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## AUDITOR OF STATE

### Auditor of State authority

- Modifies the statutory description of the Auditor of State's authority to specify that the Auditor is the lead public official responsible for the examination, analysis, inspection, and audits of all public offices, as opposed to the chief inspector and supervisor of all public offices, as under former law.

### Employees

- Eliminates certain statutory titles within the office of the Auditor of State.
- Eliminates the entitlement, of Auditor of State employees, to compensation when called to testify in legal proceedings.
- Renames the statutory office, Deputy Auditor of State, to Chief Deputy Auditor of State, and requires that the person appointed to that office be a certified public accountant with an active Ohio permit.

### State awards for economic development

- Requires the Auditor of State, rather than the Attorney General, to review state awards for economic development and determine if an entity is in compliance with the terms and conditions of an award it received, and publish a report of the reviews and determinations.
- Requires the Department of Development annually to send the Auditor a list of state awards for economic development.
- Authorizes, rather than requires, the Attorney General to pursue remedies and recoveries available under law against an entity that is not in compliance with the terms and conditions of a state award for economic development.

### Auditor of State authority

(R.C. 117.09, 117.13, and 117.22)

#### Auditor responsibilities

The act modifies the statutory description of the Auditor of State's authority to specify the Auditor is the lead public official responsible for the examination, analysis, inspection, and audits of all public offices. Former law, modified by the act, specified that the Auditor was the chief inspector and supervisor of public offices.

#### Employees

Further, the act eliminates the statutory titles of assistant auditors of state, deputy inspector, and deputy supervisor, and eliminates the education and experience qualifications necessary for appointment as an assistant auditor of state. Former law, modified by the act,

required the Auditor of State to appoint not more than six deputy inspectors and supervisors and a clerk. The act also removes the requirement that not more than three deputy inspectors and supervisors were to belong to the same political party. Finally, the act eliminates the requirement that the Auditor was to appoint state examiners to be known as assistant auditors of state. Instead, the act authorizes the Auditor generally to hire, appoint, and fix the compensation of auditors, investigators, and other staff necessary to carry out the statutory responsibilities of the office.

The act eliminates the entitlement, of Auditor of State employees, to compensation when called to testify in legal proceedings. Under former law, any employee called to testify in any legal proceedings in regard to any official matter was entitled to compensation and expenses, including reimbursement for travel, including meals, hotels, and other actual and necessary expenses when traveling on official business, under order of the Auditor, away from the employee's headquarters or place of principal assignment.

### **Chief Deputy Auditor of State**

(R.C. 117.04, 117.05, 117.06, and 117.22)

The act renames the statutory office, Deputy Auditor of State, to Chief Deputy Auditor of State. Continuing law requires that the Auditor of State appoint a person to that office. The act additionally requires that the person appointed be a certified public accountant with an active Ohio permit.

Continuing law specifies that, during the absence or disability of the Auditor of State, or when so directed by the Auditor of State, the Chief Deputy Auditor of State (Deputy Auditor of State under former law), may perform all the duties of Auditor of State.

### **State awards for economic development**

(R.C. 117.55 and 125.112)

The act requires the Auditor of State, rather than the Attorney General as under former law, to determine if an entity is in compliance with the terms and conditions of a state award for economic development that the entity received. Under the act, the Department of Development (DEV) must send the Auditor a list of state awards for economic development no later than 30 days after the end of the state fiscal year. The Auditor then must review each award and determine if the entity is in compliance with the terms and conditions, including performance metrics, of a state award for economic development received by that entity.

Under the act, the Auditor of State must publish a report of its reviews and determinations no later than 90 days after receiving the list of state awards from DEV. Formerly, the Attorney General was required annually to submit a report regarding the level of compliance to the General Assembly.

The act requires the Auditor, when the Auditor determines that an entity is not in compliance with a performance metric that is specified in the terms and conditions of an award, to report that information to the Attorney General. The Attorney General is authorized, but not required, to pursue against and from that entity remedies and recoveries available

under law. Under former law, the Attorney General had to pursue remedies against a noncomplying entity as the Attorney General determined was appropriate, and to the extent the entity had not complied with the terms and conditions.

The act also specifies that, if the Auditor is authorized to conduct an audit of an entity that receives or has received a state award for economic development, the audit be conducted in accordance with the law governing the Auditor of State.