



COUNTY ADVISORY BULLETIN

CAB

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BULLETIN 2011-05

NOVEMBER, 2011

NEW TRAINING REQUIREMENTS FOR COUNTY RECORDERS

APPLICABLE LEGISLATION: Am. Sub. H.B. 153

REVISED CODE SECTIONS: ORC Section 317.06

SPONSORS: Amstutz

Reps. J. Adams, Batchelder, Beck, Blair, Blessing, Boose, Buchy, Burke, Combs, Dovilla, Duffey, Grossman, Hackett, Hall, Hollington, Maag, McClain, Newbold, Rosenberger, Ruhl, Slaby, Sprague, Stebelton, Uecker

Sens. Bacon, Beagle, Coley, Daniels, Faber, Gillmor, Hite, Jones, LaRose, Lehner, Manning, Niehaus, Schaffer, Wagoner, Widener

EFFECTIVE DATE: September 29, 2011

BULLETIN SUMMARY

On September 29, 2011, certain provisions of House Bill 153, the state budget bill, became effective, establishing new training requirements for county recorders.

This CAB highlights the new training requirements established by H.B. 153, summarizes all training requirements for county recorders, as well as highlights the financial impact of such mandated training. Exhibit 1 is a copy of ORC Section 317.06 as enacted that contains the continuing education requirements.

BACKGROUND

Under H.B. 153, county recorders now join the ranks of county sheriffs, auditors, coroners, and treasurers by having training requirements imposed upon their office. Of course, county

engineers, prosecutors, and judges have continuing education requirements imposed upon them by the mere nature of their professional licensure.

Failure to fulfill the training requirements does not affect a county recorder's right to hold office; however, the recorder will receive a "failure to complete" notice.

Similar legislation (H.B. 19) was sponsored by Representative Bruce Goodwin (R-Defiance), who introduced the measure on behalf of the Ohio Recorders' Association (ORA).

CONTINUING EDUCATION REQUIREMENTS FOR OTHER COUNTY ELECTED OFFICIALS

Auditors - County auditors elected to a full term of office are required to take 24 hours of continuing education during their four-year term, including 16 hours during their first year in office and eight additional hours during the remaining three years. Two hours of the required 24 hours must address ethics and substance abuse. **For more information click the following link for the CAB: [1996-11 S.B. 158 New Continuing Education Requirements for County Auditors](#)**

Coroners – Newly elected coroners are required to complete 16 hours of continuing education programs sponsored by the Ohio State Coroners Association during the time period between his or her election to office in November and the actual commencement of the term of office in January of the following year. Newly appointed coroners must complete 16 hours of continuing education within the date of his or her appointment under ORC Section 305.01. In addition, each coroner must complete 32 hours of programs sponsored by the Coroners Association or another group approved by the Association during the coroner's four year term of office. **For more information click the following link for the CAB: [2001-02 H.B. 499 Continuing Education for Coroners](#)**

Engineers – ORC Section 315.03 provides that no person is eligible to serve as engineer unless they are a registered professional engineer and a register surveyor, license to practice in Ohio.

ORC Section 4733.151 sets the continuing education requirements for professional engineers and surveyors. Beginning January 1, 2012, registered professional engineers and professional surveyors must complete 30 hours of continuing education during the two-year (biennial) renewal period unless otherwise exempt.

Continuing Professional Development (CPD) hours shall be relevant to the practice of engineering or surveying and must include technical, ethical, or managerial material. A person registered as both a professional engineer and professional surveyor shall complete at least 10 of the 30 hours in engineering-related coursework or activities and at least 10 of those 30 hours in surveying-related coursework or activities.

Treasurers - During their first year in office, newly-elected treasurers must take 13 hours of education regarding investments and cash management and 13 hours regarding governmental accounting and portfolio reporting and compliance. After serving one year in office, treasurers must complete at least 12 hours of continuing education each year regarding investments, cash management, collection of taxes, and ethics. **For more information click the following link for the CAB: [1996-12 S.B. 81 New Training Requirements for County Treasurers](#)**

Sheriffs - Within six months of election or appointment, new sheriffs must complete a basic training course conducted by the Ohio Peace Officer Training Council. Two weeks of the required three-week course must be completed before the sheriff takes office. During each subsequent year, sheriffs must complete a minimum of 16 hours of continuing education. **For more information click the following link for the CAB: [1996-10 H.B. 351 New Training/Eligibility Requirements for Sheriffs](#)**

Prosecuting Attorneys - As members of the Ohio Bar, prosecuting attorneys must complete at least 24 hours of continuing education during a two-year period, including instruction in ethics, professionalism, and substance abuse.

Judges - Full-time and part-time judges, as well as retired judges eligible for assignment must complete a total of 40 hours of continuing legal education during a two-year period. Of those 40 hours, at least 10 hours must include instruction by the Supreme Court Judicial College with at least two hours on access to justice and fairness in the courts and at least two hours of instruction on judicial ethics and professionalism. Acting judges and magistrates must complete 24 hours of continuing education during a two-year period, including at least 2.5 hours instruction in ethics, professionalism and substance abuse.

CONTINUING EDUCATION REQUIREMENTS FOR COUNTY RECORDERS

The bill requires a county recorder who is newly elected to a full term of office to attend and successfully complete at least 15 hours of continuing education courses during the first year of the recorder's term of office, and to complete at least another eight hours of those courses each year of the remaining term. If elected to a subsequent term of office, the bill requires the county recorder to attend and successfully complete at least eight hours of continuing education courses in each year of that subsequent term of office (ORC 317.01(A)).

The two charter counties, Summit and Cuyahoga, do not have county recorders but do have officers who function like county recorders. Cuyahoga County has a fiscal officer who is appointed by and serves at the pleasure of the County Executive. The fiscal officer must "exercise all powers and performs all duties now or hereafter vested in or imposed by general law upon county auditors and county recorders (Section. 5.0, Charter of Cuyahoga County)." Summit County has an elected county fiscal officer who holds office for a term of four years. The county fiscal officer is required to "exercise all powers now or hereafter vested in and perform all duties now or hereafter imposed upon county auditors, county recorders and county treasurers by general law, except where County Council changes those duties by ordinance or resolution (Section 4.01(2), Charter of Summit County)." Under both charters, it appears that the fiscal officers would have to comply with the bill's continuing education requirements, as the requirements are now part of the general law of the State.

APPROVAL OF CONTINUING EDUCATION COURSES

To be counted toward the continuing education hours, a course must be approved by the Ohio Recorders' Association (ORA).

Any county recorder who teaches an approved course is entitled to credit for the course in the same manner as if the county recorder had attended the course.

Under the bill, the ORA must record and, upon request, verify the completion of the required course work for each county recorder and issue a statement to each county recorder of the number of continuing education hours the county recorder has successfully completed.

Each year, the ORA must send to the Auditor of State a list of the continuing education courses and the number of hours each county recorder has successfully completed. The ORA also must provide a copy of this list to any other individual who requests it (ORC 317.06 (A)).

FAILURE TO COMPLETE NOTICES

The bill requires that the ORA issue a "failure to complete notice" to any county recorder who is required to complete continuing education courses but fails to successfully complete:

- At least 15 hours of continuing education courses during the first year of the county recorder's first term of office, or a total of at least 39 hours of those courses by the end of that term, including the 15 hours completed in the first year of the first term;
- At least eight hours of continuing education courses each year of any subsequent term of office or a total of at least 32 hours of courses by the end of that subsequent term.

The notice is for informational purposes only and does not affect any individual's ability to hold the office of county recorder (ORC 317.06(A)).

COSTS OF CONTINUING EDUCATION

Under the bill, each board of county commissioners must approve, from money appropriated to the county recorder, a reasonable amount requested by the county recorder to cover the costs the county recorder must incur to meet the continuing education requirements, including registration fees, lodging and meal expenses, and travel expenses (ORC 317.06(B)). These expenses must be paid from county general fund appropriations and may not be paid from the Recorders' Equipment Fund established under ORC Section 317.321.

County recorders that are current on their annual dues to the ORA can attend ORA-sponsored continuing education classes free of charge. In calendar year 2011, ORA offered several continuing education events, providing numerous hours of continuing education credit. The continuing education classes cover a range of topics, including foreclosure procedures, implementing technology and software to increase efficiency, and protecting private information. Because this programming is free for dues-paying ORA members, the only additional cost is for travel and lodging. County recorders who are not current on their dues, however, are required to pay for the classes. For those recorders, the cost of complying with the continuing education requirements in the bill would be greater.

CLOSING COMMENTS

H.B. 153 establishes the first training requirements for county recorders, although failure to successfully complete such does not affect an individual's right to hold office. Failure to complete the requirements, however, will trigger a "failure to complete" notice by the State Auditor and exposes the county recorder to political jeopardy as opponents will undoubtedly raise this issue during a campaign.

ACKNOWLEDGMENT

CCAO thanks Zachary Holzapfel and Anthony Brigano, Legislative Counsels for the County Recorders Association for their review of this CAB. This bulletin was prepared by Josh Hahn, CCAO Senior Policy Analyst.

EXHIBIT 1

OHIO REVISED CODE SECTION 317.06

AS ENACTED BY AM. SUB. H.B. 153 OF THE 129TH GENERAL ASSEMBLY

EFFECTIVE SEPTEMBER 29, 2011

Sec. 317.06. (A) Each county recorder who is newly elected to a full term of office shall attend and successfully complete at least fifteen hours of continuing education courses during the first year of the recorder's term of office and complete at least another eight hours of such courses each year of the remaining term. Each county recorder who is elected to a subsequent term of office shall attend and successfully complete at least eight hours of such courses in each year of any subsequent term of office. To be counted toward the continuing education hours required by this section, a course must be approved by the Ohio recorders' association. Any county recorder who teaches an approved course shall be entitled to credit for the course in the same manner as if the county recorder had attended the course.

The Ohio recorders' association shall record and, upon request, verify the completion of required course work for each county recorder and issue a statement to each county recorder of the number of hours of continuing education the county recorder has successfully completed. Each year the association shall send a list of the continuing education courses, and the number of hours each county recorder has successfully completed, to the auditor of state and shall provide a copy of this list to any other individual who requests it.

The association shall issue a "failure to complete notice" to any county recorder required to complete continuing education courses under this section who fails to successfully complete at least fifteen hours of continuing education courses during the first year of the county recorder's first term of office or to complete a total of at least thirty-nine hours of such courses, including the fifteen hours completed in the first year of the first term, by the end of that term. The association shall issue a "failure to complete notice" to any county recorder required to complete continuing education courses under this section who fails to successfully complete at least eight hours of continuing education courses each year of any subsequent term of office or to complete a total of at least thirty-two hours of such courses, by the end of that subsequent term. The notice is for informational purposes only and does not affect any individual's ability to hold the office of county recorder.

(B) Each board of county commissioners shall approve, from money appropriated to the county recorder, a reasonable amount requested by the county recorder of its county to cover the costs the county recorder must incur to meet the requirements of division (A) of this section, including registration fees, lodging and meal expenses, and travel expenses.