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H.B. 450
133rd General Assembly

Bill Analysis

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Version: As Reported by House State and Local Government

Primary Sponsor: Rep. Stephens

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SUMMARY

- Requires county treasurers and fiscal officers, when leaving office, to provide a certificate of transition to the successor officer.
- Requires the certificate of transition to be in a form and contain substance as prescribed by the Auditor of State, including an inventory of documents, accounts, and any other information the Auditor of State prescribes.
- Requires the Auditor of State to solicit input from county treasurers and fiscal officers, or from their affiliated groups, before prescribing the inventory of items, accounts, and other information to be contained in the certificate of transition.
- Authorizes the Auditor of State to “test the accuracy” of any certificate and report discrepancies or findings as in an audit report or actions for recovery of public moneys or property illegally spent or misappropriated and for criminal action against the public officer.

DETAILED ANALYSIS

Background

Current law applicable to county auditors, county treasurers, township fiscal officers, and treasurers of boards of education generally requires those officers upon leaving office, to deliver to their successors all documents, books, records, vouchers, papers, maps, and other property (see **COMMENT 1**).¹

¹ R.C. 319.27, 321.06, 503.28, and 3313.28.

Certificates of transition

The bill adds a requirement that the officers listed above, as well as numerous other fiscal officers, prepare a certificate of transition for the successor containing an inventory of those documents, accounts, and any other information prescribed by the Auditor of State. The form and substance of the certificate is to be prescribed by the Auditor of State and it must include an inventory of items required to be delivered by the officers under current law and any other information prescribed by the Auditor of State. For all other fiscal officers, the certificate must contain an inventory of items, accounts, and any other information prescribed by the Auditor of State.

The county treasurer or fiscal officer must sign the certificate and it is considered certified; the signature must have the same effect as though made under oath. The county treasurer or fiscal officer must retain one copy of the certificate and must deliver one copy to the successor.

The Auditor of State is authorized to “test the accuracy” of the certificate and may report discrepancies or findings as provided under law pertaining to actions for recovery of illegally spent public funds or misappropriated property or criminal actions against the public officer.²

The Auditor of State must solicit input from county treasurers and fiscal officers or from their affiliated groups before prescribing the inventory of items, accounts, and other information to be contained in the certificate of transition.³

The bill uses the definition of “fiscal officer” as used in the Tax Levy Law⁴ (see **COMMENT 2**).

COMMENT

1. Board of education treasurer

The bill removes current law language specifically requiring the treasurer of a board of education to deliver to the successor all educator licenses and copies of educator licenses and reports of school statistics filed by teachers. However, continuing law requires the treasurer to deliver all “books and papers in the treasurer’s hands relating to the affairs of the district.” If educator licenses and reports of school statistics are considered related to the affairs of the district, the treasurer still must deliver these items under continuing law.⁵

2. Definition of fiscal officer

A “fiscal officer” is:

- a. For a county, the county auditor;

² R.C. 117.28 and 117.29, not in the bill.

³ R.C. 117.171.

⁴ R.C. 5705.01, not in the bill.

⁵ R.C. 3313.28.

- b. For a municipal corporation, the city auditor or village clerk, or an officer who, by virtue of the charter, has the duties and functions of the city auditor or village clerk;
- c. For a township, the township fiscal officer;
- d. For a school district, the treasurer of the board of education;
- e. For a county school financing district, the treasurer of the educational service center governing board that serves as the taxing authority;
- f. For a joint police district, the district treasurer;
- g. For a joint fire district or a joint ambulance district, the clerk of the district board;
- h. For a joint emergency medical services district, a fire and ambulance district, or a joint recreation district, the fiscal officer appointed by the district board;
- i. For a union cemetery district, the clerk of the most populous member municipal corporation;
- j. For a children's home district, educational service center, general health district, joint-county alcohol, drug addiction, and mental health service district, county library district, detention facility district, juvenile services district organized under R.C. 2151.65, a combined juvenile services and juvenile detention district organized under R.C. 2152.41 and 2151.65, or a metropolitan park district for which no treasurer has been appointed under R.C. 1545.07, the county auditor designated by law to act as the district's auditor;
- k. For a metropolitan park district that has appointed a treasurer under R.C. 1545.07, that treasurer;
- l. For a drainage improvement district, the county auditor;
- m. For a lake facilities authority, the county auditor of the county with the largest territory in the impacted watershed;
- n. For a regional student education district, the fiscal officer appointed pursuant to the agreement among the member school districts; and
- o. In all other cases, the officer responsible for keeping the appropriation accounts and drawing warrants to spend the district or taxing unit's money.

HISTORY

Action	Date
Introduced	12-17-19
Reported, H. State & Local Gov't	05-28-20
