

HOUSE STATE AND LOCAL GOVERNMENT

Wed., Feb. 9, 2022

Rep. Wiggam: 614-466-1474

SB15

FISCAL OFFICERS-LIABILITY (WILSON S) To change the circumstances in which certain fiscal officers may be held liable for a loss of public funds.

BILL AMENDED

Rep. Stewart moved AM2369, which was accepted. He said it extends the bill's provisions to fiscal officers, treasurers and compliance officers of regional water and sewer districts.

Several organizations representing local jurisdictions and institutions provided in-person or written testimony in favor of the bill, which addresses the negligence standard applied to fiscal officers.

Kevin Futryk, executive director of the County Treasurers Association of Ohio (CTAO), said his association asked Sen. Wilson to introduce the bill. He said while county treasurers hold bonds to cover money that passes through their hands, that bond only makes the county whole for losses, but the bond company can still pursue the treasurer for money because of personal liability provisions.

He said the legislation follows up on SB115 (Schuring) which passed earlier in this General Assembly, which addressed treasurers' liability for investments in the state's Ohio Pooled Collateral System, by broadening it to all investments under a county treasurer's purview and stipulating generally that an officer is not liable for the loss of public funds if the officer performed duties with reasonable care.

Futryk said the association also reached out to the state auditor's office, which was not opposed but wanted it applied uniformly to all treasurers and fiscal officers.

Also providing proponent remarks in writing were Tom Walsh of the Ohio Association of Community Colleges; Kent Scarrett of the Ohio Municipal League; Jon Honeck of the County Commissioners Association of Ohio; Jay Smith of the Ohio Library Council; and Marissa Myers of the Ohio Township Association.

John Albers, representing the Coalition of Ohio Regional Districts, provided testimony requesting the amendment for water and sewer districts.