



STRONGER COUNTIES. STRONGER OHIO.

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**Ohio House Government Oversight Committee
Proponent Testimony – Senate Bill 91
Kyle Petty, Managing Director of Policy**

Chairman Peterson, Vice Chair Thomas, Ranking Member Humphrey, and members of the House Government Oversight Committee, my name is Kyle Petty, the managing director of policy with the County Commissioners Association of Ohio (CCAO). Thank you for the opportunity to provide proponent testimony for Senate Bill 91.

SB 91 seeks to improve Ohio's waste, fraud, and abuse laws for public funds. As the budget authority for Ohio's 88 counties, the boards of county commissioners care deeply about this issue. According to the most recent data available, counties annually spend more than \$3.4 billion dollars from their general revenue to provide a wide array of services to the citizens of Ohio. Counties have a limited number of ways to raise revenue in statute and thus, must ensure that every penny is spent in the most efficient and effective manner possible. Counties work every day to prevent wasted revenue through fraud, waste, or abuse and SB 91 will assist with those efforts.

SB 91 establishes a list of mandatory reporters in statute who must make a report through the Auditor of State's fraud reporting system. The mandatory reporters identified in the bill are elected officials, persons appointed to a public office, persons with a fiduciary duty in a public office, persons holding supervisory positions in a public office, and persons employed in the department responsible for processing expenses of a public office.

Under this definition, mandatory reporters at the board of commission level would include commissioners themselves, county administrators, clerks to the boards of commissioners, and fiscal directors, if counties employ one. In charter counties (Cuyahoga County and Summit County), it would apply to the county executive, members of the county council, county administrators, and members of a finance department, should the county have one. It would also apply to similarly situated individuals in the other county-wide elected offices.

Counties already have experience with mandatory reporter requirements in the children services area so we believe that commissioners and key county staff will adjust quickly to their new responsibilities.

CCAO previously had a concern with the dereliction of duty provision in the as introduced version of the bill. Under the as introduced version of SB 91, a mandatory reporter who recklessly fails to report a violation may be found in violation of dereliction of duty, a second-



degree misdemeanor which carries a punishment of not more than 90 days in jail and a fine of not more than \$750. This unintended consequence could increase the time it takes the Auditor of State to investigate these types of claims, as there will be an increase in the amount of potentially unsubstantiated claims sent to their office.

CCAO was pleased to see that language removed in the Senate before the bill was voted out of the chamber and would like to thank the bill sponsor and the Auditor of State for working with us on that language. Furthermore, CCAO would like to thank this committee, the bill sponsor, and the Auditor of State's staff for removing the express duty language in the most recent sub bill. This language would have a similar effect as the dereliction of duty language and we appreciate its removal, while maintaining the core elements of the bill.

CCAO would like to thank Senator Schaffer and Auditor of State Faber for bringing legislation forward and for the opportunity to testify in support of this important piece of legislation. I would be happy to answer any questions from the committee at this time.