<u>Am. S.B. 10</u>

As Re-referred by the House
Rules and Reference
Committee

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections   1
319.16 and"; after "2921.41" insert "and to enact section 117.116"   2

In line 3 of the title, delete "and" and insert a comma   3

In line 5 of the title, after "loss" insert ", and to specify   4
a separate standard for the issuance of warrants upon presentation   5
of a court order"   6

In line 6, delete "section" and insert "sections 319.16 and";   7
after "2921.41" insert "be amended and section 117.116"   8

In line 7, delete "amended" and insert "enacted"   9

After line 7, insert: 10

"**<u>Sec. 117.116.</u>** <u>The auditor of state, upon receiving</u>   11
<u>notification that a county auditor has filed a warrant under</u>   12
<u>protest as specified in section 319.16 of the Revised Code, may</u>   13
<u>review that warrant as part of the auditor of state's next</u>   14
<u>regularly scheduled audit of the public office that presented</u>   15
<u>documents under that section that led to issuance of the warrant</u>   16
<u>under protest.</u>   17

  Sec. 319.16. (A) The county auditor shall issue warrants,   18

including electronic warrants authorizing direct deposit for   19

payment of county obligations in accordance with division (F) of 20

section 9.37 of the Revised Code, on the county treasurer for all 21

moneys payable from the county treasury, upon presentation of   22

either of the following: 23

  (1) Any proper order or voucher and evidentiary matter ~~for~~ 24

~~the moneys, and~~;   25

  (2) Any proper court order for expenses of any court funded 26

through the county treasury and, upon request of the county   27

auditor, legible copies of any court-approved invoice, bill,   28

receipt, check, or contract related to the order, redacted as   29

required by law, to the extent those documents exist.   30

  (B) When a court order described in division (A)(2) of this 31

section is presented, the auditor shall have no liability for that 32

expenditure. The county auditor shall keep a record of all such 33

warrants showing the number, date of issue, amount for which   34

drawn, in whose favor, for what purpose, and on what fund. ~~The~~ 35

  (C) The auditor shall not issue a warrant for the payment of 36

any claim against the county, unless it is allowed by the board of 37

county commissioners, except where the amount due is fixed by law 38

or is allowed by an officer or tribunal, including a county board 39

of mental health or county board of developmental disabilities, so 40

authorized by law. ~~If~~   41

  (D) If the auditor questions the validity of an expenditure 42

under division (A)(2) of this section that is within available   43

appropriations ~~and for which a proper order or voucher and~~   44

~~evidentiary matter is presented~~, the auditor shall notify the   45

court that presented the documents, issue the warrant under   46

protest, and notify the auditor of state of the protest. When a 47

warrant is issued under division (D) of this section, the auditor 48

has no liability for that expenditure. If the auditor refuses to 49

issue the warrant, a writ of mandamus may be sought. The court 50

shall issue a writ of mandamus for issuance of the warrant if the 51

court determines that the claim is valid. 52

(E) If the auditor questions the validity of an expenditure 53

presented under division (A)(1) of this section that is within 54

available appropriations, the auditor shall notify the board, 55

officer, or tribunal who presented the ~~voucher~~ documents. If the 56

board, officer, or tribunal determines that the expenditure is 57

valid and the auditor ~~continues to refuse~~ refuses to issue the 58

appropriate warrant on the county treasury, a writ of mandamus may 59

be sought. The court shall issue a writ of mandamus for issuance 60

of the warrant if the court determines that the claim is valid. 61

Evidentiary matter includes original invoices, receipts, 62

bills and checks, and legible copies of contracts." 63

In line 231, delete "section" and insert "sections 319.16 64

and" 65

In line 232, delete "is" and insert "are" 66

The motion was _____ agreed to.

<u>SYNOPSIS</u>

Warrants for county obligations 67

R.C. 117.116 and 319.16 68

Requires the county auditor to issue warrants for payment of 69

county obligations on the county treasurer for moneys paid out of 70

the county treasury upon presentation of a proper court order for   71

expenses of any court funded through the county treasury.   72

Allows the county auditor to issue a warrant for payment   73
under protest if the county auditor questions the validity of a   74
court order for expenses submitted under this provision and allows   75
the auditor of state to review a warrant filed in protest as part   76
of the auditor's next regularly scheduled audit of the public   77
office that presented the documents that led to issuance of the   78
warrant under protest.   79