Community Service Council

(R.C. 121.40, 121.401, 121.402, 121.403, 121.404, 1501.40, 3301.70, 3333.043, and 4503.93; Section 803.40)

The act changes the name of the Ohio Community Service Council to the Ohio Commission on Service and Volunteerism. The purpose, duties, authority, and



membership of the agency continue without change. Only the agency's name is changed.

Decedent's expenses include last stay in a long-term care facility

(R.C. 2117.25)

Law amended by the act specifies the order in which an executor or administrator must apply the assets of an estate in paying a decedent's debts. The act provides for the expenses of a decedent's last continuous stay in a nursing home, residential facility for persons with mental retardation or a developmental disability, or hospital long-term care unit to be seventh in the order in which a decedent's debts are to be paid. A decedent's last continuous stay is to include up to 30 consecutive days during which the decedent was temporarily absent from the nursing home, residential facility, or hospital long-term care unit.

Personal property taxes, claims made under the Medicaid estate recovery program, and obligations for which a decedent was personally liable to the state or any of its subdivisions are moved to eighth in the order in which a decedent's debts are to be paid. Debts for manual labor performed for the decedent within 12 months preceding the decedent's death, not exceeding \$300 to any one person, are moved to ninth and other debts that are not listed higher on the debt order list and for which claims have been presented and finally allowed are moved to tenth on the debt order list.

Collection of court costs from a felon

(R.C. 2949.14)

Under continuing law, upon conviction of a nonindigent person for a felony, the clerk of the court of common pleas makes and certifies under the clerk's hand and seal of the court a complete itemized bill of the costs made in that prosecution. *That bill of costs must be presented by the clerk to the prosecuting attorney, and the prosecuting attorney must examine each item charged and certify to it if correct and legal. Upon the prosecuting attorney's certification the clerk must attempt to collect the costs from the person convicted.* The act removes the requirement that the bill of costs be presented to and certified by the prosecuting attorney (removes language in italics).



Land conveyance to Ripley Union Lewis Huntington School District

(Section 753.20)

The act authorizes the Governor to execute a deed in the name of the state conveying to the Ripley Union Lewis Huntington School District, its successors and assigns, all of the state's right, title, and interest in real estate in Brown County to be used for the construction and operation of a water well.

Consideration for the conveyance of the real estate is the mutual benefit accruing to the state and the Ripley Union Lewis Huntington School District from the use of the real estate to construct and operate the water well.

If the Ripley Union Lewis Huntington School District ceases to use the real estate to construct and operate the water well, all right, title, and interest in the real estate immediately reverts to the state without the need for any further action by the state.

The Ripley Union Lewis Huntington School District must pay the costs of the conveyance.

By October 29, 2011, the Auditor of State, with the assistance of the Attorney General, must prepare a deed to the real estate. The deed must state the consideration and the condition. The deed must be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the office of the Auditor of State for recording, and delivered to the Ripley Union Lewis Huntington School District. The Ripley Union Lewis Huntington School District must present the deed for recording in the office of the Brown County Recorder.

Authority to make the conveyance expires September 29, 2012.

Authorizes conveyance of Kent State University real estate to Jackson Township

(Section 753.23)

The act authorizes the Governor to execute a deed in the name of the state, on behalf of Kent State University, conveying all of the state's right, title, and interest in real estate located in Stark County to the Board of Township Trustees of Jackson Township in Stark County, and its successors and assigns.

Consideration for the conveyance is the mutual benefit accruing to the state from Jackson Township's use of the real estate for a fire station. If use of the real estate as a fire station is discontinued, the real estate reverts to Kent State University, and Jackson



Township is required to raze the building currently on the real estate and to remove from the real estate any contaminants relating to the building's use as a fire station.

The Board of Township Trustees of Jackson Township is required to pay the costs of the conveyance.

The Auditor of State, with the assistance of the Attorney General, must prepare a deed to the real estate. The deed must state the consideration and the reverter. The deed must be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Board of Township Trustees of Jackson Township. The Board of Township Trustees of Jackson Township must present the deed for recording in the Office of the Stark County Recorder.

Authority to make the conveyance expires September 29, 2012.

Dayton Public Schools land conveyance

(Sections 620.20 and 620.21)

The act extends the expiration date for an authorization to convey state land to the Dayton Public Schools to October 16, 2013, in order to provide more time for the school system to complete the required demolition and construction. The authorization otherwise is scheduled to expire on July 17, 2011.²⁷³

Cleveland State University land conveyance

(Section 753.27)

The act authorizes conveyance of the real estate formerly used as the residence for the President of Cleveland State University to a purchaser who is to be determined. Specifically, the act authorizes the Governor to execute a deed in the name of the state, on behalf of Cleveland State University, conveying to a purchaser who is to be determined, its heirs and assigns or its successors and assigns, all of the state's right, title, and interest in the real estate located at 21425 Shelburne Road, City of Shaker Heights, County of Cuyahoga, State of Ohio, such real estate consisting of the building formerly used as the residence for the President of Cleveland State University and the land on which the building is situated. In preparing the deed, the Auditor of State, with the assistance of the Attorney General, is to develop a legal description of the real estate in conformity with the actual bounds of the real estate.

²⁷³ Section 753.60 of Am. Sub. H.B. 1 of the 128th General Assembly.



Consideration for conveyance of the real estate is to be as is agreed upon by Cleveland State University and the purchaser.

The deed may contain any condition or restriction that the Governor or Cleveland State University determines is reasonably necessary to protect the state's interests.

The purchaser must pay all costs associated with the conveyance, including recordation costs of the deed.

Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, must prepare a deed to the real estate. The deed must state the consideration and any conditions or restrictions, and must be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the purchaser. The purchaser must present the deed for recording in the Office of the Cuyahoga County Recorder.

Authority to make the conveyance expires September 29, 2011.

