

As Introduced

136th General Assembly

Regular Session

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H. B. No. 278

Representatives Mathews, T., Hall, T.

**Cosponsors: Representatives Deeter, Claggett, Fischer, Thomas, D., Daniels,
Johnson, Click, Miller, M., Odioso**

To amend sections 113.05, 113.051, 113.09, 113.13, 1
113.16, 113.40, 113.78, 118.05, 120.52, 131.01, 2
131.50, 135.01, 135.03, 135.032, 135.14, 3
135.143, 135.18, 135.22, 135.35, 135.45, 4
135.451, 135.71, 151.01, 164.09, 183.51, 317.36, 5
319.63, 321.46, 321.47, 1557.03, 2969.13, 6
3109.14, 3307.12, 3334.08, 3334.11, 3705.242, 7
3737.945, 3953.231, 4511.19, 4705.09, 4705.10, 8
5528.54, 5725.22, 5725.23, 5729.05, 5729.10, 9
5739.17, 5747.51, and 6101.51; to amend, for the 10
purpose of adopting a new section number as 11
indicated in parentheses, section 135.45 12
(113.07); and to repeal sections 113.06, 113.10, 13
113.43, and 135.144 of the Revised Code relating 14
to the Treasurer of State. 15

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 113.05, 113.051, 113.09, 113.13, 16
113.16, 113.40, 113.78, 118.05, 120.52, 131.01, 131.50, 135.01, 17
135.03, 135.032, 135.14, 135.143, 135.18, 135.22, 135.35, 18
135.45, 135.451, 135.71, 151.01, 164.09, 183.51, 317.36, 319.63, 19

321.46, 321.47, 1557.03, 2969.13, 3109.14, 3307.12, 3334.08, 20
3334.11, 3705.242, 3737.945, 3953.231, 4511.19, 4705.09, 21
4705.10, 5528.54, 5725.22, 5725.23, 5729.05, 5729.10, 5739.17, 22
5747.51, and 6101.51 be amended and section 135.45 (113.07) of 23
the Revised Code be amended for the purpose of adopting a new 24
section number as indicated in parentheses to read as follows: 25

Sec. 113.05. (A) As used in sections 113.05 to 113.40 of 26
the Revised Code: 27

(1) "Account," "appropriation," "disbursement," 28
"electronic funds transfer," "fund," and "warrant" have the same 29
meanings as in section 131.01 of the Revised Code. 30

(2) "Active deposit" and "interim deposit" have the same 31
meanings as in section 135.01 of the Revised Code. 32

(3) "Assets" has the same meaning as in section 131.01 of 33
the Revised Code, but does not include items held in safekeeping 34
by the treasurer of state including, but not limited to, 35
collateral pledged to a state agency. 36

~~(3) "Custodial funds" do not include items held in~~ 37
~~safekeeping by the treasurer of state including, but not limited~~ 38
~~to, collateral pledged to a state agency.~~ 39

(B) The state treasury consists of the moneys, claims, 40
bonds, notes, other obligations, stocks, and other securities, 41
receipts or other evidences of ownership, and other intangible 42
assets of the state that are required by law to be deposited in 43
the state treasury or are otherwise a part of the state 44
treasury. All assets of the state treasury shall be kept in the 45
rooms assigned the treasurer of state, with the vaults, safes, 46
and other appliances therein; provided, that: 47

(1) Securities and other assets required by law to be 48

deposited or kept in the state treasury may be deposited for 49
safekeeping with the federal reserve bank of Cleveland, Ohio~~or~~ 50
, secured and insured depositories in or out of this state, or 51
other qualified custodians as designated by the treasurer of 52
state. 53

(2) ~~Public moneys may~~ Active deposits shall be kept in 54
~~constituted state depositories~~ designated by the state board of 55
deposit pursuant to section 135.12 of the Revised Code and 56
secured for repayment pursuant to section 135.18 of the Revised 57
Code. 58

(3) Interim deposits shall be invested in accordance with 59
section 135.143 of the Revised Code and held in safekeeping 60
pursuant to division (B) (1) of this section. 61

~~(C)~~ (C) (1) The custodial funds of the treasurer of state 62
consist of the moneys, claims, bonds, notes, other obligations, 63
stocks, and other securities, receipts or other evidences of 64
ownership, and other intangible assets that are required by law 65
to be kept in the custody of the treasurer of state but are not 66
part of the state treasury. All assets of the custodial funds of 67
the treasurer of state shall be kept in ~~either or both~~ any of 68
the following: 69

~~(1)~~ (a) The rooms assigned the treasurer of state, with the 70
vaults, safes, and other appliances therein; 71

~~(2)~~ (b) The federal reserve bank of Cleveland, Ohio~~or~~, 72
secured and insured depositories in or out of this state, or 73
other qualified custodians as designated by the treasurer of 74
state. 75

(c) Active deposits shall be kept in depositories 76
designated by the state board of deposit pursuant to section 77

135.12 of the Revised Code and secured for repayment pursuant to 78
section 135.18 of the Revised Code. 79

(d) Interim deposits may be invested in the Ohio 80
subdivision's fund established in the custody of the treasurer 81
of state pursuant to section 113.07 of the Revised Code. 82

(e) When the Revised Code allows the administrator or 83
owner of the custodial fund to invest in securities or other 84
assets, those securities and other assets shall be held in 85
safekeeping pursuant to division (C) (1) (b) of this section. 86

(2) Notwithstanding any contrary provision in division (B) 87
or (C) of this section, money held in a depository account of a 88
partnership, trust, limited liability company, corporation, or 89
any other legal entity authorized to transact business in this 90
state that has been established for the investment of funds 91
pursuant to section 145.11, 742.11, 3307.15, 3309.15, 3334.11, 92
4123.44, or 5505.06 of the Revised Code are not public money or 93
active deposits for the purposes of Chapters 113. and 135. of 94
the Revised Code and shall not be considered to be in the 95
custody of the treasurer of state or subject to the state board 96
of deposit. 97

(D) Assets of the state treasury shall not be commingled 98
with assets of the custodial funds of the treasurer of state. 99

The repositing and deposit of payments pursuant to section 100
113.06 of the Revised Code is in compliance with this section. 101

Sec. 113.051. (A) The treasurer of state or the officer 102
who performs the duties of the office of treasurer of state is 103
the custodian of the funds required by law to be kept in the 104
custody of the treasurer of state. The In connection with the 105
custodial funds described in division (C) of section 113.05 of 106

the Revised Code or as otherwise required by law, the custodial 107
duties of the treasurer of state include safekeeping the 108
~~custodial funds~~ active deposits and investment assets of an 109
owner or administrator; collecting principal, dividends, 110
distributions, and interest on ~~custodial funds~~ active deposits 111
and investments of an owner or administrator; and paying for, 112
transferring, and collecting the purchase or sale price of 113
investments. The duties of the treasurer of state do not include 114
making investment decisions of an owner, administrator, or its 115
authorized agents or monitoring compliance with an owner's or 116
administrator's internal investment policies. The treasurer of 117
state is not responsible for the investment decisions of an 118
owner, administrator, or agent, compliance with the owner's or 119
administrator's internal investment policies, or any unlawful 120
activities of an owner, administrator, or its authorized agents. 121

(B) The treasurer of state may enter into a sub-custody or 122
other agency agreement with a trustee who meets the requirements 123
of section ~~135.18~~ 1111.02 of the Revised Code to execute the 124
custodial duties ~~required by law~~ under division (A) of this 125
section. The agreement shall apply to the ~~custodial funds and~~ 126
investment assets of an owner or administrator. The agreement 127
may provide that the trustee has primary responsibility for 128
custody of the ~~funds and investments~~ and any related depository 129
accounts in order to execute an owner's or administrator's 130
instructions. The treasurer of state or the treasurer's 131
authorized agent may enter into additional agreements as 132
necessary to facilitate an owner's or administrator's 133
transactions. 134

Sec. ~~135.45~~ 113.07. (A) Subject to division (B) of this 135
section, a treasurer, governing board, or investing authority of 136
a subdivision or state entity may pay public moneys of the 137

subdivision or state entity into the Ohio subdivision's fund, 138
which may be established in the custody of the treasurer of 139
state. The treasurer of state shall invest the moneys in the 140
fund in separately managed accounts and pooled accounts, 141
including the state treasurer's investment pool, in the same 142
manner, in the same types of instruments, and subject to the 143
same limitations provided for the deposit and investment of 144
interim moneys of the state, except that the fund shall not be 145
invested in the linked deposits authorized under section 135.61 146
of the Revised Code. A treasurer, governing board, or investing 147
authority of a subdivision or state entity shall designate two 148
or more authorized signers associated with each account of the 149
subdivision or state entity that is managed by the treasurer of 150
state in the treasurer of state's investment pool. The 151
authorized person shall deposit redemptions made from a 152
subdivision's or state entity's account only into the 153
subdivision's treasury or state entity's custodial account at 154
the public depository so designated by the subdivision's 155
governing board or the state board of deposit. 156

(B) (1) On and after July 1, 1997, a treasurer, governing 157
board, or investing authority of a subdivision or state entity 158
that has not entered into an agreement with the treasurer of 159
state under division (C) of this section shall not invest public 160
moneys of the subdivision or state entity in a pooled account of 161
the Ohio subdivision's fund under division (B) (6) of section 162
135.14 of the Revised Code or division (A) (6) of section 135.35 163
of the Revised Code if the pool does not maintain the highest 164
letter or numerical rating provided by at least one nationally 165
recognized statistical rating organization. 166

(2) Upon receipt of notice that the pool does not maintain 167
the highest letter or numerical rating required under division 168

(B) (1) of this section, the treasurer of state shall have ninety 169
days to obtain the required highest letter or numerical rating. 170
If the treasurer of state fails to obtain the required highest 171
letter or numerical rating, the treasurer of state shall have an 172
additional one hundred eighty days to develop a plan to dissolve 173
the pool. The plan shall include reasonable standards for the 174
equitable return of public moneys in the pool to those 175
subdivisions and state entities participating in the pool. 176

(3) Treasurers, governing boards, or investing authorities 177
of subdivisions and state entities participating in the pool 178
shall not be required to divest in the pool during the initial 179
one hundred eighty days following the treasurer of state's 180
receipt of notice under division (B) (2) of this section. 181

(C) A treasurer, governing board, or investing authority 182
of a subdivision or state entity that wishes to invest public 183
moneys of the subdivision in a separately managed account or 184
pooled account of the Ohio subdivision's fund may enter into an 185
agreement with the treasurer of state that sets forth the manner 186
in which the money is to be invested. The treasurer of state 187
shall invest the moneys in accordance with the agreement, 188
subject to the limitations set forth in division (A) of this 189
section. For purposes of this division, the limitation on 190
investments in debt interests provided in division (A) (11) (a) of 191
section 135.143 of the Revised Code shall not apply to a 192
subdivision's or state entity's excess reserves. 193

(D) The treasurer of state shall adopt such rules as are 194
necessary for the implementation of this section, including the 195
efficient administration of and accounting for the separately 196
managed accounts and pooled accounts, including the state 197
treasurer's investment pool, and the specification of minimum 198

amounts that may be paid into such pools and minimum periods of 199
time for which such payments shall be retained in the pools. The 200
rules shall provide for the administrative expenses of the 201
separately managed accounts and pooled accounts, including the 202
state treasurer's investment pool, to be paid from the earnings 203
and for the interest earnings in excess of such expenses to be 204
credited to the several treasurers, governing boards, and 205
investing authorities participating in a pool in a manner which 206
equitably reflects the differing amounts of their respective 207
investments in the pool and the differing periods of time for 208
which such amounts are in the pool. 209

(E) The treasurer of state shall give bond with sufficient 210
sureties, payable to the treasurers, governing boards, and 211
investing authorities of subdivisions and state entities 212
participating in the fund, for the benefit of the subdivisions 213
whose moneys are paid into the fund for investment, in the total 214
penal sum of two hundred fifty thousand dollars, conditioned for 215
the faithful discharge of the treasurer of state's duties in 216
relation to the fund. 217

(F) The treasurer of state and the treasurer of state's 218
bonders or surety are liable for the loss of any interim moneys 219
of the state, state entities, and subdivisions invested under 220
this section to the same extent the treasurer of state and the 221
treasurer of state's bonders or surety are liable for the loss 222
of public moneys under section 135.19 of the Revised Code. 223

(G) As used in this section: 224

(1) "Interim moneys" and "governing board" have the same 225
meanings as in section 135.01 of the Revised Code. 226

(2) (a) "Subdivision" has the same meaning as in section 227

135.01 of the Revised Code, but also includes a county, a 228
municipal corporation that has adopted a charter under Article 229
XVIII, Ohio Constitution, or any government entity for which the 230
fund is a permissible investment. 231

(b) "State entity" means the general assembly, the supreme 232
court, the court of claims, the office of an elected state 233
officer, or a department, bureau, board, office, commission, 234
agency, institution of higher education, retirement system, or 235
other institution or instrumentality of this state established 236
by the constitution or laws of this state. 237

(c) "Public moneys of a subdivision" has the same meaning 238
as in section 135.01 of the Revised Code, but also includes 239
"public moneys" as defined in section 135.31 of the Revised 240
Code, and funds held in the custody of the treasurer of state 241
notwithstanding any limitations on the permissible investments 242
of such funds. 243

(3) "Treasurer" has the same meaning as in sections 135.01 244
and 135.31 of the Revised Code. 245

(4) "Investing authority" has the same meaning as in 246
section 135.31 of the Revised Code. 247

(5) "Excess reserves" means the amount of a subdivision's 248
public moneys that exceed the average of a subdivision's annual 249
operating expenses in the immediately preceding three fiscal 250
years. 251

Sec. 113.09. ~~Except as provided in section 113.10 of the~~ 252
~~Revised Code, all~~ All moneys deposited with the treasurer of 253
state, the disposition of which is not otherwise provided for by 254
law, shall be credited to the general revenue fund, which is 255
hereby created in the state treasury. If a warrant for the 256

payment of money from the state treasury has been illegally or 257
improperly issued, or the amount of a warrant exceeds the sum 258
that should have been named therein, and payment of such warrant 259
or excess has been made by the treasurer of state, the director 260
of budget and management shall, unless the account of the 261
appropriation from which it was paid has been closed, credit the 262
amount collected to such appropriation; but, if such account has 263
been closed, the director shall credit the amount so collected 264
to the fund on which the warrant was originally drawn. 265

All investment earnings on moneys deposited in the state 266
treasury shall be credited to the general revenue fund unless: 267

(A) The disposition of the earnings is otherwise provided 268
for by law; 269

(B) The director has provided in the plan approved under 270
section 131.36 of the Revised Code that a different fund is 271
entitled to the earnings. 272

Sec. 113.13. The treasurer of state shall have available 273
and, as requested, transmit to the director of budget and 274
management and to the governor information concerning the amount 275
in the ~~inactive account, the amount in the active account,~~ and 276
the amount of cash on hand. 277

Sec. 113.16. ~~If upon~~ At the conclusion of an audit there 278
~~is found in the state treasury and the custodial funds of the~~ 279
~~treasurer of state the moneys, claims, bonds, notes, other~~ 280
~~obligations, stocks, and other securities, receipts or other~~ 281
~~evidences of ownership, and other intangible assets which should~~ 282
~~be in the state treasury or in the custodial funds of the~~ 283
~~treasurer of state~~ under section 113.14 of the Revised Code, the 284
auditors shall make ~~triplicate written certificates of the fact~~ 285

~~over~~ a report of their findings and the report shall contain 286
their official signatures. One of the ~~certificates~~ reports shall 287
be delivered to the treasurer of state ~~and recorded in his~~ 288
~~office~~, one to the auditor of state ~~and recorded in his office~~, 289
and one to the governor ~~and recorded in his office~~. 290

If upon an audit, under section 113.14 of the Revised 291
Code, a deficiency is found in the moneys, claims, bonds, notes, 292
other obligations, stocks, and other securities, receipts or 293
other evidences of ownership, or other intangible assets which 294
should be in the state treasury or in the custodial funds of the 295
treasurer of state, or any irregularity or omission in the 296
business of the office or in keeping accounts, the auditors 297
shall state particularly the deficiency, irregularity, or 298
omission. 299

Sec. 113.40. (A) As used in this section: 300

(1) "Financial transaction device" includes a credit card, 301
debit card, ~~charge~~ banking card, prepaid or stored value card, 302
~~or automated clearinghouse network credit, debit, or e-check~~ 303
~~entry that includes, but is not limited to, accounts receivable~~ 304
~~and internet-initiated, point of purchase, and telephone~~ 305
~~initiated applications, or any other device or method for making~~ 306
an electronic payment or transfer of funds denominated in United 307
States dollars. 308

(2) "Processor" means an entity conducting the settlement 309
of an electronic payment or transfer of funds, which shall be 310
denominated in United States dollars. 311

(3) "State expenses" includes fees, costs, taxes, 312
assessments, fines, penalties, payments, or any other expense a 313
person owes to a state office under the authority of a state 314

elected official or to a state entity. 315

~~(3)~~ (4) "State elected official" means the governor, 316
lieutenant governor, attorney general, secretary of state, 317
treasurer of state, and auditor of state. 318

~~(4)~~ (5) "State entity" includes any state department, 319
agency, board, ~~or~~ commission, or office under the authority of a 320
state elected official that deposits funds into the state 321
treasury or into an account in the custody of the treasurer of 322
state. 323

(B) Notwithstanding any other section of the Revised Code 324
and subject to division (D) of this section, the board of 325
deposit ~~may~~ shall adopt a resolution authorizing the acceptance 326
of payments by financial transaction device to pay for state 327
expenses. ~~The resolution shall include all of the following:~~ 328

~~(1) A designation of those state elected officials and~~ 329
~~state entities authorized to accept payments by financial~~ 330
~~transaction device;~~ 331

~~(2) A list of state expenses that may be paid by the use~~ 332
~~of a financial transaction device;~~ 333

~~(3) Specific identification of financial transaction~~ 334
~~devices that a state elected official or state entity may~~ 335
~~authorize as acceptable means of payment for state expenses.~~ 336
~~Division (B) (3) of this section does not require that the same~~ 337
~~financial transaction devices be accepted for the payment of~~ 338
~~different types of state expenses.~~ 339

~~(4) The amount, if any, authorized as a surcharge or~~ 340
~~convenience fee under division (E) of this section for persons~~ 341
~~using a financial transaction device. Division (B) (4) of this~~ 342
~~section does not require that the same surcharges or convenience~~ 343

~~fees be applied to the payment of different types of state~~ 344
~~expenses.—~~ 345

~~(5) A specific requirement, as provided in division (C) of~~ 346
~~this section, for the payment of a penalty if a payment made by~~ 347
~~means of a financial transaction device is returned or~~ 348
~~dishonored for any reason.—~~ 349

The board of deposit's resolution also shall designate the 350
treasurer of state as the administrative agent to solicit 351
proposals for financial transaction device services, within 352
guidelines established by the board of deposit in the resolution 353
and in compliance with the procedures provided in division (C) 354
of this section, ~~from financial institutions, issuers of~~ 355
~~financial transaction devices, and processors of financial~~ 356
~~transaction devices; to make recommendations about those~~ 357
~~proposals to the state elected officials; and to assist state~~ 358
~~offices entities and state elected officials in implementing the~~ 359
~~state's any~~ financial transaction device acceptance and, 360
processing, and settlement program authorized pursuant to this 361
section. The board of deposit's resolution applies to financial 362
transaction device services related to any and all bank accounts 363
comprising the state treasury as well as those in the custody of 364
the treasurer of state but not part of the state treasury. 365

(C) The administrative agent shall follow the procedures 366
provided in this division whenever it plans to contract with 367
~~financial institutions, issuers of financial transaction~~ 368
~~devices, or one or more processors of financial transaction~~ 369
~~devices~~ for the purposes of this section. The administrative 370
agent shall request proposals ~~from at least three financial~~ 371
~~institutions, issuers of financial transaction devices, or~~ 372
~~processors of financial transaction devices~~ for acceptance, 373

processing, and settlement services, as appropriate in 374
accordance with the resolution adopted under division (B) of 375
this section. Prior to ~~sending any financial institution,~~ 376
~~issuer, or processor a copy of any such~~ making the request for 377
proposals available, the administrative agent shall advertise 378
its intent to request proposals for two consecutive weeks by 379
electronic publication on ~~a state agency~~ the administrative 380
agent's web site made available to the general public. The 381
notice shall state that the administrative agent intends to 382
request proposals; specify the purpose of the request; and 383
indicate the date, which shall be at least ~~ten~~ fifteen calendar 384
days after the initial publication, on which the request for 385
proposals will be ~~electronically mailed to financial~~ 386
~~institutions, issuers, or processors; and require that any~~ 387
~~financial institution, issuer, or processor, whichever is~~ 388
~~appropriate, interested in receiving the request for proposals~~ 389
~~submit written notice of this interest to the administrative~~ 390
~~agent not later than the day on which the request for proposals~~ 391
~~will be electronically mailed~~ available. 392

Upon receiving the proposals, the administrative agent 393
shall review them and make a recommendation to the board of 394
deposit regarding which proposal or proposals to accept. The 395
board of deposit shall consider the agent's recommendation and 396
~~review all proposals submitted, and then~~ may choose to authorize 397
the administrative agent, on the board's behalf, to contract 398
with any or all one or more of the entities ~~processors~~ 399
submitting proposals, as appropriate. The administrative agent 400
may enter into one or more contracts to provide acceptance, 401
processing, and settlement services to the state entities and 402
state elected officials. Through its administrative agent, the 403
board of deposit shall provide any ~~financial institution,~~ 404

~~issuer, or processor that submitted a proposal, but with which~~
~~the board of deposit's administrative agent does not enter into~~
~~a contract, notice that its proposal is rejected.~~

(D) ~~The board of deposit shall send a copy of the~~
~~resolution adopted under division (B) of this section to each~~
~~state elected official and state entity authorized to accept~~
~~payments for state expenses by financial transaction device.~~
~~After receiving the resolution and before accepting such~~
~~payments by financial transaction device, such a state elected~~
~~official or state entity shall provide written notification to~~
~~the administrative agent of the official's or entity's intent to~~
~~implement the resolution within the official's or entity's~~
~~office. Each state office elected official or state entity~~
~~subject to the board's resolution adopted under division (B) of~~
~~this section shall use only the financial institutions, issuers~~
~~of financial transaction devices, and processors of financial~~
~~transaction devices with which the board of deposit deposit's~~
~~administrative agent contracts, and each such office state~~
~~elected official or state entity is subject to the terms of~~
~~those contracts.~~

~~If a state entity under the authority of a state elected~~
~~official is directly responsible for collecting one or more~~
~~state expenses and the state elected official determines not to~~
~~accept payments by financial transaction device for one or more~~
~~of those expenses, the office is not required to accept payments~~
~~by financial transaction device for those expenses,~~
~~notwithstanding the adoption of a resolution by the board of~~
~~deposit under division (B) of this section.~~

(E) ~~The board of deposit state elected official or state~~
~~entity may establish a surcharge or convenience fee that may be~~

imposed upon a person making payment by a financial transaction 435
device. ~~The surcharge or convenience fee shall not be imposed~~ 436
~~unless authorized or otherwise permitted by the rules prescribed~~ 437
~~under a contract, between the financial institution, issuer, or~~ 438
~~processor and the administrative agent, governing the use and~~ 439
~~acceptance of the financial transaction device.~~ 440

~~The establishment of a~~ Any surcharge or convenience fee 441
shall follow the guidelines of the ~~financial institution, issuer~~ 442
~~of financial transaction devices, or processor~~ or processors of 443
financial transaction devices with which the board of ~~deposit~~ 444
deposit's administrative agent contracts. 445

If a surcharge or convenience fee is imposed, every state 446
elected official and state entity accepting payment by a 447
financial transaction device, ~~regardless of whether that entity~~ 448
~~is subject to a resolution adopted by the board of deposit,~~ 449
~~shall clearly post a notice in the entity's office, and shall~~ 450
notify each person making a payment by such a device, about the 451
surcharge or fee. Notice to each person making a payment shall 452
be provided regardless of the medium used to make the payment 453
and in a manner appropriate to that medium. Each notice shall 454
include ~~all both~~ of the following: 455

(1) A statement that there is a surcharge or convenience 456
fee for using a financial transaction device; 457

(2) The total amount of the charge or fee expressed in 458
dollars and cents for each transaction, or the rate of the 459
charge or fee expressed as a percentage of the total amount of 460
the transaction, whichever is applicable; 461

~~(3) A clear statement that the surcharge or convenience~~ 462
~~fee is nonrefundable.~~ 463

(F) If a person ~~elects to make a payment by a financial~~ 464
~~transaction device and a surcharge or convenience fee is~~ 465
~~imposed, the payment of the surcharge or convenience fee is not~~ 466
~~refundable.~~ 467

~~(G)~~ If a person makes payment by a financial transaction 468
device and the payment is ~~returned or dishonored~~ reversed for 469
any reason, the person is liable to the state elected official 470
or state entity for the state expense and any reimbursable costs 471
for collection, including banking charges, legal fees, or other 472
expenses incurred by the state elected official or state entity 473
in collecting the ~~returned or dishonored~~ reversed payment. The 474
remedies and procedures provided in this section are in addition 475
to any other available civil or criminal remedies provided by 476
law. 477

~~(H)~~ (G) No person making any payment by a financial 478
transaction device to a state ~~office~~ elected official or state 479
entity shall be relieved from liability for the underlying 480
obligation, except to the extent that the state elected official 481
or state entity realizes final payment of the underlying 482
obligation in cash or its equivalent. If final payment is not 483
made by the financial transaction device issuer, or by other 484
means of payment, or by other guarantor of payment in the 485
transaction, the underlying obligation survives and the state 486
elected official or state entity shall retain all remedies for 487
enforcement that would have applied if the transaction had not 488
occurred. 489

~~(I)~~ (H) A state ~~entity~~ elected official or employee of a 490
state entity or state elected official who accepts a financial 491
transaction device payment in accordance with this section and 492
any applicable state or local statutes, laws, policies, or rules 493

is immune from personal liability for the final collection of 494
such payments as specified in section 9.87 of the Revised Code. 495

~~(J)~~(I) If the board of deposit determines that it is 496
necessary and in the state's best interest to contract with an 497
additional ~~entity-processor~~ subsequent to the contract award 498
made under division (C) of this section, the board may meet and 499
choose to contract with one or more additional ~~entities-~~ 500
processors for the remainder of the period previously 501
established by a contract award made under division (C) of this 502
section. 503

~~(K)~~(J) The administrative agent, in cooperation with the 504
office of budget and management, may adopt, amend, and rescind 505
rules in accordance with section 111.15 of the Revised Code to 506
implement and administer this section. 507

Sec. 113.78. The medical quality assurance fund is 508
created, which shall be in the custody of the treasurer of state 509
but shall not be part of the state treasury. The fund shall 510
consist of all money transferred to it as a result of the repeal 511
of section 3701.89 of the Revised Code on January 1, 2026, by 512
H.B. 238 of the 135th ~~General Assembly~~ general assembly and its 513
requirements related to the repeal of that section. Money in the 514
fund, in excess of current needs, may be invested by the 515
treasurer of state in accordance with section 135.143 of the 516
Revised Code. All investment earnings of the fund shall be 517
credited to the fund. All money in the fund shall be used as 518
directed by the general assembly, which may include funding any 519
of the following programs that the former Ohio medical quality 520
foundation was authorized to fund in a similar manner under 521
division (F) of section 3701.89 of the Revised Code before the 522
repeal of that section by ~~this act~~ H.B. 238 of the 135th general 523

<u>assembly:</u>	524
(A) Programs approved under criteria established under	525
section 4731.251 of the Revised Code;	526
(B) Programs designed to improve the quality of graduate	527
medical education;	528
(C) Programs designed to improve risk management and	529
quality assurance in hospitals, as defined in section 3722.01 of	530
the Revised Code, and in outpatient settings, including	531
physician offices;	532
(D) Other programs, meetings, and educational seminars	533
that are designed to improve the quality of medical care in this	534
state.	535
Sec. 118.05. (A) Pursuant to the powers of the general	536
assembly and for the purposes of this chapter, upon the	537
occurrence of a fiscal emergency in any municipal corporation,	538
county, or township, as determined pursuant to section 118.04 of	539
the Revised Code, there is established, with respect to that	540
municipal corporation, county, or township, a body both	541
corporate and politic constituting an agency and instrumentality	542
of the state and performing essential governmental functions of	543
the state to be known as the "financial planning and supervision	544
commission for _____ (name of municipal corporation,	545
county, or township)," which, in that name, may exercise all	546
authority vested in such a commission by this chapter. Except as	547
otherwise provided in division (L) of this section, a separate	548
commission is established with respect to each municipal	549
corporation, county, or township as to which there is a fiscal	550
emergency as determined under this chapter.	551
(B) A commission shall consist of the following voting	552

members: 553

(1) Four ex officio members: the treasurer of state; the 554
director of budget and management; in the case of a municipal 555
corporation, the mayor of the municipal corporation and the 556
presiding officer of the legislative authority of the municipal 557
corporation; in the case of a county, a member of the board of 558
county commissioners and the county auditor; in the case of a 559
county that has adopted a charter under Article X, Ohio 560
Constitution, and under that charter has both a county executive 561
and a county fiscal officer, the county executive and the county 562
fiscal officer; and in the case of a township, a member of the 563
board of township trustees and the county auditor. 564

The treasurer of state may designate ~~a deputy treasurer or~~ 565
~~director~~ an individual within the office of the treasurer of 566
state or any other appropriate person who is not an employee of 567
the treasurer of state's office; the director of budget and 568
management may designate an individual within the office of 569
budget and management or any other appropriate person who is not 570
an employee of the office of budget and management; the 571
presiding officer of the legislative authority of the municipal 572
corporation may designate any other member of the legislative 573
authority; the board of county commissioners may designate any 574
other member of the board or the fiscal officer of the county; 575
the fiscal officer of a county that has adopted a charter under 576
Article X, Ohio Constitution, may designate an individual within 577
the county fiscal office; the county auditor may designate an 578
individual within the county auditor's office; and the board of 579
township trustees may designate any other member of the board or 580
the fiscal officer of the township to attend the meetings of the 581
commission when the ex officio member is absent or unable for 582
any reason to attend. A designee, when present, shall be counted 583

in determining whether a quorum is present at any meeting of the 584
commission and may vote and participate in all proceedings and 585
actions of the commission. The designations shall be in writing, 586
executed by the ex officio member or entity making the 587
designation, and filed with the secretary of the commission. The 588
designations may be changed from time to time in like manner, 589
but due regard shall be given to the need for continuity. 590

(2) If a municipal corporation, county, or township has a 591
population of at least one thousand, three additional members 592
appointed not later than fifteen days after the auditor of state 593
determines that a fiscal emergency exists as follows: 594

For a municipal corporation, the governor shall appoint 595
one member; the mayor shall appoint one member confirmed by the 596
legislative authority of the municipal corporation; and the 597
county auditor of the county in which the largest portion of the 598
territory of the municipal corporation is located shall appoint 599
one member. The county auditor may appoint the county auditor to 600
the commission. 601

For a county, the governor shall appoint one member and 602
the board of county commissioners shall appoint two members. In 603
the case of a county that has adopted a charter under Article X, 604
Ohio Constitution, and under that charter has both a county 605
executive and a county council, the governor shall appoint one 606
member, the county executive shall appoint one member, and the 607
county council shall appoint one member. A member of the board 608
of county commissioners, a county executive, or a member of the 609
county council is ineligible for appointment to the commission 610
under this paragraph. 611

For a township, the governor shall appoint one member and 612
the board of township trustees shall appoint two members. A 613

member of the board of township trustees is ineligible for 614
appointment to the commission under this paragraph. 615

Each of the three appointed members shall serve during the 616
life of the commission, subject to removal by the appointing 617
authority for misfeasance, nonfeasance, or malfeasance in 618
office. In the event of the death, resignation, incapacity, 619
removal, or ineligibility to serve of an appointed member, the 620
appointing authority that appointed the member shall appoint a 621
successor, except as otherwise provided in division (M) of this 622
section. 623

Each appointed member shall be an individual: 624

Who has knowledge and experience in financial matters, 625
financial management, or business organization or operations; 626

Whose residency, office, or principal place of 627
professional or business activity is situated within the 628
municipal corporation, county, or township, except that a county 629
auditor who serves on the commission of a municipal corporation 630
is not required to reside or have an office or principal place 631
of professional or business activity in the municipal 632
corporation; 633

Who shall not become a candidate for elected public office 634
while serving as a member of the commission, except a county 635
auditor who serves on the commission of a municipal corporation 636
may be a candidate for reelection to the county auditor's 637
office. 638

(C) Immediately after appointment of the initial appointed 639
members of the commission, the governor shall call the first 640
meeting of the commission and shall cause written notice of the 641
time, date, and place of the first meeting to be given to each 642

member of the commission at least forty-eight hours in advance 643
of the meeting. 644

(D) The director of budget and management shall serve as 645
chairperson of the commission. The commission shall elect one of 646
its members to serve as vice-chairperson and may appoint a 647
secretary and any other officers, who need not be members of the 648
commission, it considers necessary. The chairperson may remove 649
an appointed member if that member fails to attend three 650
meetings. In that event, the appointing authority shall fill the 651
vacancy in the same manner as the original appointment, except 652
as otherwise provided in division (M) of this section. 653

(E) The commission may adopt and alter bylaws and rules, 654
which shall not be subject to section 111.15 or Chapter 119. of 655
the Revised Code, for the conduct of its affairs and for the 656
manner, subject to this chapter, in which its powers and 657
functions shall be exercised and embodied. 658

(F) Four members of a commission established pursuant to 659
divisions (B) (1) and (2) of this section constitute a quorum of 660
the commission. The affirmative vote of a majority of the 661
members of the commission is necessary for any action taken by 662
vote of the commission. No vacancy in the membership of the 663
commission shall impair the rights of a quorum by such vote to 664
exercise all the rights and perform all the duties of the 665
commission. Members of the commission, and their designees, are 666
not disqualified from voting by reason of the functions of the 667
other office they hold and are not disqualified from exercising 668
the functions of the other office with respect to the municipal 669
corporation, county, or township, its officers, or the 670
commission. 671

(G) The auditor of state shall serve as the "financial 672

supervisor" to the commission unless the auditor of state elects 673
to contract for that service. As used in this chapter, 674
"financial supervisor" means the auditor of state. 675

(H) At the request of the commission, the auditor of state 676
shall designate employees of the auditor of state's office to 677
assist the commission and the financial supervisor and to 678
coordinate the work of the auditor of state's office and the 679
financial supervisor. Upon the determination of a fiscal 680
emergency in any municipal corporation, county, or township, the 681
municipal corporation, county, or township shall provide the 682
commission with such reasonable office space in the principal 683
building housing city, county, or township government, where 684
feasible, as it determines is necessary to carry out its duties 685
under this chapter. 686

(I) The financial supervisor, the members of the 687
commission, the auditor of state, and any person authorized to 688
act on behalf of or assist them shall not be personally liable 689
or subject to any suit, judgment, or claim for damages resulting 690
from the exercise of or failure to exercise the powers, duties, 691
and functions granted to them in regard to their functioning 692
under this chapter, but the commission, the financial 693
supervisor, the auditor of state, and those other persons shall 694
be subject to mandamus proceedings to compel performance of 695
their duties under this chapter and with respect to any debt 696
obligations issued pursuant or subject to this chapter. 697

(J) At the request of the commission, the administrative 698
head of any state agency shall temporarily assign personnel 699
skilled in accounting and budgeting procedures to assist the 700
commission or the financial supervisor in its duties as 701
financial supervisor. 702

(K) The appointed members of the commission who are 703
members of the board of township trustees or are not elected 704
officials are not subject to section 102.02 of the Revised Code. 705
Each appointed member of the commission shall file with the 706
commission a signed written statement setting forth the general 707
nature of sales of goods, property, or services or of loans to 708
the municipal corporation, county, or township with respect to 709
which that commission is established, in which the appointed 710
member has a pecuniary interest or in which any member of the 711
appointed member's immediate family, as defined in section 712
102.01 of the Revised Code, or any corporation, partnership, or 713
enterprise of which the appointed member is an officer, 714
director, or partner, or of which the appointed member or a 715
member of the appointed member's immediate family, as so 716
defined, owns more than a five per cent interest, has a 717
pecuniary interest, and of which sale, loan, or interest such 718
member has knowledge. The statement shall be supplemented from 719
time to time to reflect changes in the general nature of any 720
such sales or loans. 721

(L) A commission is not established with respect to any 722
village or township with a population of less than one thousand 723
as of the most recent federal decennial census. Upon the 724
occurrence of a fiscal emergency in such a village or township, 725
the auditor of state shall serve as the financial supervisor of 726
the village or township and shall have all the powers and 727
responsibilities of a commission, including the powers and 728
responsibilities described in section 118.07 of the Revised 729
Code. 730

(M) (1) Notwithstanding any contrary provision of division 731
(B) (2) or (D) of this section, if one or more appointed seats on 732
a commission that was established before October 17, 2017, are 733

or become vacant, division (M) of this section applies 734
concerning the commission. 735

(2) In the case of a commission established with respect 736
to a municipal corporation: 737

(a) If one such vacancy exists on the commission, the 738
county auditor of the county in which the largest portion of the 739
territory of the municipal corporation is located shall appoint 740
a member to fill the vacancy. The county auditor may appoint the 741
county auditor to the commission. Of the two remaining appointed 742
members of the commission, the mayor shall determine, not later 743
than the fifteenth day after ~~the effective date of this~~ 744
~~amendment~~ November 2, 2018, or the fifteenth day after the 745
vacancy occurs, whichever is later, which of those members shall 746
be considered the member appointed by the mayor for purposes of 747
divisions (B) (2) and (D) of this section, and the other 748
appointed member shall be considered the member appointed by the 749
governor for purposes of divisions (B) (2) and (D) of this 750
section. 751

(b) If two such vacancies exist on the commission, the 752
county auditor of the county in which the largest portion of the 753
territory of the municipal corporation is located shall appoint 754
a member to fill one vacancy, and the mayor shall appoint a 755
member confirmed by the legislative authority of the municipal 756
corporation to fill the other vacancy. The county auditor may 757
appoint the county auditor to the commission. The remaining 758
appointed member of the commission shall be considered the 759
member appointed by the governor for purposes of divisions (B) 760
(2) and (D) of this section. 761

(c) If three such vacancies exist on the commission, the 762
members shall be appointed in accordance with division (B) (2) of 763

this section. 764

(3) In the case of a commission established with respect 765
to a township: 766

(a) If one such vacancy exists on the commission, the 767
board of township trustees shall appoint a member to fill the 768
vacancy, who shall not be a member of the board of township 769
trustees. Of the two remaining appointed members of the 770
commission, the board of township trustees shall determine, not 771
later than the fifteenth day after ~~the effective date of this~~ 772
~~amendment~~ November 2, 2018, or the fifteenth day after the 773
vacancy occurs, whichever is later, which of those members shall 774
be considered the member appointed by the board of township 775
trustees for purposes of divisions (B) (2) and (D) of this 776
section, and the other appointed member shall be considered the 777
member appointed by the governor for purposes of divisions (B) 778
(2) and (D) of this section. 779

(b) If two such vacancies exist on the commission, the 780
board of township trustees shall appoint two members to fill the 781
vacancies, who shall not be members of the board of township 782
trustees. The remaining appointed member of the commission shall 783
be considered the member appointed by the governor for purposes 784
of divisions (B) (2) and (D) of this section. 785

(c) If three such vacancies exist on the commission, the 786
members shall be appointed in accordance with division (B) (2) of 787
this section. 788

(4) After one or more vacancies in appointed seats on a 789
commission have been filled under division (M) of this section, 790
any subsequent vacancy or vacancies shall be filled under 791
division (B) (2) or (D) of this section, as applicable. 792

Sec. 120.52. There is hereby established in the state 793
treasury the legal aid fund, which shall be for the charitable 794
public purpose of providing financial assistance to legal aid 795
societies that provide civil legal services to indigents. The 796
fund shall contain all funds credited to it ~~by the treasurer of~~ 797
~~state~~ pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 798
4705.09, and 4705.10 of the Revised Code. 799

The treasurer of state may invest moneys contained in the 800
legal aid fund in any manner authorized by the Revised Code for 801
the investment of state moneys. However, no such investment 802
shall interfere with any apportionment, allocation, or payment 803
of moneys as required by section 120.53 of the Revised Code. 804

The state public defender, through the Ohio access to 805
justice foundation, shall administer the payment of moneys out 806
of the fund. Four and one-half per cent of the moneys in the 807
fund shall be reserved for the actual, reasonable costs of 808
administering sections 120.51 to 120.55 and sections 1901.26, 809
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 810
Code. Moneys that are reserved for administrative costs but that 811
are not used for actual, reasonable administrative costs shall 812
be set aside for use in the manner described in division (A) of 813
section 120.521 of the Revised Code. The remainder of the moneys 814
in the legal aid fund shall be distributed in accordance with 815
section 120.53 of the Revised Code. The Ohio access to justice 816
foundation shall establish, in accordance with Chapter 119. of 817
the Revised Code, rules governing the administration of the 818
legal aid fund, including the programs established under 819
sections 1901.26, 1907.24, 2303.201, 4705.09, and 4705.10 of the 820
Revised Code regarding interest on interest-bearing trust 821
accounts of an attorney, law firm, or legal professional 822
association. 823

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 824
125., 126., 127., and 131. of the Revised Code, and any statute 825
that uses the terms in connection with state accounting or 826
budgeting: 827

(A) "Account" means any record, element, or summary in 828
which financial transactions are identified and recorded as 829
debit or credit transactions in order to summarize items of a 830
similar nature or classification. 831

(B) "Accounting procedure" means the arrangement of all 832
processes which discover, record, and summarize financial 833
information to produce financial statements and reports and to 834
provide internal control. 835

(C) "Accounting system" means the total structure of 836
records and procedures which discover, record, classify, and 837
report information on the financial position and operations of a 838
governmental unit or any of its funds and organizational 839
components. 840

(D) "Allocation" means a portion of an appropriation which 841
is designated for expenditure by specific organizational units 842
or for special purposes, activities, or objects that do not 843
relate to a period of time. 844

(E) "Allotment" means all or part of an appropriation 845
which may be encumbered or expended within a specific period of 846
time. 847

(F) "Appropriation" means an authorization granted by the 848
general assembly to make expenditures and to incur obligations 849
for specific purposes. 850

(G) "Assets" means resources owned, controlled, or 851
otherwise used or held by the state which have monetary value. 852

(H) "Budget" means the plan of financial operation 853
embodying an estimate of proposed expenditures and obligations 854
for a given period and the proposed means of financing them. 855

(I) "Check" is a negotiable financial instrument, payable 856
upon demand, directing a financial institution to transfer money 857
from the payer's account to the payee. 858

(J) "Direct deposit" is a form of electronic funds 859
transfer in which money is electronically deposited into the 860
account of a person or entity at a financial institution. 861

~~(J)~~ (K) "Disbursement" means a payment made for any 862
purpose. 863

~~(K)~~ (L) "Electronic benefit transfer" means the electronic 864
delivery of benefits through automated teller machines, point of 865
sale terminals, or other electronic media pursuant to section 866
5101.33 of the Revised Code. 867

~~(L)~~ (M) "Electronic funds transfer" means the electronic 868
movement of funds via automated clearing house or wire transfer. 869

~~(M)~~ (N) "Encumbrancing document" means a document reserving 870
all or part of an appropriation. 871

~~(N)~~ (O) "Expenditure" means a reduction of the balance of 872
an appropriation after legal requirements have been met. 873

~~(O)~~ (P) "Fund" means an independent fiscal and accounting 874
entity with a self-balancing set of accounts recording cash or 875
other resources, together with all related liabilities, 876
obligations, reserves, and fund balances which are segregated 877
for the purpose of carrying on specific activities or attaining 878
certain objectives in accordance with special rules, 879
restrictions, or limitations. 880

~~(P)~~(Q) "Lapse" means the automatic termination of an 881
appropriation at the end of the fiscal period for which it was 882
appropriated. 883

~~(Q)~~(R) "Reappropriation" means an appropriation of a 884
previous appropriation that is continued in force in a 885
succeeding appropriation period. "Reappropriation" shall be 886
equated with and incorporated in the term "appropriation." 887

~~(R)~~(S) "Stored value card" means a payment card that may 888
have money loaded and stored on the card and accessed through 889
automated teller machines, point of sale terminals, or other 890
electronic media. "Stored value card" does not include any 891
payment card linked to, and that can access money in, an 892
external account maintained by a financial institution. 893

~~(S)~~(T) "Voucher" means the document used to transmit a 894
claim for payment and evidentiary matter related to the claim. 895

~~(T)~~(U) "Warrant" means an order drawn upon the treasurer 896
of state by the director of budget and management, or an 897
authorized person at a state entity that has a custodial account 898
in the custody of the treasurer of state, directing the 899
treasurer of state to pay a specified amount to one or more 900
specified payees. A variety of payment instruments may be used, 901
including but not limited to paper warrants or checks, stored 902
value cards, direct deposit to the payee's bank account, or the 903
drawdown of funds by electronic benefit transfer, and the 904
resulting electronic transfer to or by the ultimate payees. 905

The terms defined in this section shall be used, on all 906
accounting forms, reports, formal rules, and budget requests 907
produced by a state agency, only as defined in this section. 908

Sec. 131.50. (A) There is hereby created in the state 909

treasury the state land royalty fund consisting of money 910
credited to it under section 155.33 of the Revised Code. Any 911
investment proceeds earned on money in the fund shall be 912
credited to the fund. 913

(B) (1) A state agency is entitled to receive from the fund 914
the amount that the state agency contributed and a share of the 915
investment earnings of the fund in an amount that is equivalent 916
to the proportionate share of contributions made by the state 917
agency to the fund. Regarding the department of natural 918
resources, each division within the department is entitled to 919
receive from the department's proportionate share all amounts 920
received by the department that are attributable to the state- 921
owned land controlled by that division. 922

(2) The ~~treasurer of state, in consultation with the~~ 923
director of budget and management, shall disburse money from the 924
state land royalty fund to the appropriate fund designated by 925
the state agency not later than thirty days after the deposit of 926
any money into the state land royalty fund. If the state agency 927
is the department of natural resources, the ~~treasurer of~~ 928
~~state~~ director of budget and management, in consultation with ~~the~~ 929
~~director of budget and management and the~~ director of natural 930
resources, shall disburse the money to the appropriate fund 931
designated by the applicable division within the department. 932

(3) A state agency or, as applicable, a division of the 933
department of natural resources, may use the money for any costs 934
and expenses the agency determines are necessary. 935

(C) As used in this section, "state agency" has the same 936
meaning as in section 155.30 of the Revised Code. 937

Sec. 135.01. Except as otherwise provided in sections 938

135.14, 135.143, 135.181, and 135.182 of the Revised Code, as 939
used in sections 135.01 to 135.21 of the Revised Code: 940

(A) "Active deposit" means a public deposit necessary to 941
meet current demands on the treasury, or a fund that is in the 942
custody of the treasurer of state but not part of the state 943
treasury, and that is deposited in any of the following: 944

(1) A commercial account that is payable or withdrawable, 945
in whole or in part, on demand; 946

(2) A negotiable order of withdrawal account as authorized 947
in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 948
146, 12 U.S.C.A. 1832(a); 949

(3) A money market deposit account as authorized in the 950
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 951
1501, 12 U.S.C. 3503. 952

(B) "Auditor" includes the auditor of state and the 953
auditor, or officer exercising the functions of an auditor, of 954
any subdivision. 955

(C) "Capital funds" means the sum of the following: the 956
par value of the outstanding common capital stock, the par value 957
of the outstanding preferred capital stock, the aggregate par 958
value of all outstanding capital notes and debentures, and the 959
surplus. In the case of an institution having offices in more 960
than one county, the capital funds of such institution, for the 961
purposes of sections 135.01 to 135.21 of the Revised Code, 962
relative to the deposit of the public moneys of the subdivisions 963
in one such county, shall be considered to be that proportion of 964
the capital funds of the institution that is represented by the 965
ratio that the deposit liabilities of such institution 966
originating at the office located in the county bears to the 967

total deposit liabilities of the institution. 968

(D) "Governing board" means, in the case of the state, the 969
state board of deposit; in the case of all school districts and 970
educational service centers except as otherwise provided in this 971
section, the board of education or governing board of a service 972
center, and when the case so requires, the board of 973
commissioners of the sinking fund; in the case of a municipal 974
corporation, the legislative authority, and when the case so 975
requires, the board of trustees of the sinking fund; in the case 976
of a township, the board of township trustees; in the case of a 977
union or joint institution or enterprise of two or more 978
subdivisions not having a treasurer, the board of directors or 979
trustees thereof; and in the case of any other subdivision 980
electing or appointing a treasurer, the directors, trustees, or 981
other similar officers of such subdivision. The governing board 982
of a subdivision electing or appointing a treasurer shall be the 983
governing board of all other subdivisions for which such 984
treasurer is authorized by law to act. In the case of a county 985
school financing district that levies a tax pursuant to section 986
5705.215 of the Revised Code, the county board of education that 987
serves as its taxing authority shall operate as a governing 988
board. Any other county board of education shall operate as a 989
governing board unless it adopts a resolution designating the 990
board of county commissioners as the governing board for the 991
county school district. 992

(E) "Inactive deposit" means a public deposit other than 993
an interim deposit or an active deposit. 994

(F) "Interim deposit" means a deposit of interim moneys. 995
"Interim moneys" means public moneys in the treasury of any 996
subdivision after the award of inactive deposits has been made 997

in accordance with section 135.07 of the Revised Code, which 998
moneys are in excess of the aggregate amount of the inactive 999
deposits as estimated by the governing board prior to the period 1000
of designation and which the governing board finds should not be 1001
deposited as active or inactive deposits for the reason that 1002
such moneys will not be needed for immediate use but will be 1003
needed before the end of the period of designation. In the case 1004
of the state treasury, "interim moneys" means public moneys that 1005
are not active deposits and may be invested in accordance with 1006
section 135.143 of the Revised Code. 1007

(G) "Permissible rate of interest" means a rate of 1008
interest that all eligible institutions mentioned in section 1009
135.03 of the Revised Code are permitted to pay by law or valid 1010
regulations. 1011

(H) "Warrant clearance account" means an account 1012
established by the treasurer of state for either of the 1013
following purposes: 1014

~~(a)~~ (1) The deposit of active state moneys for the purposes 1015
of clearing state paper warrants or checks through the banking 1016
system, funding electronic benefit transfer cards, issuing 1017
stored value cards, or otherwise facilitating the settlement of 1018
state obligations; 1019

~~(b)~~ (2) The deposit of custodial moneys from an account 1020
held in the custody of the treasurer of state to facilitate 1021
settlement of obligations of the custodial fund. 1022

(I) "Public deposit" means public moneys deposited in a 1023
public depository pursuant to sections 135.01 to 135.21 of the 1024
Revised Code. 1025

(J) "Public depository" means an institution which 1026

receives or holds any public deposits. 1027

(K) "Public moneys" means all moneys in the treasury of 1028
the state or any subdivision of the state, or moneys coming 1029
lawfully into the possession or custody of the treasurer of 1030
state or of the treasurer of any subdivision. "Public moneys of 1031
the state" includes all such moneys coming lawfully into the 1032
possession of the treasurer of state; and "public moneys of a 1033
subdivision" includes all such moneys coming lawfully into the 1034
possession of the treasurer of the subdivision. 1035

(L) "Subdivision" means any municipal corporation, except 1036
one which has adopted a charter under Article XVIII, Ohio 1037
Constitution, and the charter or ordinances of the chartered 1038
municipal corporation set forth special provisions respecting 1039
the deposit or investment of its public moneys, or any school 1040
district or educational service center, a county school 1041
financing district, township, municipal or school district 1042
sinking fund, special taxing or assessment district, or other 1043
district or local authority electing or appointing a treasurer, 1044
except a county. In the case of a school district or educational 1045
service center, special taxing or assessment district, or other 1046
local authority for which a treasurer, elected or appointed 1047
primarily as the treasurer of a subdivision, is authorized or 1048
required by law to act as ex officio treasurer, the subdivision 1049
for which such a treasurer has been primarily elected or 1050
appointed shall be considered to be the "subdivision." The term 1051
also includes a union or joint institution or enterprise of two 1052
or more subdivisions, that is not authorized to elect or appoint 1053
a treasurer, and for which no ex officio treasurer is provided 1054
by law. 1055

(M) "Treasurer" means, in the case of the state, the 1056

treasurer of state and in the case of any subdivision, the 1057
treasurer, or officer exercising the functions of a treasurer, 1058
of such subdivision. In the case of a board of trustees of the 1059
sinking fund of a municipal corporation, the board of 1060
commissioners of the sinking fund of a school district, or a 1061
board of directors or trustees of any union or joint institution 1062
or enterprise of two or more subdivisions not having a 1063
treasurer, such term means such board of trustees of the sinking 1064
fund, board of commissioners of the sinking fund, or board of 1065
directors or trustees. 1066

(N) "Treasury investment board" of a municipal corporation 1067
means the mayor or other chief executive officer, the village 1068
solicitor or city director of law, and the auditor or other 1069
chief fiscal officer. 1070

(O) "No-load money market mutual fund" means a no-load 1071
money market mutual fund to which all of the following apply: 1072

(1) The fund is registered as an investment company under 1073
the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 1074
80a-1 to 80a-64; 1075

(2) The fund has the highest letter or numerical rating 1076
provided by at least one nationally recognized statistical 1077
rating organization; 1078

(3) The fund does not include any investment in a 1079
derivative. As used in division (O) (3) of this section, 1080
"derivative" means a financial instrument or contract or 1081
obligation whose value or return is based upon or linked to 1082
another asset or index, or both, separate from the financial 1083
instrument, contract, or obligation itself. Any security, 1084
obligation, trust account, or other instrument that is created 1085

from an issue of the United States treasury or is created from 1086
an obligation of a federal agency or instrumentality or is 1087
created from both is considered a derivative instrument. An 1088
eligible investment described in section 135.14 or 135.35 of the 1089
Revised Code with a variable interest rate payment, based upon a 1090
single interest payment or single index comprised of other 1091
investments provided for in division (B)(1) or (2) of section 1092
135.14 of the Revised Code, is not a derivative, provided that 1093
such variable rate investment has a maximum maturity of two 1094
years. 1095

(P) "Public depositor" means the state or a subdivision, 1096
as applicable, that deposits public moneys in a public 1097
depository pursuant to sections 135.01 to 135.21 of the Revised 1098
Code. 1099

(Q) "Uninsured public deposit" means the portion of a 1100
public deposit that is not insured by the federal deposit 1101
insurance corporation or by any other agency or instrumentality 1102
of the federal government. 1103

Sec. 135.03. (A) As used in this section, "banking office" 1104
has the same meaning as in division (D) of section 1101.01 of 1105
the Revised Code. 1106

(B) Any national bank, any bank doing business under 1107
authority granted by the superintendent of financial 1108
institutions, or any bank doing business under authority granted 1109
by the regulatory authority of another state of the United 1110
States, and which has a banking office located in this state, is 1111
eligible to become a public depository, subject to sections 1112
135.01 to 135.21 of the Revised Code. No bank shall receive or 1113
have on deposit at any one time public moneys, including public 1114
moneys as defined in section 135.31 of the Revised Code, in an 1115

aggregate amount in excess of thirty per cent of its total 1116
assets, as shown in its latest report to the comptroller of the 1117
currency, the superintendent of financial institutions, the 1118
federal deposit insurance corporation, or the board of governors 1119
of the federal reserve system. 1120

(C) Any federal savings association or any savings and 1121
loan association or savings bank doing business under authority 1122
granted by the regulatory authority of another state of the 1123
United States, and which has a banking office located in this 1124
state, and authorized to accept deposits is eligible to become a 1125
public depository, subject to sections 135.01 to 135.21 of the 1126
Revised Code. No savings association, savings and loan 1127
association, or savings bank shall receive or have on deposit at 1128
any one time public moneys, including public moneys as defined 1129
in section 135.31 of the Revised Code, in an aggregate amount in 1130
excess of thirty per cent of its total assets, as shown in its 1131
latest report to the former office of thrift supervision, the 1132
comptroller of the currency, the superintendent of financial 1133
institutions, the federal deposit insurance corporation, or the 1134
board of governors of the federal reserve system. 1135

Sec. 135.032. (A) For the purposes of this section: 1136

(1) "Institution" means an institution eligible to become 1137
a public depository under section 135.03 or 135.32 of the 1138
Revised Code or an eligible credit union, as defined in section 1139
135.62 of the Revised Code. 1140

(2) "Prompt corrective action directive" means a directive 1141
issued by a regulatory authority of the United States as 1142
authorized under 12 U.S.C. 1790d or 1831o or, in the case of a 1143
nonfederally insured institution chartered in this state, a 1144
directive issued by the superintendent of the division of 1145

financial institutions. 1146

(B) An institution designated as a public depository under 1147
this chapter shall ~~notify~~ provide written notification within 1148
five business days, as defined in section 3901.81 of the Revised 1149
Code, to each governing board that made such designation if the 1150
institution becomes party to an active prompt corrective action 1151
directive. 1152

(C) Except as otherwise provided in division (D) of this 1153
section, an institution is ineligible to become a public 1154
depository under this chapter or to have active, interim, or 1155
inactive deposits awarded, placed, purchased, made, or 1156
designated pursuant to this chapter, if the institution is party 1157
to an active prompt corrective action directive. 1158

(D) If a governing board receives notice under division 1159
(B) of this section, or otherwise becomes aware that an 1160
institution the board designated as a public depository is party 1161
to an active prompt corrective action directive, the board may 1162
do either or both of the following, if the board determines that 1163
it is in the public interest: 1164

(1) Allow the public depository to continue to have 1165
active, interim, or inactive deposits awarded, placed, 1166
purchased, made, or designated for the remainder of the 1167
designation period; 1168

(2) Designate the institution as a public depository for 1169
additional succeeding designation periods. 1170

(E) If a governing board determines that one or both of 1171
the actions permitted by division (D) of this section are in the 1172
public interest, and public moneys are lost due to the failure 1173
of the public depository subject to the active prompt correction 1174

directive, all of the following are relieved from any liability 1175
for that loss: 1176

(1) The governing board's treasurer and deputy treasurer; 1177

(2) An executive director, director, or other person 1178
employed by the governing board, its treasurer, or its deputy 1179
treasurer; 1180

(3) Bondspersons and surety of any person described in 1181
divisions (E) (1) and (2) of this section. 1182

Sec. 135.14. (A) As used in this section: 1183

(1) "Treasurer" does not include the treasurer of state, 1184
and "governing board" does not include the state board of 1185
deposit. 1186

(2) "Other obligations" includes notes whether or not 1187
issued in anticipation of the issuance of bonds. 1188

(B) The treasurer or governing board may invest or deposit 1189
any part or all of the interim moneys. The following 1190
classifications of obligations shall be eligible for such 1191
investment or deposit: 1192

(1) United States treasury bills, notes, bonds, or any 1193
other obligation or security issued by the United States 1194
treasury or any other obligation guaranteed as to principal and 1195
interest by the United States. 1196

Nothing in the classification of eligible obligations set 1197
forth in division (B) (1) of this section or in the 1198
classifications of eligible obligations set forth in divisions 1199
(B) (2) to (7) of this section shall be construed to authorize 1200
any investment in stripped principal or interest obligations of 1201
such eligible obligations. 1202

(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including but not limited to, the federal national mortgage association, federal home loan bank, federal farm credit bank, federal home loan mortgage corporation, and government national mortgage association. All federal agency securities shall be direct issuances of federal government agencies or instrumentalities.

(3) Interim deposits in the eligible institutions applying for interim moneys as provided in section 135.08 of the Revised Code. The award of interim deposits shall be made in accordance with section 135.09 of the Revised Code and the treasurer or the governing board shall determine the periods for which such interim deposits are to be made and shall award such interim deposits for such periods, provided that any eligible institution receiving an interim deposit award may, upon notification that the award has been made, decline to accept the interim deposit in which event the award shall be made as though the institution had not applied for such interim deposit.

(4) Bonds and other obligations of this state, or the political subdivisions of this state, provided that, with respect to bonds or other obligations of political subdivisions, all of the following apply:

(a) The bonds or other obligations are payable from general revenues of the political subdivision and backed by the full faith and credit of the political subdivision.

(b) The bonds or other obligations are rated at the time of purchase in the three highest classifications established by at least one nationally recognized statistical rating organization and purchased through a registered securities

broker or dealer. 1233

(c) The aggregate value of the bonds or other obligations 1234
does not exceed twenty per cent of interim moneys available for 1235
investment at the time of purchase. 1236

(d) The treasurer or governing board is not the sole 1237
purchaser of the bonds or other obligations at original 1238
issuance. 1239

(e) The bonds or other obligations mature within ten years 1240
from the date of settlement. 1241

No investment shall be made under division (B) (4) of this 1242
section unless the treasurer or governing board has completed 1243
additional training for making the investments authorized by 1244
division (B) (4) of this section. The type and amount of 1245
additional training shall be approved by the treasurer of state 1246
and may be conducted by or provided under the supervision of the 1247
treasurer of state. 1248

(5) No-load money market mutual funds consisting 1249
exclusively of obligations described in division (B) (1) or (2) 1250
of this section and repurchase agreements secured by such 1251
obligations, provided that investments in securities described 1252
in this division are made only through eligible institutions 1253
mentioned in section 135.03 of the Revised Code; 1254

(6) The Ohio subdivision's fund as provided in section 1255
~~135.45~~113.07 of the Revised Code; 1256

(7) Up to forty per cent of interim moneys available for 1257
investment in either of the following: 1258

(a) Commercial paper notes issued by an entity that is 1259
defined in division (K) of section 1706.01 of the Revised Code 1260

and that has assets exceeding five hundred million dollars, to 1261
which notes all of the following apply: 1262

(i) The notes are rated at the time of purchase in the 1263
highest classification established by at least two nationally 1264
recognized statistical rating organizations. 1265

(ii) The aggregate value of the notes does not exceed ten 1266
per cent of the aggregate value of the outstanding commercial 1267
paper of the issuing corporation. 1268

(iii) The notes mature not later than two hundred seventy 1269
days after purchase. 1270

(iv) The investment in commercial paper notes of a single 1271
issuer shall not exceed in the aggregate five per cent of 1272
interim moneys available for investment at the time of purchase. 1273

(b) Bankers acceptances of banks that are insured by the 1274
federal deposit insurance corporation and that mature not later 1275
than one hundred eighty days after purchase. 1276

No investment shall be made pursuant to division (B) (7) of 1277
this section unless the treasurer or governing board has 1278
completed additional training for making the investments 1279
authorized by division (B) (7) of this section. The type and 1280
amount of additional training shall be approved by the treasurer 1281
of state and may be conducted by or provided under the 1282
supervision of the treasurer of state. 1283

(C) Nothing in the classifications of eligible obligations 1284
set forth in divisions (B) (1) to (7) of this section shall be 1285
construed to authorize any investment in a derivative, and no 1286
treasurer or governing board shall invest in a derivative. For 1287
purposes of this division, "derivative" means a financial 1288
instrument or contract or obligation whose value or return is 1289

based upon or linked to another asset or index, or both, 1290
separate from the financial instrument, contract, or obligation 1291
itself. Any security, obligation, trust account, or other 1292
instrument that is created from an issue of the United States 1293
treasury or is created from an obligation of a federal agency or 1294
instrumentality or is created from both is considered a 1295
derivative instrument. An eligible investment described in this 1296
section with a variable interest rate payment, based upon a 1297
single interest payment or single index comprised of other 1298
eligible investments provided for in division (B) (1) or (2) of 1299
this section, is not a derivative, provided that such variable 1300
rate investment has a maximum maturity of two years. 1301

(D) Except as provided in division (B) (4) or (E) of this 1302
section, any investment made pursuant to this section must 1303
mature within five years from the date of settlement, unless the 1304
investment is matched to a specific obligation or debt of the 1305
subdivision. 1306

(E) The treasurer or governing board may also enter into a 1307
written repurchase agreement with any eligible institution 1308
mentioned in section 135.03 of the Revised Code or any eligible 1309
dealer pursuant to division (M) of this section, under the terms 1310
of which agreement the treasurer or governing board purchases, 1311
and such institution or dealer agrees unconditionally to 1312
repurchase any of the securities listed in divisions (D) (1) to 1313
(5), except letters of credit described in division (D) (2), of 1314
section 135.18 of the Revised Code. The market value of 1315
securities subject to an overnight written repurchase agreement 1316
must exceed the principal value of the overnight written 1317
repurchase agreement by at least two per cent. A written 1318
repurchase agreement shall not exceed thirty days and the market 1319
value of securities subject to a written repurchase agreement 1320

must exceed the principal value of the written repurchase 1321
agreement by at least two per cent and be marked to market 1322
daily. All securities purchased pursuant to this division shall 1323
be delivered into the custody of the treasurer or governing 1324
board or an agent designated by the treasurer or governing 1325
board. A written repurchase agreement with an eligible 1326
securities dealer shall be transacted on a delivery versus 1327
payment basis. The agreement shall contain the requirement that 1328
for each transaction pursuant to the agreement the participating 1329
institution or dealer shall provide all of the following 1330
information: 1331

- (1) The par value of the securities; 1332
- (2) The type, rate, and maturity date of the securities; 1333
- (3) A numerical identifier generally accepted in the 1334
securities industry that designates the securities. 1335

No treasurer or governing board shall enter into a written 1336
repurchase agreement under the terms of which the treasurer or 1337
governing board agrees to sell securities owned by the 1338
subdivision to a purchaser and agrees with that purchaser to 1339
unconditionally repurchase those securities. 1340

(F) No treasurer or governing board shall make an 1341
investment under this section, unless the treasurer or governing 1342
board, at the time of making the investment, reasonably expects 1343
that the investment can be held until its maturity. 1344

(G) No treasurer or governing board shall pay interim 1345
moneys into a fund established by another subdivision, 1346
treasurer, governing board, or investing authority, if that fund 1347
was established for the purpose of investing the public moneys 1348
of other subdivisions. This division does not apply to the 1349

payment of public moneys into either of the following: 1350

(1) The Ohio subdivision's fund pursuant to division (B) 1351

(6) of this section; 1352

(2) A fund created solely for the purpose of acquiring, 1353

constructing, owning, leasing, or operating municipal utilities 1354

pursuant to the authority provided under section 715.02 of the 1355

Revised Code or Section 4 of Article XVIII, Ohio Constitution. 1356

For purposes of division (G) of this section, 1357

"subdivision" includes a county. 1358

(H) The use of leverage, in which the treasurer or 1359

governing board uses its current investment assets as collateral 1360

for the purpose of purchasing other assets, is prohibited. The 1361

issuance of taxable notes for the purpose of arbitrage is 1362

prohibited. Contracting to sell securities that have not yet 1363

been acquired by the treasurer or governing board, for the 1364

purpose of purchasing such securities on the speculation that 1365

bond prices will decline, is prohibited. 1366

(I) Whenever, during a period of designation, the 1367

treasurer classifies public moneys as interim moneys, the 1368

treasurer shall notify the governing board of such action. The 1369

notification shall be given within thirty days after such 1370

classification and in the event the governing board does not 1371

concur in such classification or in the investments or deposits 1372

made under this section, the governing board may order the 1373

treasurer to sell or liquidate any of such investments or 1374

deposits, and any such order shall specifically describe the 1375

investments or deposits and fix the date upon which they are to 1376

be sold or liquidated. Investments or deposits so ordered to be 1377

sold or liquidated shall be sold or liquidated for cash by the 1378

treasurer on the date fixed in such order at the then current 1379
market price. Neither the treasurer nor the members of the board 1380
shall be held accountable for any loss occasioned by sales or 1381
liquidations of investments or deposits at prices lower than 1382
their cost. Any loss or expense incurred in making such sales or 1383
liquidations is payable as other expenses of the treasurer's 1384
office. 1385

(J) If any investments or deposits purchased under the 1386
authority of this section are issuable to a designated payee or 1387
to the order of a designated payee, the name of the treasurer 1388
and the title of the treasurer's office shall be so designated. 1389
If any such securities are registrable either as to principal or 1390
interest, or both, then such securities shall be registered in 1391
the name of the treasurer as such. 1392

(K) The treasurer is responsible for the safekeeping of 1393
all documents evidencing a deposit or investment acquired by the 1394
treasurer under this section. Any securities may be deposited 1395
for safekeeping with a qualified trustee as provided in section 1396
135.18 of the Revised Code, except the delivery of securities 1397
acquired under any repurchase agreement under this section shall 1398
be made to a qualified trustee, provided, however, that the 1399
qualified trustee shall be required to report to the treasurer, 1400
governing board, auditor of state, or an authorized outside 1401
auditor at any time upon request as to the identity, market 1402
value, and location of the document evidencing each security, 1403
and that if the participating institution is a designated 1404
depository of the subdivision for the current period of 1405
designation, the securities that are the subject of the 1406
repurchase agreement may be delivered to the treasurer or held 1407
in trust by the participating institution on behalf of the 1408
subdivision. Interest earned on any investments or deposits 1409

authorized by this section shall be collected by the treasurer 1410
and credited by the treasurer to the proper fund of the 1411
subdivision. 1412

Upon the expiration of the term of office of a treasurer 1413
or in the event of a vacancy in the office of treasurer by 1414
reason of death, resignation, removal from office, or otherwise, 1415
the treasurer or the treasurer's legal representative shall 1416
transfer and deliver to the treasurer's successor all documents 1417
evidencing a deposit or investment held by the treasurer. For 1418
the investments and deposits so transferred and delivered, such 1419
treasurer shall be credited with and the treasurer's successor 1420
shall be charged with the amount of money held in such 1421
investments and deposits. 1422

(L) Whenever investments or deposits acquired under this 1423
section mature and become due and payable, the treasurer shall 1424
present them for payment according to their tenor, and shall 1425
collect the moneys payable thereon. The moneys so collected 1426
shall be treated as public moneys subject to sections 135.01 to 1427
135.21 of the Revised Code. 1428

(M) (1) All investments, except for investments in 1429
securities described in divisions (B) (5) and (6) of this section 1430
and for investments by a municipal corporation in the issues of 1431
such municipal corporation, shall be made only through a member 1432
of the financial industry regulatory authority (FINRA), through 1433
a bank, savings bank, or savings and loan association regulated 1434
by the superintendent of financial institutions, or through an 1435
institution regulated by the comptroller of the currency, 1436
federal deposit insurance corporation, or board of governors of 1437
the federal reserve system. 1438

(2) Payment for investments shall be made only upon the 1439

delivery of securities representing such investments to the 1440
treasurer, governing board, or qualified trustee. If the 1441
securities transferred are not represented by a certificate, 1442
payment shall be made only upon receipt of confirmation of 1443
transfer from the custodian by the treasurer, governing board, 1444
or qualified trustee. 1445

(N) In making investments authorized by this section, a 1446
treasurer or governing board may retain the services of an 1447
investment advisor, provided the advisor is licensed by the 1448
division of securities under section 1707.141 of the Revised 1449
Code or is registered with the securities and exchange 1450
commission, and possesses experience in public funds investment 1451
management, specifically in the area of state and local 1452
government investment portfolios, or the advisor is an eligible 1453
institution mentioned in section 135.03 of the Revised Code. 1454

(O) (1) Except as otherwise provided in divisions (O) (2) 1455
and (3) of this section, no treasurer or governing board shall 1456
make an investment or deposit under this section, unless there 1457
is on file with the auditor of state a written investment policy 1458
approved by the treasurer or governing board. The policy shall 1459
require that all entities conducting investment business with 1460
the treasurer or governing board shall sign the investment 1461
policy of that subdivision. All brokers, dealers, and financial 1462
institutions, described in division (M) (1) of this section, 1463
initiating transactions with the treasurer or governing board by 1464
giving advice or making investment recommendations shall sign 1465
the treasurer's or governing board's investment policy thereby 1466
acknowledging their agreement to abide by the policy's contents. 1467
All brokers, dealers, and financial institutions, described in 1468
division (M) (1) of this section, executing transactions 1469
initiated by the treasurer or governing board, having read the 1470

policy's contents, shall sign the investment policy thereby 1471
acknowledging their comprehension and receipt. 1472

(2) If a written investment policy described in division 1473
(O) (1) of this section is not filed on behalf of the subdivision 1474
with the auditor of state, the treasurer or governing board of 1475
that subdivision shall invest the subdivision's interim moneys 1476
only in interim deposits pursuant to division (B) (3) of this 1477
section or interim deposits pursuant to section 135.145 of the 1478
Revised Code and approved by the treasurer of state, no-load 1479
money market mutual funds pursuant to division (B) (5) of this 1480
section, or the Ohio subdivision's fund pursuant to division (B) 1481
(6) of this section. 1482

(3) Divisions (O) (1) and (2) of this section do not apply 1483
to a treasurer or governing board of a subdivision whose average 1484
annual portfolio of investments held pursuant to this section is 1485
one hundred thousand dollars or less, provided that the 1486
treasurer or governing board certifies, on a form prescribed by 1487
the auditor of state, that the treasurer or governing board will 1488
comply and is in compliance with the provisions of sections 1489
135.01 to 135.21 of the Revised Code. 1490

(P) A treasurer or governing board may enter into a 1491
written investment or deposit agreement that includes a 1492
provision under which the parties agree to submit to nonbinding 1493
arbitration to settle any controversy that may arise out of the 1494
agreement, including any controversy pertaining to losses of 1495
public moneys resulting from investment or deposit. The 1496
arbitration provision shall be set forth entirely in the 1497
agreement, and the agreement shall include a conspicuous notice 1498
to the parties that any party to the arbitration may apply to 1499
the court of common pleas of the county in which the arbitration 1500

was held for an order to vacate, modify, or correct the award. 1501
Any such party may also apply to the court for an order to 1502
change venue to a court of common pleas located more than one 1503
hundred miles from the county in which the treasurer or 1504
governing board is located. 1505

For purposes of this division, "investment or deposit 1506
agreement" means any agreement between a treasurer or governing 1507
board and a person, under which agreement the person agrees to 1508
invest, deposit, or otherwise manage a subdivision's interim 1509
moneys on behalf of the treasurer or governing board, or agrees 1510
to provide investment advice to the treasurer or governing 1511
board. 1512

(Q) An investment made by the treasurer or governing board 1513
pursuant to this section prior to September 27, 1996, that was a 1514
legal investment under the law as it existed before September 1515
27, 1996, may be held until maturity. 1516

Sec. 135.143. (A) The treasurer of state may invest or 1517
execute transactions for any part or all of the interim funds of 1518
the state in the following classifications of obligations: 1519

(1) United States treasury bills, notes, bonds, or any 1520
other obligations or securities issued by the United States 1521
treasury or any other obligation guaranteed as to principal and 1522
interest by the United States; 1523

(2) Bonds, notes, debentures, or any other obligations or 1524
securities issued by any federal government agency or 1525
instrumentality; 1526

(3) (a) Bonds, notes, and other obligations of the state of 1527
Ohio, including, but not limited to, any obligations issued by 1528
the treasurer of state, the Ohio public facilities commission, 1529

the Ohio housing finance agency, the Ohio water development 1530
authority, the Ohio turnpike infrastructure commission, the Ohio 1531
higher educational facility commission, and state institutions 1532
of higher education as defined in section 3345.011 of the 1533
Revised Code; 1534

(b) Bonds, notes, and other obligations of any state or 1535
political subdivision thereof rated in the three highest 1536
categories by at least one nationally recognized statistical 1537
rating organization and purchased through a registered 1538
securities broker or dealer, provided the treasurer of state is 1539
not the sole purchaser of the bonds, notes, or other obligations 1540
at original issuance. 1541

(4) (a) Written repurchase agreements with any eligible 1542
Ohio financial institution that is a member of the federal 1543
reserve system or federal home loan bank, any registered United 1544
States government securities dealer, or any counterparty rated 1545
in one of the three highest categories by at least one 1546
nationally recognized statistical rating organization or 1547
otherwise determined by the treasurer of state to have adequate 1548
capital and liquidity, under the terms of which agreement the 1549
treasurer of state purchases and the eligible financial 1550
institution, dealer, or counterparty agrees unconditionally to 1551
repurchase any of the securities that are listed in division (A) 1552
(1), (2), (3), (6), or (11) of this section. The market value of 1553
securities subject to these transactions must exceed the 1554
principal value of the repurchase agreement by an amount 1555
specified by the treasurer of state, and the securities must be 1556
delivered into the custody of the treasurer of state or the 1557
qualified trustee or agent designated by the treasurer of state. 1558
The agreement shall contain the requirement that for each 1559
transaction pursuant to the agreement, the participating 1560

institution, dealer, or counterparty shall provide all of the 1561
following information: 1562

(i) The par value of the securities; 1563

(ii) The type, rate, and maturity date of the securities; 1564

(iii) A numerical identifier generally accepted in the 1565
securities industry that designates the securities. 1566

(b) The treasurer of state also may sell any securities, 1567
listed in division (A) (1), (2), (6), or (11) of this section, 1568
regardless of maturity or time of redemption of the securities, 1569
under the same terms and conditions for repurchase, provided 1570
that the securities have been fully paid for and are owned by 1571
the treasurer of state at the time of the sale. 1572

(c) For purposes of division (A) (4) of this section, the 1573
treasurer of state shall only buy or sell securities listed in 1574
division (A) (11) of this section issued by entities that are 1575
organized under the laws of this state, any other state, or the 1576
United States. 1577

(5) Securities lending agreements with any eligible 1578
financial institution that is a member of the federal reserve 1579
system or federal home loan bank or any recognized United States 1580
government securities dealer, under the terms of which 1581
agreements the treasurer of state lends securities and the 1582
eligible financial institution or dealer agrees to 1583
simultaneously exchange similar securities or cash, equal value 1584
for equal value. 1585

Securities and cash received as collateral for a 1586
securities lending agreement are not interim funds of the state. 1587
The investment of cash collateral received pursuant to a 1588
securities lending agreement may be invested only in such 1589

instruments specified by the treasurer of state in accordance 1590
with a written investment policy. 1591

(6) Various forms of commercial paper issued by any entity 1592
that is organized under the laws of the United States or a 1593
state, which notes are rated in the two highest categories by 1594
two nationally recognized statistical rating organizations, 1595
provided that the total amount invested under this section in 1596
any commercial paper at any time shall not exceed forty per cent 1597
of the state's total average portfolio, as determined and 1598
calculated by the treasurer of state; 1599

(7) Bankers acceptances, maturing in two hundred seventy 1600
days or less, provided that the total amount invested in bankers 1601
acceptances at any time shall not exceed ten per cent of the 1602
state's total average portfolio, as determined and calculated by 1603
the treasurer of state; 1604

(8) Certificates of deposit, savings accounts, or deposit 1605
accounts in eligible institutions applying for interim moneys as 1606
provided in section 135.08 of the Revised Code, including linked 1607
deposits as authorized under section 135.61 of the Revised 1608
Code~~+~~. For interim funds invested in accordance with division 1609
(A) (8) of this section, the pledging requirements described in 1610
sections 135.18, 135.181, or 135.182 of the Revised Code may be 1611
reduced by up to ten per cent in accordance with rules adopted 1612
by the treasurer of state. 1613

(9) Negotiable certificates of deposit denominated in 1614
United States dollars issued by a nationally or state-chartered 1615
bank, a savings association or a federal savings association, a 1616
state or federal credit union, or a federally licensed or state- 1617
licensed branch of a foreign bank, which are rated in the two 1618
highest categories by two nationally recognized statistical 1619

rating organizations, provided that the total amount invested 1620
under this section in negotiable certificates of deposit at any 1621
time shall not exceed twenty-five per cent of the state's total 1622
average portfolio, as determined and calculated by the treasurer 1623
of state. Interim funds invested in accordance with division (A) 1624
(9) of this section are not limited to institutions applying for 1625
interim moneys under section 135.08 of the Revised Code, nor are 1626
they subject to any pledging requirements described in sections 1627
135.18, 135.181, or 135.182 of the Revised Code. 1628

(10) The state treasurer's investment pool authorized 1629
under section ~~135.45~~113.07 of the Revised Code; 1630

(11) Debt interests, other than commercial paper described 1631
in division (A) (6) of this section, rated in the ~~three~~four 1632
highest categories by two nationally recognized statistical 1633
rating organizations and issued by entities that are organized 1634
under the laws of the United States or a state, or issued by 1635
foreign nations diplomatically recognized by the United States 1636
government, or any instrument based on, derived from, or related 1637
to such interests, provided that: 1638

(a) The investments in debt interests other than 1639
commercial paper, when added to the investment in written 1640
repurchase agreements for securities listed in division (A) (3) 1641
or (11) of this section, shall not exceed in the aggregate 1642
twenty-five per cent of the state's portfolio nor shall 1643
investments rated in the lowest of the four categories exceed in 1644
the aggregate ten per cent of the state's portfolio. 1645

(b) The investments in debt interests issued by foreign 1646
nations shall not exceed in the aggregate two per cent of the 1647
state's portfolio. 1648

The treasurer of state shall invest under division (A) (11) 1649
of this section in a debt interest issued by a foreign nation 1650
only if the debt interest is backed by the full faith and credit 1651
of that foreign nation, and provided that all interest and 1652
principal shall be denominated and payable in United States 1653
funds. 1654

(c) When added to the investment in commercial paper and 1655
negotiable certificates of deposit, the investments in the debt 1656
interests of a single issuer shall not exceed in the aggregate 1657
five per cent of the state's portfolio. 1658

(d) For purposes of division (A) (11) of this section, a 1659
debt interest is rated in the ~~three~~four highest categories by 1660
two nationally recognized statistical rating organizations if 1661
either the debt interest itself or the issuer of the debt 1662
interest is rated, or is implicitly rated, in the ~~three~~four 1663
highest categories by two nationally recognized statistical 1664
rating organizations. 1665

(e) For purposes of division (A) (11) of this section, the 1666
"state's portfolio" means the state's total average portfolio, 1667
as determined and calculated by the treasurer of state. 1668

(12) No-load money market mutual funds rated in the 1669
highest category by one nationally recognized statistical rating 1670
organization or consisting exclusively of obligations described 1671
in division (A) (1), (2), or (6) of this section and repurchase 1672
agreements secured by such obligations; 1673

(13) Obligations issued by, or on behalf of, an Ohio 1674
political subdivision under Chapter 133. of the Revised Code or 1675
Section 12 of Article XVIII, Ohio Constitution, and identified 1676
in an agreement described in division (G) of this section; 1677

(14) Obligations issued by the state of Ohio, any 1678
political subdivision thereof, or by or on behalf of any 1679
nonprofit corporation or association doing business in this 1680
state rated in the four highest categories by at least one 1681
nationally recognized statistical rating organization and 1682
identified in an agreement described in division (K) of this 1683
section. 1684

(B) On or before the tenth day of each month, the 1685
treasurer of state shall notify the state board of deposit that 1686
the following reports pertaining to the immediately preceding 1687
month have been posted to the web site maintained by the 1688
treasurer of state: 1689

(1) The daily ledger report of state funds prepared in 1690
accordance with section 113.13 of the Revised Code; 1691

(2) The monthly portfolio report detailing the current 1692
inventory of all investments and deposits held within the 1693
classification of interim moneys; 1694

(3) The monthly activity report within the classification 1695
of interim moneys summarized by type of investment or deposit. 1696

In the event the state board of deposit does not concur in 1697
such classification or in the investments or deposits made under 1698
this section, the board may order the treasurer of state to sell 1699
or liquidate any of the investments or deposits, and any such 1700
order shall specifically describe the investments or deposits 1701
and fix the date upon which they are to be sold or liquidated. 1702
Investments or deposits so ordered to be sold or liquidated 1703
shall be sold or liquidated for cash by the treasurer of state 1704
on the date fixed in such order at the then current market 1705
price. Neither the treasurer of state nor the members of the 1706

state board of deposit shall be held accountable for any loss 1707
occasioned by sales or liquidations of investments or deposits 1708
at prices lower than their cost. Any loss or expense incurred in 1709
making these sales or liquidations is payable as other expenses 1710
of the treasurer's office. 1711

(C) If any securities or obligations invested in by the 1712
treasurer of state pursuant to this section are registrable 1713
either as to principal or interest, or both, such securities or 1714
obligations shall be registered in the name of the treasurer of 1715
state. 1716

(D) The treasurer of state is responsible for the 1717
safekeeping of all securities or obligations under this section. 1718
Any such securities or obligations may be deposited for 1719
safekeeping as provided in section 113.05 of the Revised Code. 1720

(E) Interest earned on any investments or deposits 1721
authorized by this section shall be collected by the treasurer 1722
of state and credited by the treasurer of state to the proper 1723
fund of the state. 1724

(F) Whenever investments or deposits acquired under this 1725
section mature and become due and payable, the treasurer of 1726
state shall present them for payment according to their tenor, 1727
and shall collect the moneys payable thereon. The moneys so 1728
collected shall be treated as public moneys subject to sections 1729
135.01 to 135.21 of the Revised Code. 1730

(G) The treasurer of state and any entity issuing 1731
obligations referred to in division (A)(13) of this section, 1732
which obligations mature within ~~one year~~ two years from the 1733
original date of issuance, may enter into an agreement providing 1734
for: 1735

(1) The purchase of those obligations by the treasurer of 1736
state on terms and subject to conditions set forth in the 1737
agreement; 1738

(2) The payment to the treasurer of state of a reasonable 1739
fee as consideration for the agreement of the treasurer of state 1740
to purchase those obligations; provided, however, that the 1741
treasurer of state shall not be authorized to enter into any 1742
such agreement with a board of education of a school district 1743
that has an outstanding obligation with respect to a loan 1744
received under authority of section 3313.483 of the Revised 1745
Code. 1746

(H) For purposes of division (G) of this section, a fee 1747
shall not be considered reasonable unless it is set to recover 1748
only the direct costs, a reasonable estimate of the indirect 1749
costs associated with the purchasing of obligations under 1750
division (G) of this section and any reselling of the 1751
obligations or any interest in the obligations, including 1752
interests in a fund comprised of the obligations, and the 1753
administration thereof. No money from the general revenue fund 1754
shall be used to subsidize the purchase or resale of these 1755
obligations. 1756

(I) All money collected by the treasurer of state from the 1757
fee imposed by division (G) of this section shall be deposited 1758
to the credit of the state political subdivision obligations 1759
fund, which is hereby created in the state treasury. Money 1760
credited to the fund shall be used solely to pay the treasurer 1761
of state's direct and indirect costs associated with purchasing 1762
and reselling obligations under division (G) of this section. 1763

(J) As used in this section, "political subdivision" means 1764
a county, township, municipal corporation, school district, or 1765

other body corporate and politic responsible for governmental 1766
activities in a geographic area smaller than that of the state. 1767

(K) (1) The treasurer of state and any entity issuing 1768
obligations referred to in division (A) (14) of this section, 1769
which obligations require a conditional liquidity requirement, 1770
may enter into an agreement providing for the following: 1771

(a) The purchase of the obligations by the treasurer of 1772
state on terms and subject to conditions set forth in the 1773
agreement; 1774

(b) Payment to the treasurer of state of a fee as 1775
consideration for the agreement of the treasurer of state to 1776
purchase the obligations. 1777

(2) The treasurer of state shall not enter into agreements 1778
under division (K) (1) of this section for obligations that, in 1779
the aggregate, exceed ten per cent of the state's total average 1780
portfolio, as determined and calculated by the treasurer of 1781
state. 1782

(3) For purposes of division (A) (14) of this section, an 1783
obligation is rated in the four highest categories by at least 1784
one nationally recognized statistical rating organization if 1785
either the debt interest itself or the obligor of the debt 1786
interest is rated in the four highest categories by at least one 1787
nationally recognized statistical rating organization. 1788

(4) All money collected by the treasurer of state from the 1789
fee imposed by division (K) of this section shall be deposited 1790
to the credit of the state securities tender program fund, which 1791
is hereby created in the state treasury. The amount of income 1792
from the state securities tender program credited to the state 1793
securities tender program fund shall not exceed one per cent of 1794

the average par value of obligations subject to agreements under 1795
division (K) (1) of this section. All other such income shall be 1796
credited to the general revenue fund. The treasurer of state may 1797
use the state securities tender program fund solely for 1798
operations of the office of the treasurer of state. 1799

(L) (1) The treasurer of state and a state university or 1800
college issuing obligations under section 3345.12 of the Revised 1801
Code may enter into an agreement providing for the following: 1802

(a) The purchase of those obligations by the treasurer of 1803
state pursuant to division (A) (3) (a) of this section on terms 1804
and subject to conditions set forth in the agreement; 1805

(b) The department of higher education to withhold, in the 1806
event the state university or college does not pay bond service 1807
charges on the obligations when due, appropriated funds 1808
allocated to the state university or college in an amount 1809
sufficient to pay bond service charges on the obligations, less 1810
any amounts deposited for that purpose under the bond 1811
proceedings. Upon the request of the treasurer of state, the 1812
department of higher education shall promptly pay to the 1813
treasurer of state the amounts withheld. 1814

(2) For purposes of division (L) (1) of this section, 1815
"obligations," "state university or college," "bond service 1816
charges," and "bond proceedings" have the same meanings as in 1817
section 3345.12 of the Revised Code. 1818

Sec. 135.18. (A) Each institution designated as a public 1819
depository and awarded public deposits under sections 135.01 to 1820
135.21 of the Revised Code, except as provided in section 1821
~~135.144 or~~ 135.145 of the Revised Code, shall provide security 1822
for the repayment of all public deposits by selecting one of the 1823

following methods: 1824

(1) Securing all uninsured public deposits of each public 1825
depositor separately as set forth in divisions (B) to (J) of 1826
this section; 1827

(2) Securing all uninsured public deposits of every public 1828
depositor pursuant to section 135.181 or 135.182 of the Revised 1829
Code, as applicable, by establishing and pledging to the 1830
treasurer of state a single pool of collateral for the benefit 1831
of every public depositor at the public depository. 1832

(B) If a public depository elects to provide security 1833
pursuant to division (A) (1) of this section, the public 1834
depository shall pledge to the public depositor, as security for 1835
the repayment of all public moneys deposited in the public 1836
depository during the period of designation pursuant to an award 1837
made under sections 135.01 to 135.21 of the Revised Code, 1838
eligible securities of aggregate market value at all times equal 1839
to at least one hundred five per cent of the total amount of the 1840
public depositor's uninsured public deposits. 1841

(C) In order for a public depository to receive public 1842
moneys under this section, the public depository and the public 1843
depositor shall first execute an agreement that sets forth the 1844
entire arrangement among the parties and that meets the 1845
requirements described in 12 U.S.C. 1823(e). In addition, the 1846
agreement shall authorize the public depositor to obtain control 1847
of the collateral pursuant to division (D) of section 1308.24 of 1848
the Revised Code. 1849

(D) The following securities or other obligations shall be 1850
eligible for the purposes of this section: 1851

(1) Bonds, notes, or other obligations of the United 1852

States; or bonds, notes, or other obligations guaranteed as to 1853
principal and interest by the United States or those for which 1854
the faith of the United States is pledged for the payment of 1855
principal and interest thereon, by language appearing in the 1856
instrument specifically providing such guarantee or pledge and 1857
not merely by interpretation or otherwise; 1858

(2) Bonds, notes, debentures, letters of credit, or other 1859
obligations or securities issued by any federal government 1860
agency or instrumentality, or the export-import bank of 1861
Washington; bonds, notes, or other obligations guaranteed as to 1862
principal and interest by the United States or those for which 1863
the faith of the United States is pledged for the payment of 1864
principal and interest thereon, by interpretation or otherwise 1865
and not by language appearing in the instrument specifically 1866
providing such guarantee or pledge; 1867

(3) Obligations of or fully insured or fully guaranteed by 1868
the United States or any federal government agency or 1869
instrumentality; 1870

(4) Obligations partially insured or partially guaranteed 1871
by any federal agency or instrumentality; 1872

(5) Obligations of or fully guaranteed by the federal 1873
national mortgage association, federal home loan mortgage 1874
corporation, federal farm credit bank, or student loan marketing 1875
association; 1876

(6) Bonds and other obligations of this state; 1877

(7) Bonds and other obligations of any county, township, 1878
school district, municipal corporation, or other legally 1879
constituted taxing subdivision of this state, which is not at 1880
the time of such deposit, in default in the payment of principal 1881

or interest on any of its bonds or other obligations, for which 1882
the full faith and credit of the issuing subdivision is pledged; 1883

(8) Bonds of other states of the United States which have 1884
not during the ten years immediately preceding the time of such 1885
deposit defaulted in payments of either interest or principal on 1886
any of their bonds; 1887

(9) Shares of no-load money market mutual funds consisting 1888
exclusively of obligations described in division (D) (1) or (2) 1889
of this section and repurchase agreements secured by such 1890
obligations; 1891

(10) A surety bond issued by a corporate surety licensed 1892
by the state and authorized to issue surety bonds in this state 1893
pursuant to Chapter 3929. of the Revised Code, and qualified to 1894
provide surety bonds to the federal government pursuant to 96 1895
Stat. 1047 (1982), 31 U.S.C.A. 9304; 1896

(11) Bonds or other obligations of any county, municipal 1897
corporation, or other legally constituted taxing subdivision of 1898
another state of the United States, or of any instrumentality of 1899
such county, municipal corporation, or other taxing subdivision, 1900
for which the full faith and credit of the issuer is pledged 1901
and, at the time of purchase of the bonds or other obligations, 1902
rated in one of the two highest categories by at least one 1903
nationally recognized statistical rating organization. 1904

(E) An institution designated as a public depository shall 1905
designate a qualified trustee and place the eligible securities 1906
required by division (D) of this section with the trustee for 1907
safekeeping. The trustee shall hold the eligible securities in 1908
an account indicating the public depositor's security interest 1909
in the securities. The trustee shall report to the public 1910

depositor information relating to the securities pledged to 1911
secure the public deposits in the manner and frequency required 1912
by the public depositor. 1913

(F) The qualified trustee shall enter into a custodial 1914
agreement with the public depositor and public depository in 1915
which the trustee agrees to comply with entitlement orders 1916
originated by the public depositor without further consent by 1917
the public depository or, in the case of collateral held by the 1918
public depository in an account at a federal reserve bank, the 1919
public depositor shall have the public depositor's security 1920
interest marked on the books of the federal reserve bank where 1921
the account for the collateral is maintained. If the public 1922
depository fails to pay over any part of the public deposits 1923
made by the public depositor therein as provided by law, the 1924
public depositor shall give written notice of this failure to 1925
the qualified trustee holding the securities pledged against its 1926
public deposits and, at the same time, shall send a copy of this 1927
notice to the public depository. Upon receipt of this notice, 1928
the trustee shall transfer to the public depositor for sale, the 1929
securities that are necessary to produce an amount equal to the 1930
public deposits made by the public depositor and not paid over, 1931
less the portion of the deposits covered by any federal deposit 1932
insurance, plus any accrued interest due on the deposits. The 1933
public depositor shall sell any of the bonds or other securities 1934
so transferred. When a sale of bonds or other securities has 1935
been so made and upon payment to the public depositor of the 1936
purchase money, the public depositor shall transfer such bonds 1937
or securities whereupon the absolute ownership of such bonds or 1938
securities shall pass to the purchasers. Any surplus after 1939
deducting the amount due the public depositor and expenses of 1940
sale shall be paid to the public depository. 1941

(G) When the public depository has placed eligible 1942
securities described in division (D) (1) of this section with a 1943
trustee for safekeeping, the public depository may at any time 1944
substitute or exchange eligible securities described in division 1945
(D) (1) of this section having a current market value equal to or 1946
greater than the current market value of the securities then on 1947
deposit and for which they are to be substituted or exchanged, 1948
without specific authorization from any public depositor's 1949
governing board, boards, or treasurer of any such substitution 1950
or exchange. 1951

(H) When the public depository has placed eligible 1952
securities described in divisions (D) (2) to (9) of this section 1953
with a trustee for safekeeping, the public depository may at any 1954
time substitute or exchange eligible securities having a current 1955
market value equal to or greater than the current market value 1956
of the securities then on deposit and for which they are to be 1957
substituted or exchanged without specific authorization of any 1958
public depositor's governing board, boards, or treasurer of any 1959
such substitution or exchange only if one of the following 1960
applies: 1961

(1) The public depositor has authorized the public 1962
depository to make such substitution or exchange on a continuing 1963
basis during a specified period without prior approval of each 1964
substitution or exchange. The authorization may be effected by 1965
the public depositor sending to the trustee a written notice 1966
stating that substitution may be effected on a continuing basis 1967
during a specified period which shall not extend beyond the end 1968
of the period of designation during which the notice is given. 1969
The trustee may rely upon this notice and upon the period of 1970
authorization stated therein and upon the period of designation 1971
stated therein. 1972

(2) The public depository notifies the public depositor 1973
and the trustee of an intended substitution or exchange, and the 1974
public depositor does not object to the trustee as to the 1975
eligibility or market value of the securities being substituted 1976
within three business days after the date appearing on the 1977
notice of proposed substitution. The notice to the public 1978
depositor and to the trustee shall be given in writing and 1979
delivered electronically. The trustee may assume in any case 1980
that the notice has been delivered to the public depositor. In 1981
order for objections of the public depositor to be effective, 1982
receipt of the objections must be acknowledged in writing by the 1983
trustee. 1984

(3) The public depositor gives written authorization for a 1985
substitution or exchange of specific securities. 1986

(I) The public depository shall notify any public 1987
depositor of any substitution or exchange under division (H) (1) 1988
or (2) of this section. 1989

(J) Any federal reserve bank or branch thereof located in 1990
this state or federal home loan bank, without compliance with 1991
Chapter 1111. of the Revised Code and without becoming subject 1992
to any other law of this state relative to the exercise by 1993
corporations of trust powers generally, is qualified to act as 1994
trustee for the safekeeping of securities, under this section. 1995
Any institution mentioned in section 135.03 or 135.32 of the 1996
Revised Code that holds a certificate of qualification issued by 1997
the superintendent of financial institutions or any institution 1998
complying with sections 1111.04, 1111.05, and 1111.06 of the 1999
Revised Code, is qualified to act as trustee for the safekeeping 2000
of securities under this section, other than those belonging to 2001
itself or to an affiliate as defined in section 1101.01 of the 2002

Revised Code. 2003

Notwithstanding the fact that a public depository is 2004
required to pledge eligible securities in certain amounts to 2005
secure deposits of public moneys, a trustee has no duty or 2006
obligation to determine the eligibility, market value, or face 2007
value of any securities deposited with the trustee by a public 2008
depository. This applies in all situations including, without 2009
limitation, a substitution or exchange of securities. 2010

Any charges or compensation of a designated trustee for 2011
acting as such under this section shall be paid by the public 2012
depository and in no event shall be chargeable to the state or 2013
the subdivision or to any officer of the state or subdivision. 2014
The charges or compensation shall not be a lien or charge upon 2015
the securities deposited for safekeeping prior or superior to 2016
the rights to and interests in the securities of the public 2017
depositor. The treasurer and the treasurer's bonders or surety 2018
shall be relieved from any liability to the public depositor or 2019
to the public depository for the loss or destruction of any 2020
securities deposited with a qualified trustee pursuant to this 2021
section. 2022

Sec. 135.22. (A) For purposes of this section: 2023

(1) "Treasurer" has the same meaning as in section 135.01 2024
of the Revised Code, but does not include a county treasurer or 2025
the treasurer of state. "Treasurer" includes any person whose 2026
duties include making investment decisions with respect to the 2027
investment or deposit of interim moneys. 2028

(2) "Subdivision" has the same meaning as in section 2029
135.01 of the Revised Code. 2030

(B) To enhance the background and working knowledge of 2031

treasurers in investments, cash management, the collection of 2032
taxes, ethics, and in any other subject area that the treasurer 2033
of state determines is reasonably related to the duties of a 2034
treasurer, the treasurer of state shall provide annual 2035
continuing education programs for treasurers. A treasurer 2036
annually shall complete the continuing education ~~programs~~ 2037
requirements described in this section, unless the treasurer 2038
annually ~~provides a notice of~~ qualifies for the exemption 2039
described in division (E) of this section. 2040

(C) The treasurer of state shall ~~determine~~ adopt rules 2041
governing the manner, content, and length of the continuing 2042
education ~~programs~~ requirements after consultation with 2043
appropriate statewide organizations of local government 2044
officials. 2045

(D) Upon successful completion of ~~a~~ any continuing 2046
education ~~program~~ credit hours required by this section, the 2047
treasurer of state ~~a subdivision~~ shall ~~issue a certificate~~ 2048
~~indicating that the treasurer has successfully completed the~~ 2049
~~continuing education program prescribed by the treasurer of~~ 2050
~~state~~ retain proof of attendance. ~~The treasurer of state shall~~ 2051
~~forward to the auditor of state any certificates issued pursuant~~ 2052
~~to this division by the treasurer of state. The auditor of state~~ 2053
~~shall maintain in the auditor's records any certificates~~ 2054
~~forwarded by the treasurer of state pursuant to this division.~~ 2055
As part of the auditor of state's audit of the subdivision 2056
conducted in accordance with section 117.11 of the Revised Code, 2057
the auditor of state shall report whether the treasurer is in 2058
compliance with this section of the Revised Code. 2059

(E) Division (B) of this section does not apply to any 2060
treasurer of a subdivision who ~~annually provides a notice of~~ 2061

~~exemption to the auditor of state. The notice shall be certified~~ 2062
~~by the treasurer of state and shall provide that the treasurer~~ 2063
~~is not subject to the continuing education requirements set~~ 2064
~~forth in division (B) of this section, because the treasurer~~ 2065
exclusively utilizes active deposits or who invests or deposits 2066
public moneys in the following investments only: 2067

(1) Interim deposits pursuant to division (B) (3) of 2068
section 135.14 or section ~~135.145~~ 113.07 of the Revised Code; 2069

(2) No-load money market mutual funds pursuant to division 2070
(B) (5) of section 135.14 of the Revised Code; 2071

(3) The Ohio subdivision's fund pursuant to division (B) 2072
(6) of section 135.14 of the Revised Code. 2073

(F) In carrying out the duties required by this section, 2074
the treasurer of state may charge the subdivision served by the 2075
treasurer a registration or annual fee that will meet actual and 2076
necessary expenses in connection with the training of the 2077
treasurer, including instruction fees, site acquisition costs, 2078
~~and the cost of course materials, and other costs of~~ 2079
administering the continuing education program. Any necessary 2080
personal expenses of a treasurer incurred as a result of 2081
attending the continuing education courses shall be borne by the 2082
subdivision represented by the treasurer. 2083

(G) The treasurer of state may allow any other interested 2084
person to attend any of the continuing education programs that 2085
are held pursuant to this section, provided that before 2086
attending any such continuing education program, the interested 2087
person has paid to the treasurer of state the full registration 2088
or annual fee set for the continuing education program. 2089

(H) All funds collected pursuant to this section shall be 2090

paid into the county treasurer education fund created pursuant 2091
to section 321.46 of the Revised Code, and the actual and 2092
necessary expenses of the treasurer of state in conducting the 2093
continuing education programs required by this section shall be 2094
paid from this fund. 2095

(I) The treasurer of state ~~may~~shall adopt reasonable 2096
rules not inconsistent with this section for the implementation 2097
of this section. 2098

Sec. 135.35. (A) The investing authority shall deposit or 2099
invest any part or all of the county's inactive moneys and shall 2100
invest all of the money in the county public library fund when 2101
required by section 135.352 of the Revised Code. The following 2102
classifications of securities and obligations are eligible for 2103
such deposit or investment: 2104

(1) United States treasury bills, notes, bonds, or any 2105
other obligation or security issued by the United States 2106
treasury, any other obligation guaranteed as to principal or 2107
interest by the United States, or any book entry, zero-coupon 2108
United States treasury security that is a direct obligation of 2109
the United States. 2110

Nothing in the classification of eligible securities and 2111
obligations set forth in divisions (A) (2) to (10) of this 2112
section shall be construed to authorize any investment in 2113
stripped principal or interest obligations of such eligible 2114
securities and obligations. 2115

(2) Bonds, notes, debentures, or any other obligations or 2116
securities issued by any federal government agency or 2117
instrumentality, including, but not limited to, the federal 2118
national mortgage association, federal home loan bank, federal 2119

farm credit bank, federal home loan mortgage corporation, and 2120
government national mortgage association. All federal agency 2121
securities shall be direct issuances of federal government 2122
agencies or instrumentalities. 2123

(3) Time certificates of deposit or savings or deposit 2124
accounts, including, but not limited to, passbook accounts, in 2125
any eligible institution mentioned in section 135.32 of the 2126
Revised Code; 2127

(4) Bonds and other obligations of this state or the 2128
political subdivisions of this state, provided the bonds or 2129
other obligations of political subdivisions mature within ten 2130
years from the date of settlement; 2131

(5) No-load money market mutual funds rated in the highest 2132
category at the time of purchase by at least one nationally 2133
recognized statistical rating organization or consisting 2134
exclusively of obligations described in division (A)(1), (2), or 2135
(6) of section 135.143 of the Revised Code and repurchase 2136
agreements secured by such obligations, provided that 2137
investments in securities described in this division are made 2138
only through eligible institutions mentioned in section 135.32 2139
of the Revised Code; 2140

(6) The Ohio subdivision's fund as provided in section 2141
~~135.45~~113.07 of the Revised Code; 2142

(7) Securities lending agreements with any eligible 2143
institution mentioned in section 135.32 of the Revised Code that 2144
is a member of the federal reserve system or federal home loan 2145
bank or with any recognized United States government securities 2146
dealer meeting the description in division (J)(1) of this 2147
section, under the terms of which agreements the investing 2148

authority lends securities and the eligible institution or 2149
dealer agrees to simultaneously exchange similar securities or 2150
cash, equal value for equal value. 2151

Securities and cash received as collateral for a 2152
securities lending agreement are not inactive moneys of the 2153
county or moneys of a county public library fund. The investment 2154
of cash collateral received pursuant to a securities lending 2155
agreement may be invested only in instruments specified by the 2156
investing authority in the written investment policy described 2157
in division (K) of this section. 2158

(8) Up to forty per cent of the county's total average 2159
portfolio in either of the following investments: 2160

(a) Commercial paper notes issued by an entity that is 2161
~~defined in division (D) of section 1705.01 or division (E) of~~ 2162
section 1706.01 of the Revised Code and that has assets 2163
exceeding five hundred million dollars, to which notes all of 2164
the following apply: 2165

(i) The notes are rated at the time of purchase in the 2166
highest classification established by at least two nationally 2167
recognized statistical rating organizations. 2168

(ii) The aggregate value of the notes does not exceed ten 2169
per cent of the aggregate value of the outstanding commercial 2170
paper of the issuing corporation. 2171

(iii) The notes mature not later than two hundred seventy 2172
days after purchase. 2173

(iv) The investment in commercial paper notes of a single 2174
issuer shall not exceed in the aggregate five per cent of 2175
interim moneys available for investment at the time of purchase. 2176

(b) Bankers acceptances of banks that are insured by the 2177
federal deposit insurance corporation and that mature not later 2178
than one hundred eighty days after purchase. 2179

No investment shall be made pursuant to division (A) (8) of 2180
this section unless the investing authority has completed 2181
additional training for making the investments authorized by 2182
division (A) (8) of this section. The type and amount of 2183
additional training shall be approved by the treasurer of state 2184
and may be conducted by or provided under the supervision of the 2185
treasurer of state. 2186

(9) Up to fifteen per cent of the county's total average 2187
portfolio in notes issued by corporations that are incorporated 2188
under the laws of the United States and that are operating 2189
within the United States, or by depository institutions that are 2190
doing business under authority granted by the United States or 2191
any state and that are operating within the United States, 2192
provided both of the following apply: 2193

(a) The notes are rated in the three highest categories by 2194
at least two nationally recognized statistical rating 2195
organizations at the time of purchase. 2196

(b) The notes mature not later than three years after 2197
purchase. 2198

(10) Debt interests rated at the time of purchase in the 2199
three highest categories by two nationally recognized 2200
statistical rating organizations and issued by foreign nations 2201
diplomatically recognized by the United States government. All 2202
interest and principal shall be denominated and payable in 2203
United States funds. The investments made under division (A) (10) 2204
of this section shall not exceed in the aggregate two per cent 2205

of a county's total average portfolio. 2206

The investing authority shall invest under division (A) 2207
(10) of this section in a debt interest issued by a foreign 2208
nation only if the debt interest is backed by the full faith and 2209
credit of that foreign nation, there is no prior history of 2210
default, and the debt interest matures not later than five years 2211
after purchase. For purposes of division (A)(10) of this 2212
section, a debt interest is rated in the three highest 2213
categories by two nationally recognized statistical rating 2214
organizations if either the debt interest itself or the issuer 2215
of the debt interest is rated, or is implicitly rated, at the 2216
time of purchase in the three highest categories by two 2217
nationally recognized statistical rating organizations. 2218

(11) A current unpaid or delinquent tax line of credit 2219
authorized under division (G) of section 135.341 of the Revised 2220
Code, provided that all of the conditions for entering into such 2221
a line of credit under that division are satisfied, or bonds and 2222
other obligations of a county land reutilization corporation 2223
organized under Chapter 1724. of the Revised Code, if the county 2224
land reutilization corporation is located wholly or partly 2225
within the same county as the investing authority. 2226

(B) Nothing in the classifications of eligible obligations 2227
and securities set forth in divisions (A)(1) to (10) of this 2228
section shall be construed to authorize investment in a 2229
derivative, and no investing authority shall invest any county 2230
inactive moneys or any moneys in a county public library fund in 2231
a derivative. For purposes of this division, "derivative" means 2232
a financial instrument or contract or obligation whose value or 2233
return is based upon or linked to another asset or index, or 2234
both, separate from the financial instrument, contract, or 2235

obligation itself. Any security, obligation, trust account, or 2236
other instrument that is created from an issue of the United 2237
States treasury or is created from an obligation of a federal 2238
agency or instrumentality or is created from both is considered 2239
a derivative instrument. An eligible investment described in 2240
this section with a variable interest rate payment, based upon a 2241
single interest payment or single index comprised of other 2242
eligible investments provided for in division (A) (1) or (2) of 2243
this section, is not a derivative, provided that such variable 2244
rate investment has a maximum maturity of two years. A treasury 2245
inflation-protected security shall not be considered a 2246
derivative, provided the security matures not later than five 2247
years after purchase. 2248

(C) Except as provided in division (A) (4) or (D) of this 2249
section, any investment made pursuant to this section must 2250
mature within five years from the date of settlement, unless the 2251
investment is matched to a specific obligation or debt of the 2252
county or to a specific obligation or debt of a political 2253
subdivision of this state, and the investment is specifically 2254
approved by the investment advisory committee. 2255

(D) The investing authority may also enter into a written 2256
repurchase agreement with any eligible institution mentioned in 2257
section 135.32 of the Revised Code or any eligible securities 2258
dealer pursuant to division (J) of this section, under the terms 2259
of which agreement the investing authority purchases and the 2260
eligible institution or dealer agrees unconditionally to 2261
repurchase any of the securities listed in divisions (D) (1) to 2262
(5), except letters of credit described in division (D) (2), of 2263
section 135.18 of the Revised Code. The market value of 2264
securities subject to an overnight written repurchase agreement 2265
must exceed the principal value of the overnight written 2266

repurchase agreement by at least two per cent. A written 2267
repurchase agreement must exceed the principal value of the 2268
overnight written repurchase agreement, by at least two per 2269
cent. A written repurchase agreement shall not exceed thirty 2270
days, and the market value of securities subject to a written 2271
repurchase agreement must exceed the principal value of the 2272
written repurchase agreement by at least two per cent and be 2273
marked to market daily. All securities purchased pursuant to 2274
this division shall be delivered into the custody of the 2275
investing authority or the qualified custodian of the investing 2276
authority or an agent designated by the investing authority. A 2277
written repurchase agreement with an eligible securities dealer 2278
shall be transacted on a delivery versus payment basis. The 2279
agreement shall contain the requirement that for each 2280
transaction pursuant to the agreement the participating 2281
institution shall provide all of the following information: 2282

- (1) The par value of the securities; 2283
- (2) The type, rate, and maturity date of the securities; 2284
- (3) A numerical identifier generally accepted in the 2285
securities industry that designates the securities. 2286

No investing authority shall enter into a written 2287
repurchase agreement under the terms of which the investing 2288
authority agrees to sell securities owned by the county to a 2289
purchaser and agrees with that purchaser to unconditionally 2290
repurchase those securities. 2291

(E) No investing authority shall make an investment under 2292
this section, unless the investing authority, at the time of 2293
making the investment, reasonably expects that the investment 2294
can be held until its maturity. The investing authority's 2295

written investment policy shall specify the conditions under 2296
which an investment may be redeemed or sold prior to maturity. 2297

(F) No investing authority shall pay a county's inactive 2298
moneys or moneys of a county public library fund into a fund 2299
established by another subdivision, treasurer, governing board, 2300
or investing authority, if that fund was established by the 2301
subdivision, treasurer, governing board, or investing authority 2302
for the purpose of investing or depositing the public moneys of 2303
other subdivisions. This division does not apply to the payment 2304
of public moneys into either of the following: 2305

(1) The Ohio subdivision's fund pursuant to division (A) 2306
(6) of this section; 2307

(2) A fund created solely for the purpose of acquiring, 2308
constructing, owning, leasing, or operating municipal utilities 2309
pursuant to the authority provided under section 715.02 of the 2310
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 2311

For purposes of division (F) of this section, 2312
"subdivision" includes a county. 2313

(G) The use of leverage, in which the county uses its 2314
current investment assets as collateral for the purpose of 2315
purchasing other assets, is prohibited. The issuance of taxable 2316
notes for the purpose of arbitrage is prohibited. Contracting to 2317
sell securities not owned by the county, for the purpose of 2318
purchasing such securities on the speculation that bond prices 2319
will decline, is prohibited. 2320

(H) Any securities, certificates of deposit, deposit 2321
accounts, or any other documents evidencing deposits or 2322
investments made under authority of this section shall be issued 2323
in the name of the county with the county treasurer or investing 2324

authority as the designated payee. If any such deposits or 2325
investments are registrable either as to principal or interest, 2326
or both, they shall be registered in the name of the treasurer. 2327

(I) The investing authority shall be responsible for the 2328
safekeeping of all documents evidencing a deposit or investment 2329
acquired under this section, including, but not limited to, 2330
safekeeping receipts evidencing securities deposited with a 2331
qualified trustee, as provided in section 135.37 of the Revised 2332
Code, and documents confirming the purchase of securities under 2333
any repurchase agreement under this section shall be deposited 2334
with a qualified trustee, provided, however, that the qualified 2335
trustee shall be required to report to the investing authority, 2336
auditor of state, or an authorized outside auditor at any time 2337
upon request as to the identity, market value, and location of 2338
the document evidencing each security, and that if the 2339
participating institution is a designated depository of the 2340
county for the current period of designation, the securities 2341
that are the subject of the repurchase agreement may be 2342
delivered to the treasurer or held in trust by the participating 2343
institution on behalf of the investing authority. 2344

Upon the expiration of the term of office of an investing 2345
authority or in the event of a vacancy in the office for any 2346
reason, the officer or the officer's legal representative shall 2347
transfer and deliver to the officer's successor all documents 2348
mentioned in this division for which the officer has been 2349
responsible for safekeeping. For all such documents transferred 2350
and delivered, the officer shall be credited with, and the 2351
officer's successor shall be charged with, the amount of moneys 2352
evidenced by such documents. 2353

(J) (1) All investments, except for investments in 2354

securities described in divisions (A)(5), (6), and (11) of this 2355
section, shall be made only through a member of the financial 2356
industry regulatory authority (FINRA), through a bank, savings 2357
bank, or savings and loan association regulated by the 2358
superintendent of financial institutions, or through an 2359
institution regulated by the comptroller of the currency, 2360
federal deposit insurance corporation, or board of governors of 2361
the federal reserve system. 2362

(2) Payment for investments shall be made only upon the 2363
delivery of securities representing such investments to the 2364
treasurer, investing authority, or qualified trustee. If the 2365
securities transferred are not represented by a certificate, 2366
payment shall be made only upon receipt of confirmation of 2367
transfer from the custodian by the treasurer, governing board, 2368
or qualified trustee. 2369

(K)(1) Except as otherwise provided in division (K)(2) of 2370
this section, no investing authority shall make an investment or 2371
deposit under this section, unless there is on file with the 2372
auditor of state a written investment policy approved by the 2373
investing authority. The policy shall require that all entities 2374
conducting investment business with the investing authority 2375
shall sign the investment policy of that investing authority. 2376
All brokers, dealers, and financial institutions, described in 2377
division (J)(1) of this section, initiating transactions with 2378
the investing authority by giving advice or making investment 2379
recommendations shall sign the investing authority's investment 2380
policy thereby acknowledging their agreement to abide by the 2381
policy's contents. All brokers, dealers, and financial 2382
institutions, described in division (J)(1) of this section, 2383
executing transactions initiated by the investing authority, 2384
having read the policy's contents, shall sign the investment 2385

policy thereby acknowledging their comprehension and receipt. 2386

(2) If a written investment policy described in division 2387
(K) (1) of this section is not filed on behalf of the county with 2388
the auditor of state, the investing authority of that county 2389
shall invest the county's inactive moneys and moneys of the 2390
county public library fund only in time certificates of deposits 2391
or savings or deposit accounts pursuant to division (A) (3) of 2392
this section, no-load money market mutual funds pursuant to 2393
division (A) (5) of this section, or the Ohio subdivision's fund 2394
pursuant to division (A) (6) of this section. 2395

(L) (1) The investing authority shall establish and 2396
maintain an inventory of all obligations and securities acquired 2397
by the investing authority pursuant to this section. The 2398
inventory shall include a description of each obligation or 2399
security, including type, cost, par value, maturity date, 2400
settlement date, and any coupon rate. 2401

(2) The investing authority shall also keep a complete 2402
record of all purchases and sales of the obligations and 2403
securities made pursuant to this section. 2404

(3) The investing authority shall maintain a monthly 2405
portfolio report and issue a copy of the monthly portfolio 2406
report describing such investments to the county investment 2407
advisory committee, detailing the current inventory of all 2408
obligations and securities, all transactions during the month 2409
that affected the inventory, any income received from the 2410
obligations and securities, and any investment expenses paid, 2411
and stating the names of any persons effecting transactions on 2412
behalf of the investing authority. 2413

(4) The monthly portfolio report shall be a public record 2414

and available for inspection under section 149.43 of the Revised 2415
Code. 2416

(5) The inventory and the monthly portfolio report shall 2417
be filed with the board of county commissioners. ~~The monthly~~ 2418
~~portfolio report also shall be filed with the treasurer of~~ 2419
~~state.~~ 2420

(M) An investing authority may enter into a written 2421
investment or deposit agreement that includes a provision under 2422
which the parties agree to submit to nonbinding arbitration to 2423
settle any controversy that may arise out of the agreement, 2424
including any controversy pertaining to losses of public moneys 2425
resulting from investment or deposit. The arbitration provision 2426
shall be set forth entirely in the agreement, and the agreement 2427
shall include a conspicuous notice to the parties that any party 2428
to the arbitration may apply to the court of common pleas of the 2429
county in which the arbitration was held for an order to vacate, 2430
modify, or correct the award. Any such party may also apply to 2431
the court for an order to change venue to a court of common 2432
pleas located more than one hundred miles from the county in 2433
which the investing authority is located. 2434

For purposes of this division, "investment or deposit 2435
agreement" means any agreement between an investing authority 2436
and a person, under which agreement the person agrees to invest, 2437
deposit, or otherwise manage, on behalf of the investing 2438
authority, a county's inactive moneys or moneys in a county 2439
public library fund, or agrees to provide investment advice to 2440
the investing authority. 2441

(N) (1) An investment held in the county portfolio on 2442
September 27, 1996, that was a legal investment under the law as 2443
it existed before September 27, 1996, may be held until 2444

maturity. 2445

(2) An investment held in the county portfolio on 2446
September 10, 2012, that was a legal investment under the law as 2447
it existed before September 10, 2012, may be held until 2448
maturity. 2449

Sec. 135.451. The Ohio history connection and the capitol 2450
square review and advisory board shall be eligible to pay any of 2451
their moneys into the Ohio subdivision's fund, to be invested by 2452
the treasurer of state in the same manner and subject to the 2453
same terms and conditions as public moneys of subdivisions paid 2454
into the fund under section ~~135.45~~113.07 of the Revised Code. 2455

Sec. 135.71. (A) The general assembly finds that making 2456
homeownership more attainable is an important part of fostering 2457
a robust and lasting population across the state. However, 2458
individuals often struggle to accumulate the financial resources 2459
needed to purchase a home. Accordingly, it is declared to be the 2460
public policy of the state through the homeownership savings 2461
linked deposit program to make available premium rate savings 2462
accounts for the down payment and closing costs associated with 2463
the purchase of a home. 2464

(B) An eligible participant for the homeownership savings 2465
linked deposit program is an individual who is a resident of 2466
this state, or a member of the uniformed services, on active 2467
duty assignment, who is a resident of this state via a residency 2468
or domicile election in accordance with 50 U.S.C. 4001, and has 2469
applied for a homeownership savings account at an eligible 2470
savings institution. A member of the uniformed services, who is 2471
an eligible participant, may apply for a homeownership savings 2472
account at an eligible savings institution on or after the date 2473
affixed to the permanent change of station orders. As used in 2474

this division, "active duty" and "uniformed services" have the 2475
meanings defined in 10 U.S.C. 101. 2476

(C) An eligible participant shall certify on the 2477
application that the funds in the homeownership savings account 2478
shall be used exclusively for eligible home costs. 2479

(D) A homeownership savings account shall be owned by not 2480
more than one eligible participant and an eligible participant 2481
shall hold not more than one homeownership savings account per 2482
program period at any eligible savings institution. 2483

(E) The treasurer of state shall report to the tax 2484
commissioner any information in the treasurer of state's 2485
possession deemed necessary by the tax commissioner to properly 2486
administer section 5747.85 of the Revised Code. 2487

(F) Not later than January 31, 2027, the treasurer of 2488
state and the tax commissioner shall issue a report regarding 2489
the efficacy of the homeownership savings linked deposit 2490
program. The report shall include all of the following: 2491

(1) The number of homeownership savings accounts created; 2492

(2) The number of participating eligible savings 2493
institutions; 2494

(3) The total amount contributed into the accounts; 2495

(4) The average ~~yield~~ premium savings rate paid on the 2496
accounts; 2497

(5) Any other information the treasurer of state or tax 2498
commissioner deems relevant. 2499

The report shall be delivered to the governor, the speaker 2500
of the house of representatives, and the president of the 2501

senate. 2502

Sec. 151.01. (A) As used in sections 151.01 to 151.11 and 2503
151.40 of the Revised Code and in the applicable bond 2504
proceedings unless otherwise provided: 2505

(1) "Bond proceedings" means the resolutions, orders, 2506
agreements, and credit enhancement facilities, and amendments 2507
and supplements to them, or any one or more or combination of 2508
them, authorizing, awarding, or providing for the terms and 2509
conditions applicable to or providing for the security or 2510
liquidity of, the particular obligations, and the provisions 2511
contained in those obligations. 2512

(2) "Bond service fund" means the respective bond service 2513
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 2514
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, 2515
and any accounts in that fund, including all moneys and 2516
investments, and earnings from investments, credited and to be 2517
credited to that fund and accounts as and to the extent provided 2518
in the applicable bond proceedings. 2519

(3) "Capital facilities" means capital facilities or 2520
projects as referred to in section 151.03, 151.04, 151.05, 2521
151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 of the 2522
Revised Code. 2523

(4) "Costs of capital facilities" means the costs of 2524
acquiring, constructing, reconstructing, rehabilitating, 2525
remodeling, renovating, enlarging, improving, equipping, or 2526
furnishing capital facilities, and of the financing of those 2527
costs. "Costs of capital facilities" includes, without 2528
limitation, and in addition to costs referred to in section 2529
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 2530

151.11, or 151.40 of the Revised Code, the cost of clearance and 2531
preparation of the site and of any land to be used in connection 2532
with capital facilities, the cost of any indemnity and surety 2533
bonds and premiums on insurance, all related direct 2534
administrative expenses and allocable portions of direct costs 2535
of the issuing authority, costs of engineering and architectural 2536
services, designs, plans, specifications, surveys, and estimates 2537
of cost, financing costs, interest on obligations, including but 2538
not limited to, interest from the date of their issuance to the 2539
time when interest is to be paid from sources other than 2540
proceeds of obligations, amounts necessary to establish any 2541
reserves as required by the bond proceedings, the reimbursement 2542
of all moneys advanced or applied by or borrowed from any person 2543
or governmental agency or entity for the payment of any item of 2544
costs of capital facilities, and all other expenses necessary or 2545
incident to planning or determining feasibility or 2546
practicability with respect to capital facilities, and such 2547
other expenses as may be necessary or incident to the 2548
acquisition, construction, reconstruction, rehabilitation, 2549
remodeling, renovation, enlargement, improvement, equipment, and 2550
furnishing of capital facilities, the financing of those costs, 2551
and the placing of the capital facilities in use and operation, 2552
including any one, part of, or combination of those classes of 2553
costs and expenses. For purposes of sections 122.085 to 122.0820 2554
of the Revised Code, "costs of capital facilities" includes 2555
"allowable costs" as defined in section 122.085 of the Revised 2556
Code. 2557

(5) "Credit enhancement facilities," "financing costs," 2558
and "interest" or "interest equivalent" have the same meanings 2559
as in section 133.01 of the Revised Code. 2560

(6) "Debt service" means principal, including any 2561

mandatory sinking fund or redemption requirements for retirement 2562
of obligations, interest and other accreted amounts, interest 2563
equivalent, and any redemption premium, payable on obligations. 2564
If not prohibited by the applicable bond proceedings, debt 2565
service may include costs relating to credit enhancement 2566
facilities that are related to and represent, or are intended to 2567
provide a source of payment of or limitation on, other debt 2568
service. 2569

(7) "Issuing authority" means the Ohio public facilities 2570
commission created in section 151.02 of the Revised Code for 2571
obligations issued under section 151.03, 151.04, 151.05, 151.07, 2572
151.08, 151.09, 151.10, or 151.11 of the Revised Code, or the 2573
treasurer of state, or the officer who by law performs the 2574
functions of that office, for obligations issued under section 2575
151.06 or 151.40 of the Revised Code. 2576

(8) "Net proceeds" means amounts received from the sale of 2577
obligations, excluding amounts used to refund or retire 2578
outstanding obligations, amounts required to be deposited into 2579
special funds pursuant to the applicable bond proceedings, and 2580
amounts to be used to pay financing costs. 2581

(9) "Obligations" means bonds, notes, or other evidences 2582
of obligation of the state, including any appertaining interest 2583
coupons, issued under Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 2584
15 of Article VIII, Ohio Constitution, and pursuant to sections 2585
151.01 to 151.11 or 151.40 of the Revised Code or other general 2586
assembly authorization. 2587

(10) "Principal amount" means the aggregate of the amount 2588
as stated or provided for in the applicable bond proceedings as 2589
the amount on which interest or interest equivalent on 2590
particular obligations is initially calculated. Principal amount 2591

does not include any premium paid to the state by the initial 2592
purchaser of the obligations. "Principal amount" of a capital 2593
appreciation bond, as defined in division (C) of section 3334.01 2594
of the Revised Code, means its face amount, and "principal 2595
amount" of a zero coupon bond, as defined in division (J) of 2596
section 3334.01 of the Revised Code, means the discounted 2597
offering price at which the bond is initially sold to the 2598
public, disregarding any purchase price discount to the original 2599
purchaser, if provided for pursuant to the bond proceedings. 2600

(11) "Special funds" or "funds," unless the context 2601
indicates otherwise, means the bond service fund, and any other 2602
funds, including any reserve funds, created under the bond 2603
proceedings and stated to be special funds in those proceedings, 2604
including moneys and investments, and earnings from investments, 2605
credited and to be credited to the particular fund. Special 2606
funds do not include the school building program assistance fund 2607
created by section 3318.25 of the Revised Code, the higher 2608
education improvement fund created by division (F) of section 2609
154.21 of the Revised Code, the higher education improvement 2610
taxable fund created by division (G) of section 154.21 of the 2611
Revised Code, the highway capital improvement bond fund created 2612
by section 5528.53 of the Revised Code, the state parks and 2613
natural resources fund created by section 1557.02 of the Revised 2614
Code, the coal research and development fund created by section 2615
1555.15 of the Revised Code, the clean Ohio conservation fund 2616
created by section 164.27 of the Revised Code, the job ready 2617
site development fund created by section 122.0820 of the Revised 2618
Code, the third frontier research and development fund created 2619
by section 184.19 of the Revised Code, the third frontier 2620
research and development taxable bond fund created by section 2621
184.191 of the Revised Code, or other funds created by the bond 2622

proceedings that are not stated by those proceedings to be 2623
special funds. 2624

(B) Subject to Section 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15, 2625
and Section 17, of Article VIII, Ohio Constitution, the state, 2626
by the issuing authority, is authorized to issue and sell, as 2627
provided in sections 151.03 to 151.11 or 151.40 of the Revised 2628
Code, and in respective aggregate principal amounts as from time 2629
to time provided or authorized by the general assembly, general 2630
obligations of this state for the purpose of paying costs of 2631
capital facilities or projects identified by or pursuant to 2632
general assembly action. 2633

(C) Each issue of obligations shall be authorized by 2634
resolution or order of the issuing authority. The bond 2635
proceedings shall provide for or authorize the manner for 2636
determining the principal amount or maximum principal amount of 2637
obligations of an issue, the principal maturity or maturities, 2638
the interest rate or rates, the date of and the dates of payment 2639
of interest on the obligations, their denominations, and the 2640
place or places of payment of debt service which may be within 2641
or outside the state. Unless otherwise provided by law, the 2642
latest principal maturity may not be later than the earlier of 2643
the thirty-first day of December of the twenty-fifth calendar 2644
year after the year of issuance of the particular obligations or 2645
of the twenty-fifth calendar year after the year in which the 2646
original obligation to pay was issued or entered into. Sections 2647
9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to 2648
obligations. The purpose of the obligations may be stated in the 2649
bond proceedings in general terms, such as, as applicable, 2650
"financing or assisting in the financing of projects as provided 2651
in Section 2l of Article VIII, Ohio Constitution," "financing or 2652
assisting in the financing of highway capital improvement 2653

projects as provided in Section 2m of Article VIII, Ohio 2654
Constitution," "paying costs of capital facilities for a system 2655
of common schools throughout the state as authorized by Section 2656
2n of Article VIII, Ohio Constitution," "paying costs of capital 2657
facilities for state-supported and state-assisted institutions 2658
of higher education as authorized by Section 2n of Article VIII, 2659
Ohio Constitution," "paying costs of coal research and 2660
development as authorized by Section 15 of Article VIII, Ohio 2661
Constitution," "financing or assisting in the financing of local 2662
subdivision capital improvement projects as authorized by 2663
Section 2m, 2p, and 2s of Article VIII, Ohio Constitution," 2664
"paying costs of conservation projects as authorized by Sections 2665
2o and 2q of Article VIII, Ohio Constitution," "paying costs of 2666
revitalization projects as authorized by Sections 2o and 2q of 2667
Article VIII, Ohio Constitution," "paying costs of preparing 2668
sites for industry, commerce, distribution, or research and 2669
development as authorized by Section 2p of Article VIII, Ohio 2670
Constitution," or "paying costs of research and development as 2671
authorized by Section 2p of Article VIII, Ohio Constitution." 2672

(D) The issuing authority may appoint or provide for the 2673
appointment of paying agents, bond registrars, securities 2674
depositories, clearing corporations, and transfer agents, and 2675
may without need for any other approval retain or contract for 2676
the services of underwriters, investment bankers, financial 2677
advisers, accounting experts, marketing, remarketing, indexing, 2678
and administrative agents, other consultants, and independent 2679
contractors, including printing services, as are necessary in 2680
the judgment of the issuing authority to carry out the issuing 2681
authority's functions under this chapter. When the issuing 2682
authority is the Ohio public facilities commission, the issuing 2683
authority also may without need for any other approval retain or 2684

contract for the services of attorneys and other professionals 2685
for that purpose. Financing costs are payable, as may be 2686
provided in the bond proceedings, from the proceeds of the 2687
obligations, from special funds, or from other moneys available 2688
for the purpose. 2689

(E) The bond proceedings may contain additional provisions 2690
customary or appropriate to the financing or to the obligations 2691
or to particular obligations including, but not limited to, 2692
provisions for: 2693

(1) The redemption of obligations prior to maturity at the 2694
option of the state or of the holder or upon the occurrence of 2695
certain conditions, and at particular price or prices and under 2696
particular terms and conditions; 2697

(2) The form of and other terms of the obligations; 2698

(3) The establishment, deposit, investment, and 2699
application of special funds, and the safeguarding of moneys on 2700
hand or on deposit, in lieu of the applicability of provisions 2701
of Chapter 131. or 135. of the Revised Code, but subject to any 2702
special provisions of sections 151.01 to 151.11 or 151.40 of the 2703
Revised Code with respect to the application of particular funds 2704
or moneys. Any financial institution that acts as a depository 2705
of any moneys in special funds or other funds under the bond 2706
proceedings may furnish indemnifying bonds or pledge securities 2707
as required by the issuing authority. 2708

(4) Any or every provision of the bond proceedings being 2709
binding upon the issuing authority and upon such governmental 2710
agency or entity, officer, board, commission, authority, agency, 2711
department, institution, district, or other person or body as 2712
may from time to time be authorized to take actions as may be 2713

necessary to perform all or any part of the duty required by the 2714
provision; 2715

(5) The maintenance of each pledge or instrument 2716
comprising part of the bond proceedings until the state has 2717
fully paid or provided for the payment of the debt service on 2718
the obligations or met other stated conditions; 2719

(6) In the event of default in any payments required to be 2720
made by the bond proceedings, or by any other agreement of the 2721
issuing authority made as part of a contract under which the 2722
obligations were issued or secured, including a credit 2723
enhancement facility, the enforcement of those payments by 2724
mandamus, a suit in equity, an action at law, or any combination 2725
of those remedial actions; 2726

(7) The rights and remedies of the holders or owners of 2727
obligations or of book-entry interests in them, and of third 2728
parties under any credit enhancement facility, and provisions 2729
for protecting and enforcing those rights and remedies, 2730
including limitations on rights of individual holders or owners; 2731

(8) The replacement of mutilated, destroyed, lost, or 2732
stolen obligations; 2733

(9) The funding, refunding, or advance refunding, or other 2734
provision for payment, of obligations that will then no longer 2735
be outstanding for purposes of this section or of the applicable 2736
bond proceedings; 2737

(10) Amendment of the bond proceedings; 2738

(11) Any other or additional agreements with the owners of 2739
obligations, and such other provisions as the issuing authority 2740
determines, including limitations, conditions, or 2741
qualifications, relating to any of the foregoing. 2742

(F) The great seal of the state or a facsimile of it may 2743
be affixed to or printed on the obligations. The obligations 2744
requiring execution by or for the issuing authority shall be 2745
signed as provided in the bond proceedings. Any obligations may 2746
be signed by the individual who on the date of execution is the 2747
authorized signer although on the date of these obligations that 2748
individual is not an authorized signer. In case the individual 2749
whose signature or facsimile signature appears on any obligation 2750
ceases to be an authorized signer before delivery of the 2751
obligation, that signature or facsimile is nevertheless valid 2752
and sufficient for all purposes as if that individual had 2753
remained the authorized signer until delivery. 2754

(G) Obligations are investment securities under Chapter 2755
1308. of the Revised Code. Obligations may be issued in bearer 2756
or in registered form, registrable as to principal alone or as 2757
to both principal and interest, or both, or in certificated or 2758
uncertificated form, as the issuing authority determines. 2759
Provision may be made for the exchange, conversion, or transfer 2760
of obligations and for reasonable charges for registration, 2761
exchange, conversion, and transfer. Pending preparation of final 2762
obligations, the issuing authority may provide for the issuance 2763
of interim instruments to be exchanged for the final 2764
obligations. 2765

(H) Obligations may be sold at public sale or at private 2766
sale, in such manner, and at such price at, above or below par, 2767
all as determined by and provided by the issuing authority in 2768
the bond proceedings. 2769

(I) Except to the extent that rights are restricted by the 2770
bond proceedings, any owner of obligations or provider of a 2771
credit enhancement facility may by any suitable form of legal 2772

proceedings protect and enforce any rights relating to 2773
obligations or that facility under the laws of this state or 2774
granted by the bond proceedings. Those rights include the right 2775
to compel the performance of all applicable duties of the 2776
issuing authority and the state. Each duty of the issuing 2777
authority and that authority's officers, staff, and employees, 2778
and of each state entity or agency, or using district or using 2779
institution, and its officers, members, staff, or employees, 2780
undertaken pursuant to the bond proceedings, is hereby 2781
established as a duty of the entity or individual having 2782
authority to perform that duty, specifically enjoined by law and 2783
resulting from an office, trust, or station within the meaning 2784
of section 2731.01 of the Revised Code. The individuals who are 2785
from time to time the issuing authority, members or officers of 2786
the issuing authority, or those members' designees acting 2787
pursuant to section 151.02 of the Revised Code, or the issuing 2788
authority's officers, staff, or employees, are not liable in 2789
their personal capacities on any obligations or otherwise under 2790
the bond proceedings. 2791

(J) (1) Subject to Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, 2792
or 15, and Section 17, of Article VIII, Ohio Constitution and 2793
sections 151.01 to 151.11 or 151.40 of the Revised Code, the 2794
issuing authority may, in addition to the authority referred to 2795
in division (B) of this section, authorize and provide for the 2796
issuance of: 2797

(a) Obligations in the form of bond anticipation notes, 2798
and may provide for the renewal of those notes from time to time 2799
by the issuance of new notes. The holders of notes or 2800
appertaining interest coupons have the right to have debt 2801
service on those notes paid solely from the moneys and special 2802
funds that are or may be pledged to that payment, including the 2803

proceeds of bonds or renewal notes or both, as the issuing 2804
authority provides in the bond proceedings authorizing the 2805
notes. Notes may be additionally secured by covenants of the 2806
issuing authority to the effect that the issuing authority and 2807
the state will do all things necessary for the issuance of bonds 2808
or renewal notes in such principal amount and upon such terms as 2809
may be necessary to provide moneys to pay when due the debt 2810
service on the notes, and apply their proceeds to the extent 2811
necessary, to make full and timely payment of debt service on 2812
the notes as provided in the applicable bond proceedings. In the 2813
bond proceedings authorizing the issuance of bond anticipation 2814
notes the issuing authority shall set forth for the bonds 2815
anticipated an estimated schedule of annual principal payments 2816
the latest of which shall be no later than provided in division 2817
(C) of this section. While the notes are outstanding there shall 2818
be deposited, as shall be provided in the bond proceedings for 2819
those notes, from the sources authorized for payment of debt 2820
service on the bonds, amounts sufficient to pay the principal of 2821
the bonds anticipated as set forth in that estimated schedule 2822
during the time the notes are outstanding, which amounts shall 2823
be used solely to pay the principal of those notes or of the 2824
bonds anticipated. 2825

(b) Obligations for the refunding, including funding and 2826
retirement, and advance refunding with or without payment or 2827
redemption prior to maturity, of any obligations previously 2828
issued. Refunding obligations may be issued in amounts 2829
sufficient to pay or to provide for repayment of the principal 2830
amount, including principal amounts maturing prior to the 2831
redemption of the remaining prior obligations, any redemption 2832
premium, and interest accrued or to accrue to the maturity or 2833
redemption date or dates, payable on the prior obligations, and 2834

related financing costs and any expenses incurred or to be 2835
incurred in connection with that issuance and refunding. Subject 2836
to the applicable bond proceedings, the portion of the proceeds 2837
of the sale of refunding obligations issued under division (J) 2838
(1)(b) of this section to be applied to debt service on the 2839
prior obligations shall be credited to an appropriate separate 2840
account in the bond service fund and held in trust for the 2841
purpose by the issuing authority or by a corporate trustee. 2842
Obligations authorized under this division shall be considered 2843
to be issued for those purposes for which the prior obligations 2844
were issued. 2845

(2) Except as otherwise provided in sections 151.01 to 2846
151.11 or 151.40 of the Revised Code, bonds or notes authorized 2847
pursuant to division (J) of this section are subject to the 2848
provisions of those sections pertaining to obligations 2849
generally. 2850

(3) The principal amount of refunding or renewal 2851
obligations issued pursuant to division (J) of this section 2852
shall be in addition to the amount authorized by the general 2853
assembly as referred to in division (B) of the following 2854
sections: section 151.03, 151.04, 151.05, 151.06, 151.07, 2855
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 2856

(K) Obligations are lawful investments for banks, savings 2857
and loan associations, credit union share guaranty corporations, 2858
trust companies, trustees, fiduciaries, insurance companies, 2859
including domestic for life and domestic not for life, trustees 2860
or other officers having charge of sinking and bond retirement 2861
or other special funds of the state and political subdivisions 2862
and taxing districts of this state, the sinking fund, the 2863
administrator of workers' compensation subject to the approval 2864

of the workers' compensation board, the state teachers 2865
retirement system, the public employees retirement system, the 2866
school employees retirement system, and the Ohio police and fire 2867
pension fund, notwithstanding any other provisions of the 2868
Revised Code or rules adopted pursuant to those provisions by 2869
any state agency with respect to investments by them, and are 2870
also acceptable as security for the repayment of the deposit of 2871
public moneys. The exemptions from taxation in Ohio as provided 2872
for in particular sections of the Ohio Constitution and section 2873
5709.76 of the Revised Code apply to the obligations. 2874

(L) (1) Unless otherwise provided or provided for in any 2875
applicable bond proceedings, moneys to the credit of or in a 2876
special fund shall be disbursed on the order of the issuing 2877
authority. No such order is required for the payment, from the 2878
bond service fund or other special fund, when due of debt 2879
service or required payments under credit enhancement 2880
facilities. 2881

(2) Payments received by the state under interest rate 2882
hedges entered into as credit enhancement facilities under this 2883
chapter shall be deposited to the credit of the bond service 2884
fund for the obligations to which those credit enhancement 2885
facilities relate. 2886

(M) The full faith and credit, revenue, and taxing power 2887
of the state are and shall be pledged to the timely payment of 2888
debt service on outstanding obligations as it comes due, all in 2889
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15 of 2890
Article VIII, Ohio Constitution, and section 151.03, 151.04, 2891
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, or 151.11 of the 2892
Revised Code. Moneys referred to in Section 5a of Article XII, 2893
Ohio Constitution, may not be pledged or used for the payment of 2894

debt service except on obligations referred to in section 151.06 2895
of the Revised Code. Net state lottery proceeds, as provided for 2896
and referred to in section 3770.06 of the Revised Code, may not 2897
be pledged or used for the payment of debt service except on 2898
obligations referred to in section 151.03 of the Revised Code. 2899
The state covenants, and that covenant shall be controlling 2900
notwithstanding any other provision of law, that the state and 2901
the applicable officers and agencies of the state, including the 2902
general assembly, shall, so long as any obligations are 2903
outstanding in accordance with their terms, maintain statutory 2904
authority for and cause to be levied, collected and applied 2905
sufficient pledged excises, taxes, and revenues of the state so 2906
that the revenues shall be sufficient in amounts to pay debt 2907
service when due, to establish and maintain any reserves and 2908
other requirements, and to pay financing costs, including costs 2909
of or relating to credit enhancement facilities, all as provided 2910
for in the bond proceedings. Those excises, taxes, and revenues 2911
are and shall be deemed to be levied and collected, in addition 2912
to the purposes otherwise provided for by law, to provide for 2913
the payment of debt service and financing costs in accordance 2914
with sections 151.01 to 151.11 of the Revised Code and the bond 2915
proceedings. 2916

(N) The general assembly may from time to time repeal or 2917
reduce any excise, tax, or other source of revenue pledged to 2918
the payment of the debt service pursuant to Section 2k, 2l, 2m, 2919
2n, 2o, 2p, 2q, 2s, or 15 of Article VIII, Ohio Constitution, 2920
and sections 151.01 to 151.11 or 151.40 of the Revised Code, and 2921
may levy, collect and apply any new or increased excise, tax, or 2922
revenue to meet the pledge, to the payment of debt service on 2923
outstanding obligations, of the state's full faith and credit, 2924
revenue and taxing power, or of designated revenues and 2925

receipts, except fees, excises or taxes referred to in Section 2926
5a of Article XII, Ohio Constitution, for other than obligations 2927
referred to in section 151.06 of the Revised Code and except net 2928
state lottery proceeds for other than obligations referred to in 2929
section 151.03 of the Revised Code. Nothing in division (N) of 2930
this section authorizes any impairment of the obligation of this 2931
state to levy and collect sufficient excises, taxes, and 2932
revenues to pay debt service on obligations outstanding in 2933
accordance with their terms. 2934

(O) Each bond service fund is a trust fund and is hereby 2935
pledged to the payment of debt service on the applicable 2936
obligations. Payment of that debt service shall be made or 2937
provided for by the issuing authority in accordance with the 2938
bond proceedings without necessity for any act of appropriation. 2939
The bond proceedings may provide for the establishment of 2940
separate accounts in the bond service fund and for the 2941
application of those accounts only to debt service on specific 2942
obligations, and for other accounts in the bond service fund 2943
within the general purposes of that fund. 2944

(P) Subject to the bond proceedings pertaining to any 2945
obligations then outstanding in accordance with their terms, the 2946
issuing authority may in the bond proceedings pledge all, or 2947
such portion as the issuing authority determines, of the moneys 2948
in the bond service fund to the payment of debt service on 2949
particular obligations, and for the establishment and 2950
maintenance of any reserves for payment of particular debt 2951
service. 2952

(Q) The issuing authority shall by the fifteenth day of 2953
July of each fiscal year, certify or cause to be certified to 2954
the office of budget and management the total amount of moneys 2955

required during the current fiscal year to meet in full all debt 2956
service on the respective obligations and any related financing 2957
costs payable from the applicable bond service fund and not from 2958
the proceeds of refunding or renewal obligations. The issuing 2959
authority shall make or cause to be made supplemental 2960
certifications to the office of budget and management for each 2961
debt service payment date and at such other times during each 2962
fiscal year as may be provided in the bond proceedings or 2963
requested by that office. Debt service, costs of credit 2964
enhancement facilities, and other financing costs shall be set 2965
forth separately in each certification. If and so long as the 2966
moneys to the credit of the bond service fund, together with any 2967
other moneys available for the purpose, are insufficient to meet 2968
in full all payments when due of the amount required as stated 2969
in the certificate or otherwise, the office of budget and 2970
management shall at the times as provided in the bond 2971
proceedings, and consistent with any particular provisions in 2972
sections 151.03 to 151.11 and 151.40 of the Revised Code, 2973
transfer a sufficient amount to the bond service fund from the 2974
pledged revenues in the case of obligations issued pursuant to 2975
section 151.40 of the Revised Code, and in the case of other 2976
obligations from the revenues derived from excises, taxes, and 2977
other revenues, including net state lottery proceeds in the case 2978
of obligations referred to in section 151.03 of the Revised 2979
Code. 2980

(R) Unless otherwise provided in any applicable bond 2981
proceedings, moneys to the credit of special funds may be 2982
invested by or on behalf of the state only in one or more of the 2983
following: 2984

(1) Notes, bonds, or other direct obligations of the 2985
United States or of any agency or instrumentality of the United 2986

States, or in no-front-end-load money market mutual funds 2987
consisting exclusively of those obligations, or in repurchase 2988
agreements, including those issued by any fiduciary, secured by 2989
those obligations, or in collective investment funds consisting 2990
exclusively of those obligations; 2991

(2) Obligations of this state or any political subdivision 2992
of this state; 2993

(3) Certificates of deposit of any national bank located 2994
in this state and any bank, as defined in section 1101.01 of the 2995
Revised Code, subject to inspection by the superintendent of 2996
financial institutions; 2997

(4) The treasurer of state's pooled investment program 2998
under section ~~135.45~~113.07 of the Revised Code. 2999

The income from investments referred to in division (R) of 3000
this section shall, unless otherwise provided in sections 151.01 3001
to 151.11 or 151.40 of the Revised Code, be credited to special 3002
funds or otherwise as the issuing authority determines in the 3003
bond proceedings. Those investments may be sold or exchanged at 3004
times as the issuing authority determines, provides for, or 3005
authorizes. 3006

(S) The treasurer of state shall have responsibility for 3007
keeping records, making reports, and making payments, relating 3008
to any arbitrage rebate requirements under the applicable bond 3009
proceedings. 3010

Sec. 164.09. (A) The issuer is authorized to issue and 3011
sell, as provided in this section and in amounts from time to 3012
time authorized by the general assembly, general obligations of 3013
this state for the purpose of financing or assisting in the 3014
financing of the costs of public infrastructure capital 3015

improvements for local subdivisions. The full faith and credit, 3016
revenues, and taxing power of the state are and shall be pledged 3017
to the timely payment of bond service charges on outstanding 3018
obligations, all in accordance with Section 2k or 2m of Article 3019
VIII, Ohio Constitution and sections 164.09 to 164.12 of the 3020
Revised Code, excluding from that pledge fees, excises, or taxes 3021
relating to the registration, operation, or use of vehicles on 3022
the public highways, or to fuels used for propelling those 3023
vehicles, and so long as such obligations are outstanding there 3024
shall be levied and collected excises and taxes, excluding those 3025
excepted above, in amounts sufficient to pay the bond service 3026
charges on such obligations and costs relating to credit 3027
facilities. 3028

(B) (1) The total principal amount of obligations issued 3029
pursuant to Section 2k of Article VIII, Ohio Constitution shall 3030
not exceed one billion two hundred million dollars, and not more 3031
than one hundred twenty million dollars in principal amount of 3032
obligations may be issued in any calendar year, all determined 3033
as provided in sections 164.09 to 164.12 of the Revised Code. 3034

(2) The total principal amount of obligations issued for 3035
the purposes of this section pursuant to Section 2m of Article 3036
VIII, Ohio Constitution, shall not exceed one billion two 3037
hundred million dollars. Not more than one hundred twenty 3038
million dollars in principal amount of such obligations, plus 3039
the principal amount of such obligations that in any prior 3040
fiscal years could have been but were not issued within the one- 3041
hundred-twenty-million-dollar fiscal year limit, may be issued 3042
in any fiscal year. No obligations shall be issued for the 3043
purposes of this section pursuant to Section 2m of Article VIII, 3044
Ohio Constitution, until at least one billion one hundred 3045
ninety-nine million five hundred thousand dollars aggregate 3046

principal amount of obligations have been issued pursuant to 3047
Section 2k of Article VIII, Ohio Constitution. The amounts 3048
specified under division (B) (2) of this section shall be 3049
determined as provided in sections 164.09 to 164.12 of the 3050
Revised Code. 3051

(C) Each issue of obligations shall be authorized by order 3052
of the issuer. The bond proceedings shall provide for the 3053
principal amount or maximum principal amount of obligations of 3054
an issue, and shall provide for or authorize the manner or 3055
agency for determining the principal maturity or maturities, not 3056
exceeding the earlier of thirty years from the date of issuance 3057
of the particular obligations or thirty years from the date the 3058
debt represented by the particular obligations was originally 3059
contracted, the interest rate or rates, the date of and the 3060
dates of payment of interest on the obligations, their 3061
denominations, and the establishment within or without the state 3062
of a place or places of payment of bond service charges. 3063
Sections 9.96 and 9.98 to 9.983 of the Revised Code are 3064
applicable to the obligations. The purpose of the obligations 3065
may be stated in the bond proceedings as "financing or assisting 3066
in the financing of local subdivisions capital improvement 3067
projects." 3068

(D) The proceeds of the obligations, except for any 3069
portion to be deposited in special funds, or in escrow funds for 3070
the purpose of refunding outstanding obligations, all as may be 3071
provided in the bond proceedings, shall be deposited to the 3072
state capital improvements fund established by section 164.08 of 3073
the Revised Code. 3074

(E) The issuer may appoint paying agents, bond registrars, 3075
securities depositories, and transfer agents, and may retain the 3076

services of financial advisers and accounting experts, and 3077
retain or contract for the services of marketing, remarketing, 3078
indexing, and administrative agents, other consultants, and 3079
independent contractors, including printing services, as are 3080
necessary in the issuer's judgment to carry out sections 164.01 3081
to 164.12 of the Revised Code. Financing costs are payable, as 3082
provided in the bond proceedings, from the proceeds of the 3083
obligations, from special funds, or from other moneys available 3084
for the purpose. 3085

(F) The bond proceedings, including any trust agreement, 3086
may contain additional provisions customary or appropriate to 3087
the financing or to the obligations or to particular 3088
obligations, including but not limited to: 3089

(1) The redemption of obligations prior to maturity at the 3090
option of the state or of the holder or upon the occurrence of 3091
certain conditions at such price or prices and under such terms 3092
and conditions as are provided in the bond proceedings; 3093

(2) The form of and other terms of the obligations; 3094

(3) The establishment, deposit, investment, and 3095
application of special funds, and the safeguarding of moneys on 3096
hand or on deposit, without regard to Chapter 131. or 135. of 3097
the Revised Code, but subject to any special provisions of this 3098
section with respect to particular funds or moneys, and provided 3099
that any bank or trust company that acts as a depository of any 3100
moneys in special funds may furnish such indemnifying bonds or 3101
may pledge such securities as required by the issuer; 3102

(4) Any or every provision of the bond proceedings binding 3103
upon the issuer and such state agency or local subdivision, 3104
officer, board, commission, authority, agency, department, or 3105

other person or body as may from time to time have the authority 3106
under law to take such actions as may be necessary to perform 3107
all or any part of the duty required by such provision; 3108

(5) The maintenance of each pledge, any trust agreement, 3109
or other instrument comprising part of the bond proceedings 3110
until the state has fully paid or provided for the payment of 3111
the bond service charges on the obligations or met other stated 3112
conditions; 3113

(6) In the event of default in any payments required to be 3114
made by the bond proceedings, or any other agreement of the 3115
issuer made as a part of a contract under which the obligations 3116
were issued or secured, the enforcement of such payments or 3117
agreements by mandamus, suit in equity, action at law, or any 3118
combination of the foregoing; 3119

(7) The rights and remedies of the holders of obligations 3120
and of the trustee under any trust agreement, and provisions for 3121
protecting and enforcing them, including limitations on rights 3122
of individual holders of obligations; 3123

(8) The replacement of any obligations that become 3124
mutilated or are destroyed, lost, or stolen; 3125

(9) Provision for the funding, refunding, or advance 3126
refunding or other provision for payment of obligations which 3127
will then no longer be outstanding for purposes of this section 3128
or of the bond proceedings; 3129

(10) Any provision that may be made in bond proceedings or 3130
a trust agreement, including provision for amendment of the bond 3131
proceedings; 3132

(11) Such other provisions as the issuer determines, 3133
including limitations, conditions, or qualifications relating to 3134

any of the foregoing; 3135

(12) Any other or additional agreements with the holders 3136
of the obligations relating to the obligations or the security 3137
for the obligations. 3138

(G) The great seal of the state or a facsimile of that 3139
seal may be affixed to or printed on the obligations. The 3140
obligations requiring signature by the issuer shall be signed by 3141
or bear the facsimile signature of the issuer as provided in the 3142
bond proceedings. Any obligations may be signed by the person 3143
who, on the date of execution, is the authorized signer although 3144
on the date of such obligations such person was not the issuer. 3145
In case the person whose signature or a facsimile of whose 3146
signature appears on any obligation ceases to be the issuer 3147
before delivery of the obligation, such signature or facsimile 3148
is nevertheless valid and sufficient for all purposes as if the 3149
person had remained the member until such delivery, and in case 3150
the seal to be affixed to or printed on obligations has been 3151
changed after the seal has been affixed to or a facsimile of the 3152
seal has been printed on the obligations, that seal or facsimile 3153
seal shall continue to be sufficient as to those obligations and 3154
obligations issued in substitution or exchange therefor. 3155

(H) The obligations are negotiable instruments and 3156
securities under Chapter 1308. of the Revised Code, subject to 3157
the provisions of the bond proceedings as to registration. 3158
Obligations may be issued in coupon or in fully registered form, 3159
or both, as the issuer determines. Provision may be made for the 3160
registration of any obligations with coupons attached as to 3161
principal alone or as to both principal and interest, their 3162
exchange for obligations so registered, and for the conversion 3163
or reconversion into obligations with coupons attached of any 3164

obligations registered as to both principal and interest, and 3165
for reasonable charges for such registration, exchange, 3166
conversion, and reconversion. Pending preparation of definitive 3167
obligations, the issuer may issue interim receipts or 3168
certificates which shall be exchanged for such definitive 3169
obligations. 3170

(I) Obligations may be sold at public sale or at private 3171
sale, and at such price at, above, or below par, as determined 3172
by the issuer in the bond proceedings. 3173

(J) In the discretion of the issuer, obligations may be 3174
secured additionally by a trust agreement between the state and 3175
a corporate trustee which may be any trust company or bank 3176
having a place of business within the state. Any trust agreement 3177
may contain the order authorizing the issuance of the 3178
obligations, any provisions that may be contained in the bond 3179
proceedings, and other provisions that are customary or 3180
appropriate in an agreement of the type. 3181

(K) Except to the extent that their rights are restricted 3182
by the bond proceedings, any holder of obligations, or a trustee 3183
under the bond proceedings, may by any suitable form of legal 3184
proceedings protect and enforce any rights under the laws of 3185
this state or granted by the bond proceedings. Such rights 3186
include the right to compel the performance of all duties of the 3187
issuer and the state. Each duty of the issuer and the issuer's 3188
employees, and of each state agency and local public entity and 3189
its officers, members, or employees, undertaken pursuant to the 3190
bond proceedings, is hereby established as a duty of the issuer, 3191
and of each such agency, local subdivision, officer, member, or 3192
employee having authority to perform such duty, specifically 3193
enjoined by the law and resulting from an office, trust, or 3194

station within the meaning of section 2731.01 of the Revised 3195
Code. The persons who are at the time the issuer, or the 3196
issuer's employees, are not liable in their personal capacities 3197
on any obligations or any agreements of or with the issuer 3198
relating to obligations or under the bond proceedings. 3199

(L) Obligations are lawful investments for banks, 3200
societies for savings, savings and loan associations, deposit 3201
guarantee associations, trust companies, trustees, fiduciaries, 3202
insurance companies, including domestic for life and domestic 3203
not for life, trustees or other officers having charge of 3204
sinking and bond retirement or other special funds of political 3205
subdivisions and taxing districts of this state, the 3206
commissioners of the sinking fund, the administrator of workers' 3207
compensation, the state teachers retirement system, the public 3208
employees retirement system, the school employees retirement 3209
system, and the Ohio police and fire pension fund, 3210
notwithstanding any other provisions of the Revised Code or 3211
rules adopted pursuant thereto by any state agency with respect 3212
to investments by them, and are also acceptable as security for 3213
the deposit of public moneys. 3214

(M) Unless otherwise provided in any applicable bond 3215
proceedings, moneys to the credit of or in the special funds 3216
established by or pursuant to this section may be invested by or 3217
on behalf of the issuer only in notes, bonds, or other direct 3218
obligations of the United States or of any agency or 3219
instrumentality of the United States, in obligations of this 3220
state or any political subdivision of this state, in 3221
certificates of deposit of any national bank located in this 3222
state and any bank, as defined in section 1101.01 of the Revised 3223
Code, subject to inspection by the superintendent of financial 3224
institutions, in the Ohio subdivision's fund established 3225

pursuant to section ~~135.45~~ 113.07 of the Revised Code, in no- 3226
front-end-load money market mutual funds consisting exclusively 3227
of direct obligations of the United States or of an agency or 3228
instrumentality of the United States, and in repurchase 3229
agreements, including those issued by any fiduciary, secured by 3230
direct obligations of the United States or an agency or 3231
instrumentality of the United States, and in collective 3232
investment funds established in accordance with section 1111.14 3233
of the Revised Code and consisting exclusively of direct 3234
obligations of the United States or of an agency or 3235
instrumentality of the United States, notwithstanding division 3236
(A) (1) (c) of that section. The income from investments shall be 3237
credited to such special funds or otherwise as the issuer 3238
determines in the bond proceedings, and the investments may be 3239
sold or exchanged at such times as the issuer determines or 3240
authorizes. 3241

(N) Unless otherwise provided in any applicable bond 3242
proceedings, moneys to the credit of or in a special fund shall 3243
be disbursed on the order of the issuer, provided that no such 3244
order is required for the payment from the bond service fund or 3245
other special fund when due of bond service charges or required 3246
payments under credit facilities. 3247

(O) The issuer may covenant in the bond proceedings, and 3248
any such covenants shall be controlling notwithstanding any 3249
other provision of law, that the state and the applicable 3250
officers and agencies of the state, including the general 3251
assembly, so long as any obligations are outstanding in 3252
accordance with their terms, shall maintain statutory authority 3253
for and cause to be charged and collected taxes, excises, and 3254
other receipts of the state so that the receipts to the bond 3255
service fund shall be sufficient in amounts to meet bond service 3256

charges and for the establishment and maintenance of any 3257
reserves and other requirements, including payment of financing 3258
costs, provided for in the bond proceedings. 3259

(P) The obligations, and the transfer of, and the interest 3260
and other income from, including any profit made on the sale, 3261
transfer, or other disposition of, the obligations shall at all 3262
times be free from taxation, direct or indirect, within the 3263
state. 3264

(Q) Unless a judicial action or proceeding challenging the 3265
validity of obligations is commenced by personal service on the 3266
treasurer of state prior to the initial delivery of an issue of 3267
the obligations, the obligations of that issue and the bond 3268
proceedings pertaining to that issue are incontestable and those 3269
obligations shall be conclusively considered to be and to have 3270
been issued, secured, payable, sold, executed, and delivered, 3271
and the bond proceedings relating to them taken, in conformity 3272
with law if all of the following apply to the obligations: 3273

(1) They state that they are issued under the provisions 3274
of this section and comply on their face with those provisions; 3275

(2) They are issued within the limitations prescribed by 3276
this section; 3277

(3) Their purchase price has been paid in full; 3278

(4) They state that all the bond proceedings were held in 3279
compliance with law, which statement creates a conclusive 3280
presumption that the bond proceedings were held in compliance 3281
with all laws, including section 121.22 of the Revised Code, 3282
where applicable, and rules. 3283

(R) This section applies only with respect to obligations 3284
issued and delivered before September 30, 2000. 3285

Sec. 183.51. (A) As used in this section and in the applicable bond proceedings unless otherwise provided:

(1) "Bond proceedings" means the resolutions, orders, indentures, purchase and sale and trust and other agreements including any amendments or supplements to them, and credit enhancement facilities, and amendments and supplements to them, or any one or more or combination of them, authorizing, awarding, or providing for the terms and conditions applicable to or providing for the security or liquidity of, the particular obligations, and the provisions contained in those obligations.

(2) "Bond service fund" means the bond service fund created in the bond proceedings for the obligations.

(3) "Capital facilities" means, as applicable, capital facilities or projects as referred to in section 151.03 or 151.04 of the Revised Code.

(4) "Consent decree" means the consent decree and final judgment entered November 25, 1998, in the court of common pleas of Franklin county, Ohio, as the same may be amended or supplemented from time to time.

(5) "Cost of capital facilities" has the same meaning as in section 151.01 of the Revised Code, as applicable.

(6) "Credit enhancement facilities," "financing costs," and "interest" or "interest equivalent" have the same meanings as in section 133.01 of the Revised Code.

(7) "Debt service" means principal, including any mandatory sinking fund or redemption requirements for retirement of obligations, interest and other accreted amounts, interest equivalent, and any redemption premium, payable on obligations. If not prohibited by the applicable bond proceedings, "debt

service" may include costs relating to credit enhancement 3315
facilities that are related to and represent, or are intended to 3316
provide a source of payment of or limitation on, other debt 3317
service. 3318

(8) "Improvement fund" means, as applicable, the school 3319
building program assistance fund created in section 3318.25 of 3320
the Revised Code and the higher education improvement fund 3321
created in section 154.21 of the Revised Code. 3322

(9) "Issuing authority" means the buckeye tobacco 3323
settlement financing authority created in section 183.52 of the 3324
Revised Code. 3325

(10) "Net proceeds" means amounts received from the sale 3326
of obligations, excluding amounts used to refund or retire 3327
outstanding obligations, amounts required to be deposited into 3328
special funds pursuant to the applicable bond proceedings, and 3329
amounts to be used to pay financing costs. 3330

(11) "Obligations" means bonds, notes, or other evidences 3331
of obligation of the issuing authority, including any 3332
appertaining interest coupons, issued by the issuing authority 3333
under this section and Section 2i of Article VIII, Ohio 3334
Constitution, for the purpose of providing funds to the state, 3335
in exchange for the assignment and sale described in division 3336
(B) of this section, for the purpose of paying costs of capital 3337
facilities for: (a) housing branches and agencies of state 3338
government limited to facilities for a system of common schools 3339
throughout the state and (b) state-supported or state-assisted 3340
institutions of higher education. 3341

(12) "Pledged receipts" means, as and to the extent 3342
provided for in the applicable bond proceedings: 3343

(a) Pledged tobacco settlement receipts;	3344
(b) Accrued interest received from the sale of obligations;	3345 3346
(c) Income from the investment of the special funds;	3347
(d) Additional or any other specific revenues or receipts lawfully available to be pledged, and pledged, pursuant to the bond proceedings, including but not limited to amounts received under credit enhancement facilities, to the payment of debt service.	3348 3349 3350 3351 3352
(13) "Pledged tobacco settlement receipts" means all amounts received by the issuing authority pursuant to division (B) of this section.	3353 3354 3355
(14) "Principal amount" means the aggregate of the amount as stated or provided for in the applicable bond proceedings as the amount on which interest or interest equivalent on particular obligations is initially calculated. "Principal amount" does not include any premium paid to the issuing authority by the initial purchaser of the obligations. "Principal amount" of a capital appreciation bond, as defined in division (C) of section 3334.01 of the Revised Code, means its original face amount and not its accreted value, and "principal amount" of a zero coupon bond, as defined in division (J) of section 3334.01 of the Revised Code, means the discounted offering price at which the bond is initially sold to the public, disregarding any purchase price discount to the original purchaser, if provided in or for pursuant to the bond proceedings.	3356 3357 3358 3359 3360 3361 3362 3363 3364 3365 3366 3367 3368 3369 3370
(15) "Special funds" or "funds," unless the context indicates otherwise, means the bond service fund, and any other	3371 3372

funds, including any reserve funds, created under the bond 3373
proceedings and stated to be special funds in those proceedings, 3374
including moneys and investments, and earnings from investments, 3375
credited and to be credited to the particular fund. "Special 3376
funds" does not include any improvement fund or investment 3377
earnings on amounts in any improvement fund, or other funds 3378
created by the bond proceedings that are not stated by those 3379
proceedings to be special funds. 3380

(B) The state may assign and sell to the issuing 3381
authority, and the issuing authority may accept and purchase, 3382
all or a portion of the amounts to be received by the state 3383
under the tobacco master settlement agreement for a purchase 3384
price payable by the issuing authority to the state consisting 3385
of the net proceeds of obligations and any residual interest, if 3386
any. Any such assignment and sale shall be irrevocable in 3387
accordance with its terms during the period any obligations 3388
secured by amounts so assigned and sold are outstanding under 3389
the applicable bond proceedings, and shall constitute a 3390
contractual obligation to the holders or owners of those 3391
obligations. Any such assignment and sale shall also be treated 3392
as an absolute transfer and true sale for all purposes, and not 3393
as a pledge or other security interest. The characterization of 3394
any such assignment and sale as a true sale and absolute 3395
transfer shall not be negated or adversely affected by only a 3396
portion of the amounts to be received under the tobacco master 3397
settlement agreement being transferred, the acquisition or 3398
retention by the state of a residual interest, the participation 3399
of any state officer or employee as a member or officer of, or 3400
providing staff support to, the issuing authority, any 3401
responsibility of an officer or employee of the state for 3402
collecting the amounts to be received under the tobacco master 3403

settlement agreement or otherwise enforcing that agreement or 3404
retaining any legal title to or interest in any portion of the 3405
amounts to be received under that agreement for the purpose of 3406
these collection activities, any characterization of the issuing 3407
authority or its obligations for purposes of accounting, 3408
taxation, or securities regulation, or by any other factors 3409
whatsoever. A true sale shall exist under this section 3410
regardless of whether the issuing authority has any recourse 3411
against the state or any other term of the bond proceedings or 3412
the treatment or characterization of the transfer as a financing 3413
for any purpose. Upon and following the assignment and sale, the 3414
state shall not have any right, title, or interest in the 3415
portion of the receipts under the tobacco master settlement 3416
agreement so assigned and sold, other than any residual interest 3417
that may be described in the applicable bond proceedings for 3418
those obligations, and that portion, if any, shall be the 3419
property of the issuing authority and not of the state, and 3420
shall be paid directly to the issuing authority, and shall be 3421
owned, received, held, and disbursed by the issuing authority 3422
and not by the state. 3423

The state may covenant, pledge, and agree in the bond 3424
proceedings, with and for the benefit of the issuing authority, 3425
the holders and owners of obligations, and providers of any 3426
credit enhancement facilities, that it shall: (1) maintain 3427
statutory authority for, and cause to be collected and paid 3428
directly to the issuing authority or its assignee, the pledged 3429
receipts, (2) enforce the rights of the issuing authority to 3430
receive the receipts under the tobacco master settlement 3431
agreement assigned and sold to the issuing authority, (3) not 3432
materially impair the rights of the issuing authority to fulfill 3433
the terms of its agreements with the holders or owners of 3434

outstanding obligations under the bond proceedings, (4) not 3435
materially impair the rights and remedies of the holders or 3436
owners of outstanding obligations or materially impair the 3437
security for those outstanding obligations, and (5) enforce 3438
Chapter 1346. of the Revised Code, the tobacco master settlement 3439
agreement, and the consent decree to effectuate the collection 3440
of the pledged tobacco settlement receipts. The bond proceedings 3441
may provide or authorize the manner for determining material 3442
impairment of the security for any outstanding obligations, 3443
including by assessing and evaluating the pledged receipts in 3444
the aggregate. 3445

As further provided for in division (H) of this section, 3446
the bond proceedings may also include such other covenants, 3447
pledges, and agreements by the state to protect and safeguard 3448
the security and rights of the holders and owners of the 3449
obligations, and of the providers of any credit enhancement 3450
facilities, including, without limiting the generality of the 3451
foregoing, any covenant, pledge, or agreement customary in 3452
transactions involving the issuance of securities the debt 3453
service on which is payable from or secured by amounts received 3454
under the tobacco master settlement agreement. Notwithstanding 3455
any other provision of law, any covenant, pledge, and agreement 3456
of the state, if and when made in the bond proceedings, shall be 3457
controlling and binding upon, and enforceable against the state 3458
in accordance with its terms for so long as any obligations are 3459
outstanding under the applicable bond proceedings. The bond 3460
proceedings may also include limitations on the remedies 3461
available to the issuing authority, the holders and owners of 3462
the obligations, and the providers of any credit enhancement 3463
facilities, including, without limiting the generality of the 3464
foregoing, a provision that those remedies may be limited to 3465

injunctive relief in circumstances where there has been no prior 3466
determination by a court of competent jurisdiction that the 3467
state has not enforced Chapter 1346. of the Revised Code, the 3468
tobacco master settlement agreement, or the consent decree as 3469
may have been covenanted or agreed in the bond proceedings under 3470
division (B) (5) of this section. 3471

Nothing in this section or the bond proceedings shall 3472
preclude or limit, or be construed to preclude or limit, the 3473
state from regulating or authorizing or permitting the 3474
regulation of smoking or from taxing and regulating the sale of 3475
cigarettes or other tobacco products, or from defending or 3476
prosecuting cases or other actions relating to the sale or use 3477
of cigarettes or other tobacco products. Except as otherwise may 3478
be agreed in writing by the attorney general, nothing in this 3479
section or the bond proceedings shall modify or limit, or be 3480
construed to modify or limit, the responsibility, power, 3481
judgment, and discretion of the attorney general to protect and 3482
discharge the duties, rights, and obligations of the state under 3483
the tobacco master settlement agreement, the consent decree, or 3484
Chapter 1346. of the Revised Code. 3485

The governor and the director of budget and management, in 3486
consultation with the attorney general, on behalf of the state, 3487
and any member or officer of the issuing authority as authorized 3488
by that issuing authority, on behalf of the issuing authority, 3489
may take any action and execute any documents, including any 3490
purchase and sale agreements, necessary to effect the assignment 3491
and sale and the acceptance of the assignment and title to the 3492
receipts including, providing irrevocable direction to the 3493
escrow agent acting under the tobacco master settlement 3494
agreement to transfer directly to the issuing authority the 3495
amounts to be received under that agreement that are subject to 3496

such assignment and sale. Any purchase and sale agreement or 3497
other bond proceedings may contain the terms and conditions 3498
established by the state and the issuing authority to carry out 3499
and effectuate the purposes of this section, including, without 3500
limitation, covenants binding the state in favor of the issuing 3501
authority and its assignees and the owners of the obligations. 3502
Any such purchase and sale agreement shall be sufficient to 3503
effectuate such purchase and sale without regard to any other 3504
laws governing other property sales or financial transactions by 3505
the state. 3506

Not later than two years following the date on which there 3507
are no longer any obligations outstanding under the bond 3508
proceedings, all assets of the issuing authority shall vest in 3509
the state, the issuing authority shall execute any necessary 3510
assignments or instruments, including any assignment of any 3511
right, title, or ownership to the state for receipt of amounts 3512
under the tobacco master settlement agreement, and the issuing 3513
authority shall be dissolved. 3514

(C) The issuing authority is authorized to issue and to 3515
sell obligations as provided in this section. The aggregate 3516
principal amount of obligations issued under this section shall 3517
not exceed six billion dollars, exclusive of obligations issued 3518
under division (M) (1) of this section to refund, renew, or 3519
advance refund other obligations issued or incurred. At least 3520
seventy-five per cent of the aggregate net proceeds of the 3521
obligations issued under the authority of this section, 3522
exclusive of obligations issued to refund, renew, or advance 3523
refund other obligations, shall be paid to the state for deposit 3524
into the school building program assistance fund created in 3525
section 3318.25 of the Revised Code. 3526

(D) Each issue of obligations shall be authorized by 3527
resolution or order of the issuing authority. The bond 3528
proceedings shall provide for or authorize the manner for 3529
determining the principal amount or maximum principal amount of 3530
obligations of an issue, the principal maturity or maturities, 3531
the interest rate or rates, the date of and the dates of payment 3532
of interest on the obligations, their denominations, and the 3533
place or places of payment of debt service which may be within 3534
or outside the state. Unless otherwise provided by law, the 3535
latest principal maturity may not be later than the earlier of 3536
the thirty-first day of December of the fiftieth calendar year 3537
after the year of issuance of the particular obligations or of 3538
the fiftieth calendar year after the year in which the original 3539
obligation to pay was issued or entered into. Sections 9.96, 3540
9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to the 3541
obligations. 3542

The purpose of the obligations may be stated in the bond 3543
proceedings in general terms, such as, as applicable, "paying 3544
costs of capital facilities for a system of common schools" and 3545
"paying costs of facilities for state-supported and state- 3546
assisted institutions of higher education." Unless otherwise 3547
provided in the bond proceedings or in division (C) of this 3548
section, the net proceeds from the issuance of the obligations 3549
shall be paid to the state for deposit into the applicable 3550
improvement fund. In addition to the investments authorized in 3551
Chapter 135. of the Revised Code, the net proceeds held in an 3552
improvement fund may be invested by the treasurer of state in 3553
guaranteed investment contracts with providers rated at the time 3554
of any investment in the three highest rating categories by two 3555
nationally recognized rating agencies, all subject to the terms 3556
and conditions set forth in those agreements or the bond 3557

proceedings. Notwithstanding anything to the contrary in Chapter 3558
3318. of the Revised Code, net proceeds of obligations deposited 3559
into the school building program assistance fund created in 3560
section 3318.25 of the Revised Code may be used to pay basic 3561
project costs under that chapter at the times determined by the 3562
Ohio facilities construction commission without regard to 3563
whether those expenditures are in proportion to the state's and 3564
the school district's respective shares of that basic project 3565
cost; provided that this shall not result in any change in the 3566
state or school district shares of the basic project costs as 3567
determined under that chapter. As used in the preceding 3568
sentence, "Ohio facilities construction commission" and "basic 3569
project costs" have the same meanings as in section 3318.01 of 3570
the Revised Code. 3571

(E) The issuing authority may, without need for any other 3572
approval, appoint or provide for the appointment of paying 3573
agents, bond registrars, securities depositories, credit 3574
enhancement providers or counterparties, clearing corporations, 3575
and transfer agents, and retain or contract for the services of 3576
underwriters, investment bankers, financial advisers, accounting 3577
experts, marketing, remarketing, indexing, and administrative 3578
agents, other consultants, and independent contractors, 3579
including printing services, as are necessary in the judgment of 3580
the issuing authority to carry out the issuing authority's 3581
functions under this section and section 183.52 of the Revised 3582
Code. The attorney general as counsel to the issuing authority 3583
shall represent the authority in the execution of its powers and 3584
duties, and shall institute and prosecute all actions on its 3585
behalf. The issuing authority, in consultation with the attorney 3586
general, shall select counsel, and the attorney general shall 3587
appoint the counsel selected, for the purposes of carrying out 3588

the functions under this section and related sections of the 3589
Revised Code. Financing costs are payable, as may be provided in 3590
the bond proceedings, from the proceeds of the obligations, from 3591
special funds, or from other moneys available for the purpose, 3592
including as to future financing costs, from the pledged 3593
receipts. 3594

(F) The issuing authority may irrevocably pledge and 3595
assign all, or such portion as the issuing authority determines, 3596
of the pledged receipts to the payment of the debt service 3597
charges on obligations issued under this section, and for the 3598
establishment and maintenance of any reserves, as provided in 3599
the bond proceedings, and make other provisions in the bond 3600
proceedings with respect to pledged receipts as authorized by 3601
this section, which provisions are controlling notwithstanding 3602
any other provisions of law pertaining to them. Any and all 3603
pledged receipts received by the issuing authority and required 3604
by the bond proceedings, consistent with this section, to be 3605
deposited, transferred, or credited to the bond service fund, 3606
and all other money transferred or allocated to or received for 3607
the purposes of that fund, shall be deposited and credited to 3608
the bond service fund created in the bond proceedings for the 3609
obligations, subject to any applicable provisions of those bond 3610
proceedings, but without necessity for any act of appropriation. 3611
Those pledged receipts shall immediately be subject to the lien 3612
of that pledge without any physical delivery thereof or further 3613
act, and shall not be subject to other court judgments. The lien 3614
of the pledge of those pledged receipts shall be valid and 3615
binding against all parties having claims of any kind against 3616
the issuing authority, irrespective of whether those parties 3617
have notice thereof. The pledge shall create a perfected 3618
security interest for all purposes of Chapter 1309. of the 3619

Revised Code and a perfected lien for purposes of any other 3620
interest, all without the necessity for separation or delivery 3621
of funds or for the filing or recording of the applicable bond 3622
proceedings by which that pledge is created or any certificate, 3623
statement, or other document with respect thereto. The pledge of 3624
the pledged receipts shall be effective and the money therefrom 3625
and thereof may be applied to the purposes for which pledged. 3626

(G) Obligations may be further secured, as determined by 3627
the issuing authority, by an indenture or a trust agreement 3628
between the issuing authority and a corporate trustee, which may 3629
be any trust company or bank having a place of business within 3630
the state. Any indenture or trust agreement may contain the 3631
resolution or order authorizing the issuance of the obligations, 3632
any provisions that may be contained in any bond proceedings, 3633
and other provisions that are customary or appropriate in an 3634
agreement of that type, including, but not limited to: 3635

(1) Maintenance of each pledge, indenture, trust 3636
agreement, or other instrument comprising part of the bond 3637
proceedings until the issuing authority has fully paid or 3638
provided for the payment of debt service on the obligations 3639
secured by it; 3640

(2) In the event of default in any payments required to be 3641
made by the bond proceedings, enforcement of those payments or 3642
agreements by mandamus, the appointment of a receiver, suit in 3643
equity, action at law, or any combination of them; 3644

(3) The rights and remedies of the holders or owners of 3645
obligations and of the trustee and provisions for protecting and 3646
enforcing them, including limitations on rights of individual 3647
holders and owners. 3648

(H) The bond proceedings may contain additional provisions 3649
customary or appropriate to the financing or to the obligations 3650
or to particular obligations including, but not limited to, 3651
provisions for: 3652

(1) The redemption of obligations prior to maturity at the 3653
option of the issuing authority or of the holder or upon the 3654
occurrence of certain conditions, and at a particular price or 3655
prices and under particular terms and conditions; 3656

(2) The form of and other terms of the obligations; 3657

(3) The establishment, deposit, investment, and 3658
application of special funds, and the safeguarding of moneys on 3659
hand or on deposit, in lieu of the applicability of provisions 3660
of Chapter 131. or 135. of the Revised Code, but subject to any 3661
special provisions of this section with respect to the 3662
application of particular funds or moneys. Any financial 3663
institution that acts as a depository of any moneys in special 3664
funds or other funds under the bond proceedings may furnish 3665
indemnifying bonds or pledge securities as required by the 3666
issuing authority. 3667

(4) Any or every provision of the bond proceedings being 3668
binding upon the issuing authority and upon such governmental 3669
agency or entity, officer, board, authority, agency, department, 3670
institution, district, or other person or body as may from time 3671
to time be authorized to take actions as may be necessary to 3672
perform all or any part of the duty required by the provision; 3673

(5) The maintenance of each pledge or instrument 3674
comprising part of the bond proceedings until the issuing 3675
authority has fully paid or provided for the payment of the debt 3676
service on the obligations or met other stated conditions; 3677

(6) In the event of default in any payments required to be 3678
made by the bond proceedings, or by any other agreement of the 3679
issuing authority made as part of a contract under which the 3680
obligations were issued or secured, including a credit 3681
enhancement facility, the enforcement of those payments by 3682
mandamus, a suit in equity, an action at law, or any combination 3683
of those remedial actions; 3684

(7) The rights and remedies of the holders or owners of 3685
obligations or of book-entry interests in them, and of third 3686
parties under any credit enhancement facility, and provisions 3687
for protecting and enforcing those rights and remedies, 3688
including limitations on rights of individual holders or owners; 3689

(8) The replacement of mutilated, destroyed, lost, or 3690
stolen obligations; 3691

(9) The funding, refunding, or advance refunding, or other 3692
provision for payment, of obligations that will then no longer 3693
be outstanding for purposes of this section or of the applicable 3694
bond proceedings; 3695

(10) Amendment of the bond proceedings; 3696

(11) Any other or additional agreements with the owners of 3697
obligations, and such other provisions as the issuing authority 3698
determines, including limitations, conditions, or 3699
qualifications, relating to any of the foregoing or the 3700
activities of the issuing authority in connection therewith. 3701

The bond proceedings shall make provision for the payment 3702
of the expenses of the enforcement activity of the attorney 3703
general referred to in division (B) of this section from the 3704
amounts from the tobacco master settlement agreement assigned 3705
and sold to the issuing authority under that division or from 3706

the proceeds of obligations, or a combination thereof, which may 3707
include provision for both annual payments and a special fund 3708
providing reserve amounts for the payment of those expenses. 3709

The issuing authority shall not, and shall covenant in the 3710
bond proceedings that it shall not, be authorized to and shall 3711
not file a voluntary petition under the United States Bankruptcy 3712
Code, 11 U.S.C. 101 et seq., as amended, or voluntarily commence 3713
any similar bankruptcy proceeding under state law including, 3714
without limitation, consenting to the appointment of a receiver 3715
or trustee or making a general or specific assignment for the 3716
benefit of creditors, and neither any public officer or any 3717
organization, entity, or other person shall authorize the 3718
issuing authority to be or become a debtor under the United 3719
States Bankruptcy Code or take any of those actions under the 3720
United States Bankruptcy Code or state law. The state hereby 3721
covenants, and the issuing authority shall covenant, with the 3722
holders or owners of the obligations, that the state shall not 3723
permit the issuing authority to file a voluntary petition under 3724
the United States Bankruptcy Code or take any of those actions 3725
under the United States Bankruptcy Code or state law during the 3726
period obligations are outstanding and for any additional period 3727
for which the issuing authority covenants in the bond 3728
proceedings, which additional period may, but need not, be a 3729
period of three hundred sixty-seven days or more. 3730

(I) The obligations requiring execution by or for the 3731
issuing authority shall be signed as provided in the bond 3732
proceedings, and may bear the official seal of the issuing 3733
authority or a facsimile thereof. Any obligation may be signed 3734
by the individual who, on the date of execution, is the 3735
authorized signer even though, on the date of the obligations, 3736
that individual is not an authorized signer. In case the 3737

individual whose signature or facsimile signature appears on any 3738
obligation ceases to be an authorized signer before delivery of 3739
the obligation, that signature or facsimile is nevertheless 3740
valid and sufficient for all purposes as if that individual had 3741
remained the authorized signer until delivery. 3742

(J) Obligations are investment securities under Chapter 3743
1308. of the Revised Code. Obligations may be issued in bearer 3744
or in registered form, registrable as to principal alone or as 3745
to both principal and interest, or both, or in certificated or 3746
uncertificated form, as the issuing authority determines. 3747
Provision may be made for the exchange, conversion, or transfer 3748
of obligations and for reasonable charges for registration, 3749
exchange, conversion, and transfer. Pending preparation of final 3750
obligations, the issuing authority may provide for the issuance 3751
of interim instruments to be exchanged for the final 3752
obligations. 3753

(K) Obligations may be sold at public sale or at private 3754
sale, in such manner, and at such price at, above, or below par, 3755
all as determined by and provided by the issuing authority in 3756
the bond proceedings. 3757

(L) Except to the extent that rights are restricted by the 3758
bond proceedings, any owner of obligations or provider of or 3759
counterparty to a credit enhancement facility may by any 3760
suitable form of legal proceedings protect and enforce any 3761
rights relating to obligations or that facility under the laws 3762
of this state or granted by the bond proceedings. Those rights 3763
include the right to compel the performance of all applicable 3764
duties of the issuing authority and the state. Each duty of the 3765
issuing authority and that issuing authority's officers, staff, 3766
and employees, and of each state entity or agency, or using 3767

district or using institution, and its officers, members, staff, 3768
or employees, undertaken pursuant to the bond proceedings, is 3769
hereby established as a duty of the entity or individual having 3770
authority to perform that duty, specifically enjoined by law and 3771
resulting from an office, trust, or station within the meaning 3772
of section 2731.01 of the Revised Code. The individuals who are 3773
from time to time members of the issuing authority, or their 3774
designees acting pursuant to section 183.52 of the Revised Code, 3775
or the issuing authority's officers, staff, agents, or 3776
employees, when acting within the scope of their employment or 3777
agency, shall not be liable in their personal capacities on any 3778
obligations or otherwise under the bond proceedings, or for 3779
otherwise exercising or carrying out any purposes or powers of 3780
the issuing authority. 3781

(M) (1) Subject to any applicable limitations in division 3782
(C) of this section, the issuing authority may also authorize 3783
and provide for the issuance of: 3784

(a) Obligations in the form of bond anticipation notes, 3785
and may authorize and provide for the renewal of those notes 3786
from time to time by the issuance of new notes. The holders of 3787
notes or appertaining interest coupons have the right to have 3788
debt service on those notes paid solely from the moneys and 3789
special funds, and all or any portion of the pledged receipts, 3790
that are or may be pledged to that payment, including the 3791
proceeds of bonds or renewal notes or both, as the issuing 3792
authority provides in the bond proceedings authorizing the 3793
notes. Notes may be additionally secured by covenants of the 3794
issuing authority to the effect that the issuing authority will 3795
do all things necessary for the issuance of bonds or renewal 3796
notes in such principal amount and upon such terms as may be 3797
necessary to provide moneys to pay when due the debt service on 3798

the notes, and apply their proceeds to the extent necessary, to 3799
make full and timely payment of debt service on the notes as 3800
provided in the applicable bond proceedings. In the bond 3801
proceedings authorizing the issuance of bond anticipation notes 3802
the issuing authority shall set forth for the bonds anticipated 3803
an estimated schedule of annual principal payments the latest of 3804
which shall be no later than provided in division (D) of this 3805
section. While the notes are outstanding there shall be 3806
deposited, as shall be provided in the bond proceedings for 3807
those notes, from the sources authorized for payment of debt 3808
service on the bonds, amounts sufficient to pay the principal of 3809
the bonds anticipated as set forth in that estimated schedule 3810
during the time the notes are outstanding, which amounts shall 3811
be used solely to pay the principal of those notes or of the 3812
bonds anticipated. 3813

(b) Obligations for the refunding, including funding and 3814
retirement, and advance refunding, with or without payment or 3815
redemption prior to maturity, of any obligations previously 3816
issued under this section and any bonds or notes previously 3817
issued for the purpose of paying costs of capital facilities 3818
for: (i) state-supported or state-assisted institutions of 3819
higher education as authorized by sections 151.01 and 151.04 of 3820
the Revised Code, pursuant to Sections 2i and 2n of Article 3821
VIII, Ohio Constitution, and (ii) housing branches and agencies 3822
of state government limited to facilities for a system of common 3823
schools throughout the state as authorized by sections 151.01 3824
and 151.03 of the Revised Code, pursuant to Sections 2i and 2n 3825
of Article VIII, Ohio Constitution. Refunding obligations may be 3826
issued in amounts sufficient to pay or to provide for repayment 3827
of the principal amount, including principal amounts maturing 3828
prior to the redemption of the remaining prior obligations or 3829

bonds or notes, any redemption premium, and interest accrued or 3830
to accrue to the maturity or redemption date or dates, payable 3831
on the prior obligations or bonds or notes, and related 3832
financing costs and any expenses incurred or to be incurred in 3833
connection with that issuance and refunding. Subject to the 3834
applicable bond proceedings, the portion of the proceeds of the 3835
sale of refunding obligations issued under division (M) (1) (b) of 3836
this section to be applied to debt service on the prior 3837
obligations or bonds or notes shall be credited to an 3838
appropriate separate account in the bond service fund and held 3839
in trust for the purpose by the issuing authority or by a 3840
corporate trustee, and may be invested as provided in the bond 3841
proceedings. Obligations authorized under this division shall be 3842
considered to be issued for those purposes for which the prior 3843
obligations or bonds or notes were issued. 3844

(2) The principal amount of refunding, advance refunding, 3845
or renewal obligations issued pursuant to division (M) of this 3846
section shall be in addition to the amount authorized in 3847
division (C) of this section. 3848

(N) Obligations are lawful investments for banks, savings 3849
and loan associations, credit union share guaranty corporations, 3850
trust companies, trustees, fiduciaries, insurance companies, 3851
including domestic for life and domestic not for life, trustees 3852
or other officers having charge of sinking and bond retirement 3853
or other special funds of the state and political subdivisions 3854
and taxing districts of this state, notwithstanding any other 3855
provisions of the Revised Code or rules adopted pursuant to 3856
those provisions by any state agency with respect to investments 3857
by them, and are also acceptable as security for the repayment 3858
of the deposit of public moneys. The exemptions from taxation in 3859
Ohio as provided for in particular sections of the Ohio 3860

Constitution and section 5709.76 of the Revised Code apply to 3861
the obligations. 3862

(O) (1) Unless otherwise provided or provided for in any 3863
applicable bond proceedings, moneys to the credit of or in a 3864
special fund shall be disbursed on the order of the issuing 3865
authority. No such order is required for the payment, from the 3866
bond service fund or other special fund, when due of debt 3867
service or required payments under credit enhancement 3868
facilities. 3869

(2) Payments received by the issuing authority under 3870
interest rate hedges entered into as credit enhancement 3871
facilities under this section shall be deposited as provided in 3872
the applicable bond proceedings. 3873

(P) The obligations shall not be general obligations of 3874
the state and the full faith and credit, revenue, and taxing 3875
power of the state shall not be pledged to the payment of debt 3876
service on them or to any guarantee of the payment of that debt 3877
service. The holders or owners of the obligations shall have no 3878
right to have any moneys obligated or pledged for the payment of 3879
debt service except as provided in this section and in the 3880
applicable bond proceedings. The rights of the holders and 3881
owners to payment of debt service are limited to all or that 3882
portion of the pledged receipts, and those special funds, 3883
pledged to the payment of debt service pursuant to the bond 3884
proceedings in accordance with this section, and each obligation 3885
shall bear on its face a statement to that effect. 3886

(Q) Each bond service fund is a trust fund and is hereby 3887
pledged to the payment of debt service on the applicable 3888
obligations. Payment of that debt service shall be made or 3889
provided for by the issuing authority in accordance with the 3890

bond proceedings without necessity for any act of appropriation. 3891
The bond proceedings may provide for the establishment of 3892
separate accounts in the bond service fund and for the 3893
application of those accounts only to debt service on specific 3894
obligations, and for other accounts in the bond service fund 3895
within the general purposes of that fund. 3896

(R) Subject to the bond proceedings pertaining to any 3897
obligations then outstanding in accordance with their terms, the 3898
issuing authority may in the bond proceedings pledge all, or 3899
such portion as the issuing authority determines, of the moneys 3900
in the bond service fund to the payment of debt service on 3901
particular obligations, and for the establishment and 3902
maintenance of any reserves for payment of particular debt 3903
service. 3904

(S) (1) Unless otherwise provided in any applicable bond 3905
proceedings, moneys to the credit of special funds may be 3906
invested by or on behalf of the issuing authority only in one or 3907
more of the following: 3908

(a) Notes, bonds, or other direct obligations of the 3909
United States or of any agency or instrumentality of the United 3910
States, or in no-front-end-load money market mutual funds 3911
consisting exclusively of those obligations, or in repurchase 3912
agreements, including those issued by any fiduciary, secured by 3913
those obligations, or in collective investment funds consisting 3914
exclusively of those obligations; 3915

(b) Obligations of this state or any political subdivision 3916
of this state; 3917

(c) Certificates of deposit of any national bank located 3918
in this state and any bank, as defined in section 1101.01 of the 3919

Revised Code, subject to inspection by the superintendent of 3920
financial institutions; 3921

(d) The treasurer of state's pooled investment program 3922
under section ~~135.45~~113.07 of the Revised Code; 3923

(e) Other investment agreements or repurchase agreements 3924
that are consistent with the ratings on the obligations. 3925

(2) The income from investments referred to in division 3926
(S) (1) of this section shall be credited to special funds or 3927
otherwise as the issuing authority determines in the bond 3928
proceedings. Those investments may be sold or exchanged at times 3929
as the issuing authority determines, provides for, or 3930
authorizes. 3931

(T) The treasurer of state shall have responsibility for 3932
keeping records, making reports, and making payments, relating 3933
to any arbitrage rebate requirements under the applicable bond 3934
proceedings. 3935

(U) The issuing authority shall make quarterly reports to 3936
the general assembly of the amounts in, and activities of, each 3937
improvement fund, including amounts and activities on the 3938
subfund level. Each report shall include a detailed description 3939
and analysis of the amount of proceeds remaining in each fund 3940
from the sale of obligations pursuant to this section, and any 3941
other deposits, credits, interest earnings, disbursements, 3942
expenses, transfers, or activities of each fund. 3943

(V) The costs of the annual audit of the authority 3944
conducted pursuant to section 117.112 of the Revised Code are 3945
payable, as may be provided in the bond proceedings, from the 3946
proceeds of the obligations, from special funds, or from other 3947
moneys available for the purpose, including as to future 3948

financing costs, from the pledged receipts. 3949

Sec. 317.36. (A) The county recorder shall collect the 3950
low- and moderate-income housing trust fund fee as specified in 3951
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 3952
4509.60, 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 5733.22, 3953
6101.09, and 6115.09 of the Revised Code. The amount of any 3954
housing trust fund fee the recorder is authorized to collect is 3955
equal to the amount of any base fee the recorder is authorized 3956
to collect for services. The housing trust fund fee shall be 3957
collected in addition to the base fee. 3958

(B) The recorder shall certify the amounts collected as 3959
housing trust fund fees pursuant to division (A) of this section 3960
into the county treasury as housing trust fund fees to be paid 3961
to the ~~treasurer of state~~ department of development pursuant to 3962
section 319.63 of the Revised Code. 3963

(C) The document preservation surcharge collected under 3964
section 317.32 of the Revised Code is not a base fee under this 3965
section. 3966

Sec. 319.63. (A) During the first thirty days of each 3967
calendar quarter, the county auditor shall pay to the ~~treasurer~~ 3968
~~of state~~ department of development all amounts that the county 3969
recorder collected as housing trust fund fees pursuant to 3970
section 317.36 of the Revised Code during the previous calendar 3971
quarter. If payment is made to the ~~treasurer of state~~ department 3972
of development within the first thirty days of the quarter, the 3973
county auditor may retain an administrative fee of one per cent 3974
of the amount of the trust fund fees collected during the 3975
previous calendar quarter. 3976

(B) The ~~treasurer of state~~ department of development shall 3977

deposit the housing trust fund fees received each year pursuant 3978
to this section into the low- and moderate-income housing trust 3979
fund created under section 174.02 of the Revised Code. 3980

(C) The county auditor shall deposit the administrative 3981
fee that the auditor is permitted to retain pursuant to division 3982
(A) of this section into the county general fund for the county 3983
recorder to use in administering the trust fund fee. 3984

Sec. 321.46. (A) To enhance the background and working 3985
knowledge of county treasurers in governmental accounting, 3986
portfolio reporting and compliance, investments, cybersecurity, 3987
and cash management, the auditor of state and the treasurer of 3988
state shall conduct education programs for persons elected for 3989
the first time to the office of county treasurer and shall hold 3990
biennial continuing education courses for persons who continue 3991
to hold the office of county treasurer. 3992

Initial education programs for newly elected county 3993
treasurers shall be ~~held between the first day of December and~~ 3994
~~the first Monday of September next following that person's~~ 3995
~~election to the~~ completed within four months of taking the oath 3996
of office of county treasurer. Similar initial education 3997
programs ~~may also be provided to~~ shall also be completed by any 3998
county treasurer who is appointed to fill a vacancy or who is 3999
elected at a special election. 4000

(B) (1) The auditor of state shall determine the manner and 4001
content of the initial education programs in the subject areas 4002
of governmental accounting and portfolio reporting and 4003
compliance. In those areas, newly elected county treasurers 4004
shall take at least thirteen hours of education ~~before~~ within 4005
four months of taking the oath of office. 4006

(2) The treasurer of state shall determine the manner and
content of the initial education programs in the subject areas
of investments and cash management. In those areas, newly
elected county treasurers shall take at least thirteen hours of
education ~~before~~ within four months of taking the oath of
office.

(3) (a) After completing one year in office, a county
treasurer shall take not less than twenty-four hours of
continuing education during each biennial cycle. For purposes of
division (B) (3) (a) of this section, a biennial cycle for
continuing education shall be every two calendar years after the
treasurer's first year in office. The treasurer of state shall
determine the manner and content of the continuing education
courses in the subject areas of investments, cash management,
the collection of taxes, ethics, and any other subject area that
the treasurer of state determines is reasonably related to the
duties of the office of the county treasurer. The auditor of
state shall determine the manner and content of the continuing
education courses in the subject areas of governmental
accounting, portfolio reporting and compliance, office
management, cybersecurity, and any other subject area that the
auditor of state determines is reasonably related to the duties
of the office of the county treasurer.

(b) A county treasurer who accumulates more than twenty-
four hours of continuing education in a biennial cycle described
in division (B) (3) (a) of this section may credit the hours in
excess of twenty-four hours to the next biennial cycle. However,
regardless of the total number of hours earned, no more than six
hours in continuing education determined by the treasurer of
state pursuant to division (B) (3) (a) of this section and six
hours in continuing education determined by the auditor of state

pursuant to that division shall be carried over to the next 4038
biennial cycle. 4039

(c) A county treasurer who participates in a training 4040
program or seminar established under section 109.43 of the 4041
Revised Code may apply the three hours of training to the 4042
twenty-four hours of continuing education required in a biennial 4043
cycle under division (B) (3) (a) of this section. 4044

(C) The auditor of state and the treasurer of state may 4045
each charge counties a registration or annual fee that will meet 4046
actual and necessary expenses of the training of county 4047
treasurers, including instructor fees, site acquisition costs, 4048
and the cost of course materials. The necessary personal 4049
expenses of county treasurers as a result of attending the 4050
initial education programs and continuing education courses 4051
shall be borne by the counties the treasurers represent. 4052

(D) The auditor of state and the treasurer of state may 4053
allow any other interested person to attend any of the initial 4054
education programs or continuing education courses held pursuant 4055
to this section, provided that before attending any such program 4056
or course, the interested person shall pay to either the auditor 4057
of state or the treasurer of state, as appropriate, the full 4058
registration fee set for the program or course. For programs and 4059
courses hosted by the treasurer of state, an interested person 4060
shall not be charged a registration fee if the person has paid 4061
the annual fee pursuant to section 135.22 of the Revised Code 4062
for the calendar year in which the program or course is offered. 4063

(E) (1) If a county treasurer fails to complete the initial 4064
education programs required by this section ~~before~~ within four 4065
months of taking the oath of office, the treasurer's authority 4066
to invest county funds and to manage the county portfolio 4067

immediately is suspended, and this authority is transferred to 4068
the county's investment advisory committee until full compliance 4069
with the initial education programs is determined by the 4070
~~treasurer~~ auditor of state based on review of proof of 4071
attendance retained by the county treasurer. 4072

(2) If a county treasurer fails to complete continuing 4073
education as required by this section, the county treasurer is 4074
subject to ~~divisions (B) to (E) of~~ section 321.47 of the Revised 4075
Code, including possible suspension of the treasurer's authority 4076
to invest county funds and to manage the county portfolio and 4077
transfer of this authority to the county's investment advisory 4078
committee. 4079

(F) (1) Notwithstanding divisions (B) and (E) of this 4080
section, a county treasurer who fails to complete the initial 4081
education programs or continuing education required by this 4082
section shall invest only in the Ohio subdivisions fund pursuant 4083
to division (A) (6) of section 135.35 of the Revised Code, in no 4084
load money market mutual funds pursuant to division (A) (5) of 4085
section 135.35 of the Revised Code, or in time certificates of 4086
deposit or savings or deposit accounts pursuant to division (A) 4087
(3) of section 135.35 of the Revised Code. 4088

(2) A county treasurer who has failed to complete the 4089
initial education programs required by this section and invests 4090
in other than the investments permitted by division (F) (1) of 4091
this section immediately shall have the county treasurer's 4092
authority to invest county funds and to manage the county 4093
portfolio suspended, and this authority shall be transferred to 4094
the county's investment advisory committee until full compliance 4095
with the initial education programs is determined by the auditor 4096
of state, in consultation with the treasurer of state. 4097

(3) If a county treasurer fails to complete continuing education required by this section and invests in other than the investments permitted by division (F) (1) of this section, the county treasurer is subject to ~~divisions (B) to (E) of~~ section 321.47 of the Revised Code, including possible suspension of the treasurer's authority to invest county funds and to manage the county portfolio and transfer of this authority to the county's investment advisory committee.

(G) (1) There is hereby created in the state treasury the county treasurer education fund, to be used by the treasurer of state for actual and necessary expenses of initial education programs and continuing education held pursuant to this section and section 135.22 of the Revised Code. All registration fees collected by the treasurer of state under this section and section 135.22 of the Revised Code shall be paid into that fund.

(2) All registration fees collected by the auditor of state under this section shall be paid into the auditor of state training program fund established under section 117.44 of the Revised Code.

(H) The treasurer of state, with the advice and consent of the auditor of state, may adopt reasonable rules not inconsistent with this section for the implementation of this section.

Sec. 321.47. (A) By the ~~fifteenth~~thirty-first day of January following completion of each biennial cycle described in division (B) (3) (a) of section 321.46 of the Revised Code, each county treasurer shall submit to the auditor-treasurer of state ~~shall notify the treasurer of state a complete listing of the~~ continuing education hours completed ~~under the auditor of~~ ~~state's supervision by each county treasurer for that biennial~~

cycle pursuant to section 321.46 of the Revised Code. 4128

~~(B) By the thirty-first day of January following~~ 4129
~~completion of each biennial cycle described in division (B) (3)~~ 4130
~~(a) of section 321.46 of the Revised Code, the~~ The treasurer of 4131
state shall determine whether any county treasurer has failed to 4132
comply with the county treasurer's continuing education 4133
requirements pursuant to section 321.46 of the Revised Code and, 4134
by certified mail, shall notify any county treasurer who has not 4135
complied with the requirements. The notice shall contain all of 4136
the following: 4137

(1) Notification that the county treasurer is deficient in 4138
continuing education hours; 4139

~~(2) Notification that if the county treasurer believes the~~ 4140
~~treasurer of state's records are in error, the county treasurer~~ 4141
~~has one month to submit proof to the treasurer of state that the~~ 4142
~~county treasurer is in compliance with the continuing education~~ 4143
~~requirements;~~ 4144

~~(3)~~ Notification that completion of the continuing 4145
education requirements also may be obtained by attending courses 4146
approved by the auditor of state or the treasurer of state, but 4147
that the county treasurer must comply fully with the continuing 4148
education requirements and that the treasurer of state must have 4149
proof of full compliance by the last day of April following 4150
completion of each biennial cycle; 4151

~~(4)~~ (3) Notification that if the county treasurer has 4152
failed to comply fully with the continuing education 4153
requirements by the last day of April following completion of 4154
each biennial cycle, the treasurer of state will notify the 4155
prosecuting attorney of that treasurer's county of that fact 4156

immediately. 4157

~~(C) (1)~~ (B) (1) Upon receipt of the notice described in 4158
division ~~(B) (4)~~ (A) (3) of this section, the prosecuting attorney 4159
shall petition the court of common pleas of that county for an 4160
order suspending the county treasurer's authority to invest 4161
county funds and to manage the county investment portfolio. The 4162
petition shall contain a brief statement of the facts and shall 4163
show that the county treasurer has failed to comply with the 4164
continuing education requirements of section 321.46 of the 4165
Revised Code. Before or simultaneously with the filing of the 4166
petition, the prosecuting attorney shall serve a copy of the 4167
petition upon the county treasurer personally or by certified 4168
mail, together with a copy of this section. Upon the filing of 4169
the petition, the court, on the motion of the prosecuting 4170
attorney, shall enter an order fixing a date for hearing not 4171
later than two weeks after the date of filing and shall require 4172
that a copy of the order be given to the county treasurer in the 4173
manner in which a summons is required to be served or 4174
substituted service is required to be made in other cases. 4175

(2) On the date fixed for the hearing described in 4176
division ~~(C) (1)~~ (B) (1) of this section, or any adjournment of 4177
it, the court shall determine from the petition and evidence 4178
submitted by either party whether the county treasurer has met 4179
the continuing education requirements of section 321.46 of the 4180
Revised Code for the preceding biennial cycle described in 4181
division (B) (3) (a) of section 321.46 of the Revised Code. If the 4182
court finds that the county treasurer has failed to meet these 4183
continuing education requirements, it shall enter an order 4184
transferring the county treasurer's authority to invest county 4185
funds and to manage the county portfolio to the county's 4186
investment advisory committee until such time as the county 4187

treasurer complies fully with the continuing education 4188
requirements. 4189

(3) The costs of the proceeding shall be assessed or 4190
apportioned as the court considers equitable. 4191

~~(D)~~ (C) Upon receiving proof of completion of continuing 4192
education requirements for the preceding biennial cycle 4193
described in division (B) (3) (a) of section 321.46 of the Revised 4194
Code, the treasurer of state shall notify the prosecuting 4195
attorney that the county treasurer has complied fully with the 4196
continuing education requirements. The prosecuting attorney 4197
shall submit this information to the court, and the court shall 4198
enter an order terminating the authority of the county's 4199
investment advisory committee to invest county funds and to 4200
manage the county portfolio and restoring such authority to the 4201
county treasurer. 4202

~~(E)~~ (D) The proceedings described in divisions (B) and (C) 4203
and ~~(D)~~ of this section are special proceedings, and final 4204
orders in the proceedings may be reviewed and affirmed, 4205
modified, or reversed on appeal pursuant to the Rules of 4206
Appellate Procedure and, to the extent not in conflict with 4207
those rules, pursuant to Chapter 2505. of the Revised Code. 4208

Sec. 1557.03. (A) (1) The commissioners of the sinking fund 4209
are authorized to issue and sell, as provided in this section 4210
and in amounts from time to time authorized by the general 4211
assembly, general obligations of this state for the purpose of 4212
financing or assisting in the financing of the costs of 4213
projects. The full faith and credit, revenues, and taxing power 4214
of the state are and shall be pledged to the timely payment of 4215
debt charges on outstanding obligations, all in accordance with 4216
Section 21 of Article VIII, Ohio Constitution, and Chapter 1557. 4217

of the Revised Code, excluding from that pledge fees, excises, 4218
or taxes relating to the registration, operation, or use of 4219
vehicles on the public highways, or to fuels used for propelling 4220
those vehicles, and so long as such obligations are outstanding 4221
there shall be levied and collected excises and taxes, excluding 4222
those excepted above, in amount sufficient to pay the debt 4223
charges on such obligations and financing costs relating to 4224
credit enhancement facilities. 4225

(2) For meetings of the commissioners of the sinking fund 4226
pertaining to the obligations under this chapter, each of the 4227
commissioners may designate an employee or officer of that 4228
commissioner's office to attend meetings when that commissioner 4229
is absent for any reason, and such designee, when present, shall 4230
be counted in determining whether a quorum is present at any 4231
meeting and may vote and participate in all proceedings and 4232
actions of the commissioners at that meeting pertaining to the 4233
obligations, provided, that such designee shall not execute or 4234
cause a facsimile of the designee's signature to be placed on 4235
any obligation, or execute any trust agreement or indenture of 4236
the commissioners. Such designation shall be in writing, 4237
executed by the designating member, and shall be filed with the 4238
secretary of the commissioners and such designation may be 4239
changed from time to time by a similar written designation. 4240

(B) The total principal amount of obligations outstanding 4241
at any one time shall not exceed two hundred million dollars, 4242
and not more than fifty million dollars in principal amount of 4243
obligations to pay costs of projects may be issued in any fiscal 4244
year, all determined as provided in Chapter 1557. of the Revised 4245
Code. 4246

(C) The state may participate by grants or contributions 4247

in financing projects under this section made by local 4248
government entities. Of the proceeds of the first two hundred 4249
million dollars principal amount in obligations issued under 4250
this section to pay costs of projects, at least twenty per cent 4251
shall be allocated in accordance with section 1557.06 of the 4252
Revised Code to grants or contributions to local government 4253
entities. The director of budget and management shall establish 4254
and maintain records in such manner as to show that the proceeds 4255
credited to the Ohio parks and natural resources fund have been 4256
expended for the purposes and in accordance with the limitations 4257
set forth herein. 4258

(D) Each issue of obligations shall be authorized by 4259
resolution of the commissioners of the sinking fund. The bond 4260
proceedings shall provide for the principal amount or maximum 4261
principal amount of obligations of an issue, and shall provide 4262
for or authorize the manner or agency for determining the 4263
principal maturity or maturities, not exceeding the earlier of 4264
twenty-five years from the date the debt represented by the 4265
particular obligations was originally contracted, the interest 4266
rate or rates, the date of and the dates of payment of interest 4267
on the obligations, their denominations, and the establishment 4268
within or without the state of a place or places of payment of 4269
debt charges. Sections 9.96 and 9.98 to 9.983 of the Revised 4270
Code are applicable to the obligations. The purpose of the 4271
obligations may be stated in the bond proceedings as "financing 4272
or assisting in the financing of projects as provided in Section 4273
21 of Article VIII, Ohio Constitution." 4274

(E) The proceeds of the obligations, except for any 4275
portion to be deposited in special funds, or in escrow funds for 4276
the purpose of refunding outstanding obligations, all as may be 4277
provided in the bond proceedings, shall be deposited in the Ohio 4278

parks and natural resources fund established by section 1557.02 4279
of the Revised Code. 4280

(F) The commissioners of the sinking fund may appoint 4281
paying agents, bond registrars, securities depositories, and 4282
transfer agents, and may retain the services of financial 4283
advisers and accounting experts, and retain or contract for the 4284
services of marketing, remarketing, indexing, and administrative 4285
agents, other consultants, and independent contractors, 4286
including printing services, as are necessary in the judgment of 4287
the commissioners to carry out this chapter of the Revised Code. 4288
Financing costs are payable, as provided in the bond 4289
proceedings, from the proceeds of the obligations, from special 4290
funds, or from other moneys available for the purpose. 4291

(G) The bond proceedings, including any trust agreement, 4292
may contain additional provisions customary or appropriate to 4293
the financing or to the obligations or to particular 4294
obligations, including, but not limited to: 4295

(1) The redemption of obligations prior to maturity at the 4296
option of the state or of the holder or upon the occurrence of 4297
certain conditions at such price or prices and under such terms 4298
and conditions as are provided in the bond proceedings; 4299

(2) The form of and other terms of the obligations; 4300

(3) The establishment, deposit, investment, and 4301
application of special funds, and the safeguarding of moneys on 4302
hand or on deposit, without regard to Chapter 131. or 135. of 4303
the Revised Code, provided that any bank or trust company that 4304
acts as a depository of any moneys in special funds may furnish 4305
such indemnifying bonds or may pledge such securities as 4306
required by the commissioners of the sinking fund; 4307

(4) Any or every provision of the bond proceedings binding 4308
upon the commissioners of the sinking fund and such state agency 4309
or local government entities, officer, board, commission, 4310
authority, agency, department, or other person or body as may 4311
from time to time have the authority under law to take such 4312
actions as may be necessary to perform all or any part of the 4313
duty required by such provision; 4314

(5) The maintenance of each pledge, any trust agreement, 4315
or other instrument composing part of the bond proceedings until 4316
the state has fully paid or provided for the payment of the debt 4317
charges on the obligations or met other stated conditions; 4318

(6) In the event of default in any payments required to be 4319
made by the bond proceedings, or any other agreement of the 4320
commissioners of the sinking fund made as part of a contract 4321
under which the obligations were issued or secured, the 4322
enforcement of such payments or agreements by mandamus, suit in 4323
equity, action at law, or any combination of the foregoing; 4324

(7) The rights and remedies of the holders of obligations 4325
and of the trustee under any trust agreement, and provisions for 4326
protecting and enforcing them, including limitations on rights 4327
of individual holders of obligations; 4328

(8) The replacement of any obligations that become 4329
mutilated or are destroyed, lost, or stolen; 4330

(9) Provision for the funding, refunding, or advance 4331
refunding or other provision for payment of obligations which 4332
will then no longer be or be deemed to be outstanding for 4333
purposes of this section or of the bond proceedings; 4334

(10) Any provision that may be made in bond proceedings or 4335
a trust agreement, including provision for amendment of the bond 4336

proceedings; 4337

(11) Such other provisions as the commissioners of the 4338
sinking fund determine, including limitations, conditions, or 4339
qualifications relating to any of the foregoing; 4340

(12) Any other or additional agreements with the holders 4341
of the obligations relating to the obligations or the security 4342
for the obligations. 4343

(H) The great seal of the state or a facsimile of that 4344
seal may be affixed to or printed on the obligations. The 4345
obligations shall be signed by or bear the facsimile signatures 4346
of two or more of the commissioners of the sinking fund as 4347
provided in the bond proceedings. Any obligations may be signed 4348
by the person who, on the date of execution, is the authorized 4349
signer although on the date of such obligations such person was 4350
not a commissioner. In case the individual whose signature or a 4351
facsimile of whose signature appears on any obligation ceases to 4352
be a commissioner before delivery of the obligation, such 4353
signature or facsimile is nevertheless valid and sufficient for 4354
all purposes as if the individual had remained the member until 4355
such delivery, and in case the seal to be affixed to or printed 4356
on obligations has been changed after the seal has been affixed 4357
to or a facsimile of the seal has been printed on the 4358
obligations, that seal or facsimile seal shall continue to be 4359
sufficient as to those obligations and obligations issued in 4360
substitution or exchange therefor. 4361

(I) Obligations may be issued in coupon or in fully 4362
registered form, or both, as the commissioners of the sinking 4363
fund determine. Provision may be made for the registration of 4364
any obligations with coupons attached as to principal alone or 4365
as to both principal and interest, their exchange for 4366

obligations so registered, and for the conversion or 4367
reconversion into obligations with coupons attached of any 4368
obligations registered as to both principal and interest, and 4369
for reasonable charges for such registration, exchange, 4370
conversion, and reconversion. Pending preparation of definitive 4371
obligations, the commissioners of the sinking fund may issue 4372
interim receipts or certificates which shall be exchanged for 4373
such definitive obligations. 4374

(J) Obligations may be sold at public sale or at private 4375
sale, and at such price at, above, or below par, as determined 4376
by the commissioners of the sinking fund in the bond 4377
proceedings. 4378

(K) In the discretion of the commissioners of the sinking 4379
fund, obligations may be secured additionally by a trust 4380
agreement between the state and a corporate trustee which may be 4381
any trust company or bank having a place of business within the 4382
state. Any trust agreement may contain the resolution 4383
authorizing the issuance of the obligations, any provisions that 4384
may be contained in the bond proceedings, and other provisions 4385
that are customary or appropriate in an agreement of the type. 4386

(L) Except to the extent that their rights are restricted 4387
by the bond proceedings, any holder of obligations, or a trustee 4388
under the bond proceedings, may by any suitable form of legal 4389
proceedings protect and enforce any rights under the laws of 4390
this state or granted by the bond proceedings. Such rights 4391
include the right to compel the performance of all duties of the 4392
commissioners and the state. Each duty of the commissioners and 4393
employees of the commissioners, and of each state agency and 4394
local public entity and its officers, members, or employees, 4395
undertaken pursuant to the bond proceedings, is hereby 4396

established as a duty of the commissioners, and of each such 4397
agency, local government entity, officer, member, or employee 4398
having authority to perform such duty, specifically enjoined by 4399
the law and resulting from an office, trust, or station within 4400
the meaning of section 2731.01 of the Revised Code. The persons 4401
who are at the time the commissioners, or employees of the 4402
commissioners, are not liable in their personal capacities on 4403
any obligations or any agreements of or with the commissioners 4404
relating to obligations or under the bond proceedings. 4405

(M) Obligations are lawful investments for banks, 4406
societies for savings, savings and loan associations, deposit 4407
guarantee associations, trust companies, trustees, fiduciaries, 4408
insurance companies, including domestic for life and domestic 4409
not for life, trustees or other officers having charge of 4410
sinking and bond retirement or other special funds of political 4411
subdivisions and taxing districts of this state, the 4412
commissioners of the sinking fund, the administrator of workers' 4413
compensation, the state teachers retirement system, the public 4414
employees retirement system, the school employees retirement 4415
system, and the Ohio police and fire pension fund, 4416
notwithstanding any other provisions of the Revised Code or 4417
rules adopted pursuant thereto by any state agency with respect 4418
to investments by them, and are also acceptable as security for 4419
the deposit of public moneys. 4420

(N) Unless otherwise provided in any applicable bond 4421
proceedings, moneys to the credit of or in the special funds 4422
established by or pursuant to this section may be invested by or 4423
on behalf of the commissioners of the sinking fund only in 4424
notes, bonds, or other direct obligations of the United States 4425
or of any agency or instrumentality of the United States, in 4426
obligations of this state or any political subdivision of this 4427

state, in certificates of deposit of any national bank located 4428
in this state and any bank, as defined in section 1101.01 of the 4429
Revised Code, subject to inspection by the superintendent of 4430
financial institutions, in the Ohio subdivision's fund 4431
established pursuant to section ~~135.45~~113.07 of the Revised 4432
Code, in no-front-end-load money market mutual funds consisting 4433
exclusively of direct obligations of the United States or of an 4434
agency or instrumentality of the United States, and in 4435
repurchase agreements, including those issued by any fiduciary, 4436
secured by direct obligations of the United States or an agency 4437
or instrumentality of the United States, and in collective 4438
investment funds established in accordance with section 1111.14 4439
of the Revised Code and consisting exclusively of direct 4440
obligations of the United States or of an agency or 4441
instrumentality of the United States, notwithstanding division 4442
(A) (1) (c) of that section. The income from investments shall be 4443
credited to such special funds or otherwise as the commissioners 4444
of the sinking fund determine in the bond proceedings, and the 4445
investments may be sold or exchanged at such times as the 4446
commissioners determine or authorize. 4447

(O) Unless otherwise provided in any applicable bond 4448
proceedings, moneys to the credit of or in a special fund shall 4449
be disbursed on the order of the commissioners of the sinking 4450
fund, provided that no such order is required for the payment 4451
from the bond service fund or other special fund when due of 4452
debt charges or required payments under credit enhancement 4453
facilities. 4454

(P) The commissioners of the sinking fund may covenant in 4455
the bond proceedings, and any such covenants shall be 4456
controlling notwithstanding any other provision of law, that the 4457
state and the applicable officers and agencies of the state, 4458

including the general assembly, so long as any obligations are 4459
outstanding in accordance with their terms, shall maintain 4460
statutory authority for and cause to be charged and collected 4461
taxes, excises, and other receipts of the state so that the 4462
receipts to the bond service fund shall be sufficient in amounts 4463
to meet debt charges and for the establishment and maintenance 4464
of any reserves and other requirements, including payment of the 4465
costs of credit enhancement facilities, provided for in the bond 4466
proceedings. 4467

(Q) The obligations, the transfer thereof, and the 4468
interest, other accreted amounts, and other income therefrom, 4469
including any profit made on the sale thereof, at all times 4470
shall be free from taxation, direct or indirect, within the 4471
state. 4472

(R) This section applies only with respect to obligations 4473
issued and delivered before September 30, 2000. 4474

Sec. 2969.13. All moneys that are collected pursuant to 4475
section 2929.32 of the Revised Code and required to be deposited 4476
in the crime victims recovery fund shall be credited ~~by the~~ 4477
~~treasurer of state~~ to the fund. Any interest earned on the money 4478
in the fund shall be credited to the fund. 4479

Sec. 3109.14. (A) As used in this section, "birth record" 4480
and "certification of birth" have the meanings given in section 4481
3705.01 of the Revised Code. 4482

(B) (1) The director of health, a person authorized by the 4483
director, a local commissioner of health, or a local registrar 4484
of vital statistics shall charge and collect a fee for each 4485
certified copy of a birth record, for each certification of 4486
birth, and for each copy of a death record. The fee shall be 4487

three dollars. The fee is in addition to the fee imposed by 4488
section 3705.24 or any other section of the Revised Code. A 4489
local commissioner of health or a local registrar of vital 4490
statistics may retain an amount of each additional fee 4491
collected, not to exceed three per cent of the amount of the 4492
additional fee, to be used for costs directly related to the 4493
collection of the fee and the forwarding of the fee to the 4494
department of health. 4495

The additional fees collected by the director of health or 4496
a person authorized by the director and the additional fees 4497
collected but not retained by a local commissioner of health or 4498
a local registrar of vital statistics shall be forwarded to the 4499
department of health not later than thirty days following the 4500
end of each quarter. Not later than two days after the fees are 4501
forwarded to the department each quarter, the department shall 4502
~~pay the collected fees to the treasurer of state in accordance~~ 4503
~~with rules adopted by the treasurer of state under section~~ 4504
~~113.08 of the Revised Code~~ deposit the fees into the state 4505
treasury to the credit of the children's trust fund. A person or 4506
government entity that fails to forward the fees in a timely 4507
manner, as determined by the department, shall send to the 4508
department, in addition to the fees, a penalty equal to ten per 4509
cent of the fees. 4510

(2) Upon the filing for a divorce decree under section 4511
3105.10 or a decree of dissolution under section 3105.65 of the 4512
Revised Code, a court of common pleas shall charge and collect a 4513
fee. The fee shall be eleven dollars. The fee is in addition to 4514
any other court costs or fees. The county clerk of courts may 4515
retain an amount of each additional fee collected, not to exceed 4516
three per cent of the amount of the additional fee, to be used 4517
for costs directly related to the collection of the fee and the 4518

forwarding of the fee to the treasurer of state. The additional 4519
fees collected, but not retained, under division (B) (2) of this 4520
section shall be forwarded to the treasurer of state not later 4521
than twenty days following the end of each month. The treasurer 4522
of state shall deposit the fees in the state treasury to the 4523
credit of the children's trust fund, which is hereby created. A 4524
county clerk of courts that fails to forward the fees in a 4525
timely manner, as determined by the treasurer of state, shall 4526
send to the treasurer of state, in addition to the fees, a 4527
penalty equal to ten per cent of the fees. 4528

~~(C) The treasurer of state shall deposit the fees paid or~~ 4529
~~forwarded under this section in the state treasury to the credit~~ 4530
~~of the children's trust fund, which is hereby created. A person~~ 4531
~~or government entity that fails to forward the fees in a timely~~ 4532
~~manner, as determined by the treasurer of state, shall send to~~ 4533
~~the treasurer of state, in addition to the fees, a penalty equal~~ 4534
~~to ten per cent of the fees.~~ 4535

The treasurer of state shall invest the moneys in the 4536
fund, and all earnings resulting from investment of the fund 4537
shall be credited to the fund, except that actual administrative 4538
costs incurred by the treasurer of state in administering the 4539
fund may be deducted from the earnings resulting from 4540
investments. The amount that may be deducted shall not exceed 4541
three per cent of the total amount of fees credited to the fund 4542
in each fiscal year, except that the children's trust fund board 4543
may approve an amount for actual administrative costs exceeding 4544
three per cent but not exceeding four per cent of such amount. 4545
The balance of the investment earnings shall be credited to the 4546
fund. Moneys credited to the fund shall be used only for the 4547
purposes described in sections 3109.13 to 3109.179 of the 4548
Revised Code. 4549

Sec. 3307.12. The treasurer of state shall be the 4550
custodian ~~of the funds~~ of the state teachers retirement system_ 4551
funds created under section 3307.14 of the Revised Code, and all 4552
disbursements therefrom shall be paid by ~~him~~ the treasurer of 4553
state only upon instruments duly authorized by the state 4554
teachers retirement board and bearing the signatures of the 4555
~~chairman~~ chairperson and secretary of the board. Such signatures 4556
may be affixed through the use of a mechanical check signing 4557
device. 4558

The treasurer of state shall give a separate and 4559
additional bond in such amount as is fixed by the governor and 4560
with sureties selected by the board and approved by the 4561
governor, conditioned for the faithful performance of the duties 4562
of the treasurer of state as custodian of the funds of the 4563
system. Such bond shall be deposited with the secretary of state 4564
and kept in ~~his~~ the secretary of state's office. The governor 4565
may require the treasurer of state to give additional bonds, as 4566
the funds of the system increase, in such amounts and at such 4567
times as are fixed by the governor, which additional bonds shall 4568
be conditioned, filed, and obtained as is provided for the 4569
original bond of the treasurer of state covering the funds of 4570
the system. The premium on all bonds shall be paid by the board. 4571

The money held in the depository accounts of any entity 4572
established directly or indirectly to facilitate the investment 4573
of funds pursuant to section 3307.15 of the Revised Code are not 4574
public moneys or public deposits for the purposes of Chapters 4575
113. and 135. of the Revised Code and shall not be considered to 4576
be in the custody of the treasurer of state ~~shall deposit any~~ 4577
~~portion of the funds of the~~ . The state teachers retirement 4578
~~system not needed for immediate use in the same manner as state~~ 4579
~~funds are deposited, and subject to all law with respect to the~~ 4580

~~deposit of state funds, by the treasurer of state, and all~~ 4581
~~interest earned by such portion of the retirement funds as is~~ 4582
~~deposited by the treasurer of state shall be collected by him and~~ 4583
~~placed to the credit of the board~~ shall have sole responsibility 4584
for such depository accounts. 4585

Sec. 3334.08. (A) Subject to division (B) of this section, 4586
in addition to any other powers conferred by this chapter, the 4587
Ohio tuition trust authority may do any of the following: 4588

(1) Impose reasonable residency requirements for 4589
beneficiaries of tuition units; 4590

(2) Impose reasonable limits on the number of tuition unit 4591
participants; 4592

(3) Impose and collect administrative fees and charges in 4593
connection with any transaction under this chapter; 4594

(4) Purchase insurance from insurers licensed to do 4595
business in this state providing for coverage against any loss 4596
in connection with the authority's property, assets, or 4597
activities or to further ensure the value of tuition units; 4598

(5) Indemnify or purchase policies of insurance on behalf 4599
of members, officers, and employees of the authority from 4600
insurers licensed to do business in this state providing for 4601
coverage for any liability incurred in connection with any civil 4602
action, demand, or claim against a director, officer, or 4603
employee by reason of an act or omission by the director, 4604
officer, or employee that was not manifestly outside the scope 4605
of the employment or official duties of the director, officer, 4606
or employee or with malicious purpose, in bad faith, or in a 4607
wanton or reckless manner; 4608

(6) Make, execute, and deliver contracts, conveyances, and 4609

other instruments necessary to the exercise and discharge of the 4610
powers and duties of the authority; 4611

(7) Promote, advertise, and publicize the Ohio college 4612
savings program and the variable college savings program; 4613

(8) Adopt rules under section 111.15 of the Revised Code 4614
for the implementation of the Ohio college savings program; 4615

(9) Contract, for the provision of all or part of the 4616
services necessary for the management and operation of the Ohio 4617
college savings program and the variable college savings 4618
program, with a bank, trust company, savings and loan 4619
association, insurance company, or licensed dealer in securities 4620
if the bank, company, association, or dealer is authorized to do 4621
business in this state and information about the contract is 4622
filed with the controlling board pursuant to division (D) (6) of 4623
section 127.16 of the Revised Code; provided, however, that any 4624
funds of the Ohio college savings program and the variable 4625
college savings program that are not needed for immediate use 4626
shall be deposited by the treasurer of state in the same manner 4627
provided under Chapter 135. of the Revised Code for public 4628
moneys of the state. All interest earned on those deposits shall 4629
be credited to the Ohio college savings program or the variable 4630
college savings program, as applicable. 4631

(10) Contract for other services, or for goods, needed by 4632
the authority in the conduct of its business, including but not 4633
limited to credit card services; 4634

(11) Employ an executive director and other personnel as 4635
necessary to carry out its responsibilities under this chapter, 4636
and fix the compensation of these persons. All employees of the 4637
authority shall be in the unclassified civil service and shall 4638

be eligible for membership in the public employees retirement 4639
system. In the hiring of the executive director, the Ohio 4640
tuition trust authority shall obtain the advice and consent of 4641
the Ohio tuition trust investment board created in section 4642
3334.03 of the Revised Code, provided that the executive 4643
director shall not be hired unless a majority of the board votes 4644
in favor of the hiring. In addition, the board may remove the 4645
executive director at any time subject to the advice and consent 4646
of the chancellor of higher education. 4647

(12) Contract with financial consultants, actuaries, 4648
auditors, and other consultants as necessary to carry out its 4649
responsibilities under this chapter; 4650

(13) Enter into agreements with any agency of the state or 4651
its political subdivisions or with private employers under which 4652
an employee may agree to have a designated amount deducted in 4653
each payroll period from the wages or salary due the employee 4654
for the purpose of purchasing tuition units pursuant to a 4655
tuition payment contract or making contributions pursuant to a 4656
variable college savings program contract; 4657

~~(14) Enter into an agreement with the treasurer of state 4658~~
~~under which the treasurer of state will receive, and credit to 4659~~
~~the Ohio tuition trust fund or variable college savings program 4660~~
~~fund, from any bank or savings and loan association authorized 4661~~
~~to do business in this state, amounts that a depositor of the 4662~~
~~bank or association authorizes the bank or association to 4663~~
~~withdraw periodically from the depositor's account for the 4664~~
~~purpose of purchasing tuition units pursuant to a tuition 4665~~
~~payment contract or making contributions pursuant to a variable 4666~~
~~college savings program contract; 4667~~

~~(15) Solicit and accept gifts, grants, and loans from any 4668~~

person or governmental agency and participate in any 4669
governmental program; 4670

~~(16)~~ (15) Impose limits on the number of units which may be 4671
purchased on behalf of or assigned or awarded to any beneficiary 4672
and on the total amount of contributions that may be made on 4673
behalf of a beneficiary; 4674

~~(17)~~ (16) Impose restrictions on the substitution of 4675
another individual for the original beneficiary under the Ohio 4676
college savings program; 4677

~~(18)~~ (17) Impose a limit on the age of a beneficiary, above 4678
which tuition units may not be purchased on behalf of that 4679
beneficiary; 4680

~~(19) Enter into a cooperative agreement with the treasurer~~ 4681
~~of state to provide for the direct disbursement of payments~~ 4682
~~under tuition payment or variable college savings program~~ 4683
~~contracts;~~ 4684

~~(20)~~ (18) Terminate any tuition payment or variable college 4685
savings program contract if no purchases or contributions are 4686
made for a period of three years or more and there are fewer 4687
than a total of five tuition units or less than a dollar amount 4688
set by rule on account, provided that notice of a possible 4689
termination shall be provided in advance, explaining any options 4690
to prevent termination, and a reasonable amount of time shall be 4691
provided within which to act to prevent a termination; 4692

~~(21)~~ (19) Maintain a separate account for each tuition 4693
payment or variable college savings program contract; 4694

~~(22)~~ (20) Perform all acts necessary and proper to carry 4695
out the duties and responsibilities of the authority pursuant to 4696
this chapter. 4697

(B) The authority shall adopt rules under section 111.15 4698
of the Revised Code for the implementation and administration of 4699
the variable college savings program. The rules shall provide 4700
taxpayers with the maximum tax advantages and flexibility 4701
consistent with section 529 of the Internal Revenue Code and 4702
regulations adopted thereunder with regard to disposition of 4703
contributions and earnings, designation of beneficiaries, and 4704
rollover of account assets to other programs. 4705

(C) Except as otherwise specified in this chapter, the 4706
provisions of Chapters 123. and 4117. of the Revised Code shall 4707
not apply to the authority and Chapter 125. of the Revised Code 4708
shall not apply to contracts approved under the powers of the 4709
Ohio tuition trust authority investment board under section 4710
3334.03 of the Revised Code. 4711

Sec. 3334.11. (A) The assets of the Ohio tuition trust 4712
authority reserved for payment of the obligations of the 4713
authority pursuant to tuition payment contracts shall be placed 4714
in a fund, which is hereby created and shall be known as the 4715
Ohio tuition trust fund. The fund shall be in the custody of the 4716
treasurer of state, but shall not be part of the state treasury. 4717
That portion of payments received by the authority or the 4718
treasurer of state from persons purchasing tuition units under 4719
tuition payment contracts that the authority determines is 4720
actuarially necessary for the payment of obligations of the 4721
authority pursuant to tuition payment contracts, all interest 4722
and investment income earned by the fund, and all other receipts 4723
of the authority from any other source that the authority 4724
determines appropriate, shall be deposited in the fund. No 4725
purchaser or beneficiary of tuition units shall have any claim 4726
against the funds of any state institution of higher education. 4727
All investment fees and other costs incurred in connection with 4728

the exercise of the investment powers of the authority pursuant 4729
to divisions (D) and (E) of this section shall be paid from the 4730
assets of the fund. 4731

(B) Unless otherwise provided by the authority, the assets 4732
of the Ohio tuition trust fund shall be expended in the 4733
following order: 4734

(1) To make payments to beneficiaries, or institutions of 4735
higher education on behalf of beneficiaries, under division (B) 4736
of section 3334.09 of the Revised Code; 4737

(2) To make refunds as provided in divisions (A) and (C) 4738
of section 3334.10 of the Revised Code; 4739

(3) To pay the investment fees and other costs of 4740
administering the fund. 4741

(C) (1) ~~Except as may be provided in an agreement under~~ 4742
~~division (A) (19) of section 3334.08 of the Revised Code, all~~ All 4743
disbursements from the Ohio tuition trust fund shall be made by 4744
the treasurer of state on order of a designee of the authority. 4745

(2) The treasurer of state shall deposit any portion of 4746
the Ohio tuition trust fund not needed for immediate use in the 4747
same manner as state funds are deposited. 4748

(D) The authority is the trustee of the Ohio tuition trust 4749
fund. The authority shall have full power to invest the assets 4750
of the fund and in exercising this power shall be subject to the 4751
limitations and requirements contained in divisions (K) to (M) 4752
of this section and sections 145.112 and 145.113 of the Revised 4753
Code. The evidences of title of all investments shall be 4754
delivered to the treasurer of state or to a qualified trustee 4755
designated by the treasurer of state as provided in section 4756
135.18 of the Revised Code. Assets of the fund shall be 4757

administered by the authority in a manner designed to be 4758
actuarially sound so that the assets of the fund will be 4759
sufficient to satisfy the obligations of the authority pursuant 4760
to tuition payment contracts and defray the reasonable expenses 4761
of administering the fund. 4762

(E) The authority may enter into an agreement with any 4763
business, entity, or governmental agency to perform the 4764
investment duties of the authority as set forth in division (D) 4765
of this section. The investment powers shall be exercised by the 4766
business, entity, or governmental agency that entered into an 4767
agreement with the authority in a manner agreed upon by the 4768
authority that maximizes the return on investment and minimizes 4769
the administrative expenses. 4770

(F) (1) The authority shall maintain a separate account for 4771
each tuition payment contract entered into pursuant to division 4772
(A) of section 3334.09 of the Revised Code for the purchase of 4773
tuition units on behalf of a beneficiary or beneficiaries 4774
showing the beneficiary or beneficiaries of that contract and 4775
the number of tuition units purchased pursuant to that contract. 4776
Upon request of any beneficiary or person who has entered into a 4777
tuition payment contract, the authority shall provide a 4778
statement indicating, in the case of a beneficiary, the number 4779
of tuition units purchased on behalf of the beneficiary, or in 4780
the case of a person who has entered into a tuition payment 4781
contract, the number of tuition units purchased, used, or 4782
refunded pursuant to that contract. A beneficiary and person 4783
that have entered into a tuition payment contract each may file 4784
only one request under this division in any year. 4785

(2) The authority shall maintain an account for each 4786
scholarship program showing the number of tuition units that 4787

have been purchased for or donated to the program and the number 4788
of tuition units that have been used. Upon the request of the 4789
entity that established the scholarship program, the authority 4790
shall provide a statement indicating these numbers. 4791

(G) (1) In addition to the Ohio tuition trust fund, there 4792
is hereby established a reserve fund that shall be in the 4793
custody of the treasurer of state but shall not be part of the 4794
state treasury, and shall be known as the Ohio tuition trust 4795
reserve fund, and an operating fund that shall be part of the 4796
state treasury, and shall be known as the Ohio tuition trust 4797
operating fund. That portion of payments received by the 4798
authority or the treasurer of state from persons purchasing 4799
tuition units under tuition payment contracts that the authority 4800
determines is not actuarially necessary for the payment of 4801
obligations of the authority pursuant to tuition payment 4802
contracts, any interest and investment income earned by the 4803
reserve fund, any administrative charges and fees imposed by the 4804
authority on transactions under this chapter or on purchasers or 4805
beneficiaries of tuition units, and all other receipts from any 4806
other source that the authority determines appropriate, shall be 4807
deposited in the reserve fund to pay the operating expenses of 4808
the authority and the costs of administering the program. The 4809
assets of the reserve fund may be invested in the same manner 4810
and subject to the same limitations set forth in divisions (D), 4811
(E), and (K) to (M) of this section and sections 145.112 and 4812
145.113 of the Revised Code. All investment fees and other costs 4813
incurred in connection with the exercise of the investment 4814
powers shall be paid from the assets of the reserve fund. Except 4815
as otherwise provided for in this chapter, all operating 4816
expenses of the authority and costs of administering the program 4817
shall be paid from the operating fund. 4818

(2) The treasurer shall, upon request of the authority, 4819
transfer funds from the reserve fund to the operating fund as 4820
the authority determines appropriate to pay those current 4821
operating expenses of the authority and costs of administering 4822
the program as the authority designates. Any interest or 4823
investment income earned on the assets of the operating fund 4824
shall be deposited in the operating fund. 4825

(H) In January of each year the authority shall report to 4826
each person who received any payments or refunds from the 4827
authority during the preceding year information relative to the 4828
value of the payments or refunds to assist in determining that 4829
person's tax liability. 4830

(I) The authority shall report to the tax commissioner any 4831
information, and at the times, as the tax commissioner requires 4832
to determine any tax liability that a person may have incurred 4833
during the preceding year as a result of having received any 4834
payments or refunds from the authority. 4835

(J) All records of the authority indicating the identity 4836
of purchasers and beneficiaries of tuition units or college 4837
savings bonds, the number of tuition units purchased, used, or 4838
refunded under a tuition payment contract, and the number of 4839
college savings bonds purchased, held, or redeemed are not 4840
public records within the meaning of section 149.43 of the 4841
Revised Code. 4842

(K) (1) The authority and other fiduciaries shall discharge 4843
their duties with respect to the funds with care, skill, 4844
prudence, and diligence under the circumstances then prevailing 4845
that a prudent person acting in a like capacity and familiar 4846
with such matters would use in the conduct of an enterprise of a 4847
like character and with like aims; and by diversifying the 4848

investments of the assets of the funds so as to minimize the 4849
risk of large losses, unless under the circumstances it is 4850
clearly prudent not to do so. 4851

(2) To facilitate investment of the funds, the authority 4852
may establish a partnership, trust, limited liability company, 4853
corporation, including a corporation exempt from taxation under 4854
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 4855
amended, or any other legal entity authorized to transact 4856
business in this state. 4857

(L) In exercising its fiduciary responsibility with 4858
respect to the investment of the assets of the funds, it shall 4859
be the intent of the authority to give consideration to 4860
investments that enhance the general welfare of the state and 4861
its citizens where the investments offer quality, return, and 4862
safety comparable to other investments currently available to 4863
the authority. In fulfilling this intent, equal consideration 4864
shall also be given to investments otherwise qualifying under 4865
this section that involve minority owned and controlled firms 4866
and firms owned and controlled by women, either alone or in 4867
joint venture with other firms. 4868

The authority shall adopt, in regular meeting, policies, 4869
objectives, or criteria for the operation of the investment 4870
program that include asset allocation targets and ranges, risk 4871
factors, asset class benchmarks, time horizons, total return 4872
objectives, and performance evaluation guidelines. In adopting 4873
policies and criteria for the selection of agents with whom the 4874
authority may contract for the administration of the assets of 4875
the funds, the authority shall give equal consideration to 4876
minority owned and controlled firms, firms owned and controlled 4877
by women, and ventures involving minority owned and controlled 4878

firms and firms owned and controlled by women that otherwise 4879
meet the policies and criteria established by the authority. 4880
Amendments and additions to the policies and criteria shall be 4881
adopted in regular meeting. The authority shall publish its 4882
policies, objectives, and criteria under this provision no less 4883
often than annually and shall make copies available to 4884
interested parties. 4885

When reporting on the performance of investments, the 4886
authority shall comply with the performance presentation 4887
standards established by the association for investment 4888
management and research. 4889

(M) All investments shall be purchased at current market 4890
prices and the evidences of title of the investments shall be 4891
placed in the hands of the treasurer of state, who is hereby 4892
designated as custodian thereof, or in the hands of the 4893
treasurer of state's authorized agent. The treasurer of state or 4894
the agent shall collect the principal, dividends, distributions, 4895
and interest thereon as they become due and payable and place 4896
them when so collected into the custodial funds. 4897

The treasurer of state shall pay for investments purchased 4898
by the authority on receipt of written or electronic 4899
instructions from the authority or the authority's designated 4900
agent authorizing the purchase and pending receipt of the 4901
evidence of title of the investment by the treasurer of state or 4902
the treasurer of state's authorized agent. The authority may 4903
sell investments held by the authority, and the treasurer of 4904
state or the treasurer of state's authorized agent shall accept 4905
payment from the purchaser and deliver evidence of title of the 4906
investment to the purchaser on receipt of written or electronic 4907
instructions from the authority or the authority's designated 4908

agent authorizing the sale, and pending receipt of the moneys 4909
for the investments. The amount received shall be placed in the 4910
custodial funds. The authority and the treasurer of state may 4911
enter into agreements to establish procedures for the purchase 4912
and sale of investments under this division and the custody of 4913
the investments. 4914

No purchase or sale of any investment shall be made under 4915
this section except as authorized by the authority. 4916

Any statement of financial position distributed by the 4917
authority shall include fair value, as of the statement date, of 4918
all investments held by the authority under this section. 4919

Sec. 3705.242. (A) (1) The director of health, a person 4920
authorized by the director, a local commissioner of health, or a 4921
local registrar of vital statistics shall charge and collect a 4922
fee of one dollar and fifty cents for each certified copy of a 4923
birth record, each certification of birth, and each copy of a 4924
death record. The fee is in addition to the fee imposed by 4925
section 3705.24 or any other section of the Revised Code. A 4926
local commissioner of health or local registrar of vital 4927
statistics may retain an amount of each additional fee 4928
collected, not to exceed three per cent of the amount of the 4929
additional fee, to be used for costs directly related to the 4930
collection of the fee and the forwarding of the fee to the 4931
department of health. 4932

The additional fees collected by the director of health or 4933
a person authorized by the director and the additional fees 4934
collected but not retained by a local commissioner of health or 4935
a local registrar of vital statistics shall be forwarded to the 4936
department of health not later than thirty days following the 4937
end of each quarter. Not later than two days after the fees are 4938

forwarded to the department each quarter, the department shall 4939
~~pay deposit the collected fees to into the treasurer of state in~~ 4940
~~accordance with rules adopted by the treasurer of state under~~ 4941
~~section 113.08 of the Revised Code~~ treasury to the credit of the 4942
family violence prevention fund. 4943

(2) On the filing of a divorce decree under section 4944
3105.10 or a decree of dissolution under section 3105.65 of the 4945
Revised Code, a court of common pleas shall charge and collect a 4946
fee of five dollars and fifty cents. The fee is in addition to 4947
any other court costs or fees. The county clerk of courts may 4948
retain an amount of each additional fee collected, not to exceed 4949
three per cent of the amount of the additional fee, to be used 4950
for costs directly related to the collection of the fee and the 4951
forwarding of the fee to the treasurer of state. The additional 4952
fees collected, but not retained, under division (A) (2) of this 4953
section shall be forwarded to the treasurer of state not later 4954
than twenty days following the end of each month. The treasurer 4955
of state shall deposit the fees paid or forwarded under this 4956
section in the state treasury to the credit of the family 4957
violence prevention fund, which is hereby created. 4958

(B) ~~The treasurer of state shall deposit the fees paid or~~ 4959
~~forwarded under this section in the state treasury to the credit~~ 4960
~~of the family violence prevention fund, which is hereby created.~~ 4961
A person or government entity that fails to pay or forward the 4962
fees in the manner described in this section, shall send to the 4963
department of public safety a penalty equal to ten per cent of 4964
the fees. The department of public safety shall ~~forward deposit~~ 4965
~~all collected late fees to the treasurer of state for deposit~~ 4966
~~into the family violence prevention fund in accordance with~~ 4967
~~rules adopted by the treasurer of state under section 113.08 of~~ 4968
~~the Revised Code.~~ 4969

The treasurer of state shall invest the moneys in the 4970
fund. All earnings resulting from investment of the fund shall 4971
be credited to the fund, except that actual administration costs 4972
incurred by the treasurer of state in administering the fund may 4973
be deducted from the earnings resulting from investments. The 4974
amount that may be deducted shall not exceed three per cent of 4975
the total amount of fees credited to the fund in each fiscal 4976
year. The balance of the investment earnings shall be credited 4977
to the fund. 4978

(C) The director of public safety shall use money credited 4979
to the fund to provide grants to family violence shelters in 4980
Ohio and to operate the division of criminal justice services. 4981

Sec. 3737.945. Moneys in the funds of the petroleum 4982
underground storage tank release compensation board, except as 4983
otherwise provided in any resolution authorizing the issuance of 4984
its revenue bonds or in any trust agreement securing the same, 4985
in excess of current needs, may be invested by the board in 4986
notes, bonds, or other obligations of the United States, or of 4987
any agency or instrumentality thereof, or in obligations of this 4988
state or any political subdivision thereof, or the treasurer of 4989
state's investment pool authorized under section ~~135.45~~113.07 4990
of the Revised Code. Income from all such investments of moneys 4991
in any fund shall be credited to such funds as the board 4992
determines, subject to the provisions of any resolution or trust 4993
agreement, and the investments may be sold as the board 4994
determines. 4995

Sec. 3953.231. (A) (1) Each title insurance agent or title 4996
insurance company shall establish and maintain an interest- 4997
bearing trust account for the deposit of all non-directed escrow 4998
funds that meet the requirements of sections 1349.20 to 1349.22 4999

of the Revised Code. 5000

(2) The account shall be established and maintained in any 5001
federally insured bank, savings and loan association, credit 5002
union, or savings bank that is authorized to transact business 5003
in this state. 5004

(3) The account shall be in the name of the title 5005
insurance agent or company, and shall be identified as an 5006
"interest on trust account" or "IOTA." The name of the account 5007
may contain additional identifying information to distinguish it 5008
from other accounts. 5009

(4) The title insurance agent or company establishing the 5010
account shall submit, in writing, to the superintendent of 5011
insurance the name, account number, and location of the bank, 5012
savings and loan association, credit union, or savings bank in 5013
which the trust account is maintained. 5014

(B) Each title insurance agent or company shall deposit 5015
all non-directed escrow funds that are nominal in amount or are 5016
to be held for a short period of time into the account 5017
established under division (A) of this section no later than the 5018
next business day after receipt. 5019

(C) Each account established under division (A) of this 5020
section shall comply with all of the following: 5021

(1) All funds in the account shall be subject to 5022
withdrawal or transfer upon request and without delay, or as 5023
soon as permitted by law; 5024

(2) The rate of interest payable on the account shall not 5025
be less than the rate paid by the bank, savings and loan, credit 5026
union, or savings bank to its regular depositors. The rate may 5027
be higher if there is no impairment of the right to the 5028

immediate withdrawal or transfer of the principal; 5029

(3) All interest earned on the account, net of service 5030
charges and other related charges, shall be transmitted to the 5031
~~treasurer of state~~ public defender for deposit in the legal aid 5032
fund established under section 120.52 of the Revised Code. No 5033
part of the interest earned shall be paid to the title insurance 5034
agent or company. 5035

(D) The title insurance agent or company establishing an 5036
account under division (A) of this section shall direct the 5037
bank, savings and loan association, credit union, or savings 5038
bank to do both of the following: 5039

(1) Remit interest or dividends on the average monthly 5040
balance in the account, or as otherwise computed in accordance 5041
with the standard accounting practice of the bank, savings and 5042
loan association, credit union, or savings bank, less reasonable 5043
service charges and other related charges, to the ~~treasurer of~~ 5044
state public defender at least quarterly for deposit in the 5045
legal aid fund established under section 120.52 of the Revised 5046
Code; 5047

(2) At the time of each remittance, transmit to the 5048
~~treasurer of state~~ public defender, and if requested, to the 5049
Ohio access to justice foundation, and the title insurance agent 5050
or company, a statement showing the name of the title insurance 5051
agent or company for whom the remittance is sent, the rate of 5052
interest applied, the accounting period, the net amount remitted 5053
to the ~~treasurer of state~~ public defender for each account, the 5054
total remitted, the average account balance for each month of 5055
the period for which the report is made, and the amount deducted 5056
for service charges and other related charges. 5057

(E) The statements and reports submitted by the bank, 5058
savings and loan association, credit union, or savings bank 5059
under this section, are not public records subject to section 5060
149.43 of the Revised Code and shall be used only to administer 5061
the legal aid fund. 5062

(F) No funds belonging to a title insurance agent or 5063
company shall be deposited into an account established under 5064
division (A) of this section except funds necessary to pay 5065
service charges and other related charges of the bank, savings 5066
and loan association, credit union, or savings bank that are in 5067
excess of earnings on the account. 5068

(G) No liability arising out of any negligent act or 5069
omission of any title insurance agent or company with respect to 5070
any account established under division (A) of this section shall 5071
be imputed to the bank, savings and loan association, credit 5072
union, or savings bank. 5073

(H) No liability or responsibility arising out of any 5074
negligent act or omission of any title insurance agent with 5075
respect to any account established under division (A) of this 5076
section shall be imputed to a title insurance company. 5077

(I) The superintendent may adopt, in accordance with 5078
Chapter 119. of the Revised Code, rules that pertain to the use 5079
of accounts established under division (A) of this section and 5080
to the enforcement of this section. 5081

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 5082
streetcar, or trackless trolley within this state, if, at the 5083
time of the operation, any of the following apply: 5084

(a) The person is under the influence of alcohol, a drug 5085
of abuse, or a combination of them. 5086

(b) The person has a concentration of eight-hundredths of 5087
one per cent or more but less than seventeen-hundredths of one 5088
per cent by weight per unit volume of alcohol in the person's 5089
whole blood. 5090

(c) The person has a concentration of ninety-six- 5091
thousandths of one per cent or more but less than two hundred 5092
four-thousandths of one per cent by weight per unit volume of 5093
alcohol in the person's blood serum or plasma. 5094

(d) The person has a concentration of eight-hundredths of 5095
one gram or more but less than seventeen-hundredths of one gram 5096
by weight of alcohol per two hundred ten liters of the person's 5097
breath. 5098

(e) The person has a concentration of eleven-hundredths of 5099
one gram or more but less than two hundred thirty-eight- 5100
thousandths of one gram by weight of alcohol per one hundred 5101
milliliters of the person's urine. 5102

(f) The person has a concentration of seventeen-hundredths 5103
of one per cent or more by weight per unit volume of alcohol in 5104
the person's whole blood. 5105

(g) The person has a concentration of two hundred four- 5106
thousandths of one per cent or more by weight per unit volume of 5107
alcohol in the person's blood serum or plasma. 5108

(h) The person has a concentration of seventeen-hundredths 5109
of one gram or more by weight of alcohol per two hundred ten 5110
liters of the person's breath. 5111

(i) The person has a concentration of two hundred thirty- 5112
eight-thousandths of one gram or more by weight of alcohol per 5113
one hundred milliliters of the person's urine. 5114

(j) Except as provided in division (K) of this section, 5115
the person has a concentration of any of the following 5116
controlled substances or metabolites of a controlled substance 5117
in the person's whole blood, blood serum or plasma, or urine 5118
that equals or exceeds any of the following: 5119

(i) The person has a concentration of amphetamine in the 5120
person's urine of at least five hundred nanograms of amphetamine 5121
per milliliter of the person's urine or has a concentration of 5122
amphetamine in the person's whole blood or blood serum or plasma 5123
of at least one hundred nanograms of amphetamine per milliliter 5124
of the person's whole blood or blood serum or plasma. 5125

(ii) The person has a concentration of cocaine in the 5126
person's urine of at least one hundred fifty nanograms of 5127
cocaine per milliliter of the person's urine or has a 5128
concentration of cocaine in the person's whole blood or blood 5129
serum or plasma of at least fifty nanograms of cocaine per 5130
milliliter of the person's whole blood or blood serum or plasma. 5131

(iii) The person has a concentration of cocaine metabolite 5132
in the person's urine of at least one hundred fifty nanograms of 5133
cocaine metabolite per milliliter of the person's urine or has a 5134
concentration of cocaine metabolite in the person's whole blood 5135
or blood serum or plasma of at least fifty nanograms of cocaine 5136
metabolite per milliliter of the person's whole blood or blood 5137
serum or plasma. 5138

(iv) The person has a concentration of heroin in the 5139
person's urine of at least two thousand nanograms of heroin per 5140
milliliter of the person's urine or has a concentration of 5141
heroin in the person's whole blood or blood serum or plasma of 5142
at least fifty nanograms of heroin per milliliter of the 5143
person's whole blood or blood serum or plasma. 5144

(v) The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

(vi) The person has a concentration of L.S.D. in the person's urine of at least twenty-five nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

(vii) The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

(viii) Either of the following applies:

(I) The person is under the influence of alcohol, a drug of abuse, or a combination of them, and the person has a concentration of marihuana metabolite in the person's urine of at least fifteen nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

(II) The person has a concentration of marihuana 5174
metabolite in the person's urine of at least thirty-five 5175
nanograms of marihuana metabolite per milliliter of the person's 5176
urine or has a concentration of marihuana metabolite in the 5177
person's whole blood or blood serum or plasma of at least fifty 5178
nanograms of marihuana metabolite per milliliter of the person's 5179
whole blood or blood serum or plasma. 5180

(ix) The person has a concentration of methamphetamine in 5181
the person's urine of at least five hundred nanograms of 5182
methamphetamine per milliliter of the person's urine or has a 5183
concentration of methamphetamine in the person's whole blood or 5184
blood serum or plasma of at least one hundred nanograms of 5185
methamphetamine per milliliter of the person's whole blood or 5186
blood serum or plasma. 5187

(x) The person has a concentration of phencyclidine in the 5188
person's urine of at least twenty-five nanograms of 5189
phencyclidine per milliliter of the person's urine or has a 5190
concentration of phencyclidine in the person's whole blood or 5191
blood serum or plasma of at least ten nanograms of phencyclidine 5192
per milliliter of the person's whole blood or blood serum or 5193
plasma. 5194

(xi) The state board of pharmacy has adopted a rule 5195
pursuant to section 4729.041 of the Revised Code that specifies 5196
the amount of salvia divinorum and the amount of salvinorin A 5197
that constitute concentrations of salvia divinorum and 5198
salvinorin A in a person's urine, in a person's whole blood, or 5199
in a person's blood serum or plasma at or above which the person 5200
is impaired for purposes of operating any vehicle, streetcar, or 5201
trackless trolley within this state, the rule is in effect, and 5202
the person has a concentration of salvia divinorum or salvinorin 5203

A of at least that amount so specified by rule in the person's 5204
urine, in the person's whole blood, or in the person's blood 5205
serum or plasma. 5206

(2) No person who, within twenty years of the conduct 5207
described in division (A)(2)(a) of this section, previously has 5208
been convicted of or pleaded guilty to a violation of this 5209
division, a violation of division (A)(1) of this section, or any 5210
other equivalent offense shall do both of the following: 5211

(a) Operate any vehicle, streetcar, or trackless trolley 5212
within this state while under the influence of alcohol, a drug 5213
of abuse, or a combination of them; 5214

(b) Subsequent to being arrested for operating the 5215
vehicle, streetcar, or trackless trolley as described in 5216
division (A)(2)(a) of this section, being asked by a law 5217
enforcement officer to submit to a chemical test or tests under 5218
section 4511.191 of the Revised Code, and being advised by the 5219
officer in accordance with section 4511.192 of the Revised Code 5220
of the consequences of the person's refusal or submission to the 5221
test or tests, refuse to submit to the test or tests. 5222

(B) No person under twenty-one years of age shall operate 5223
any vehicle, streetcar, or trackless trolley within this state, 5224
if, at the time of the operation, any of the following apply: 5225

(1) The person has a concentration of at least two- 5226
hundredths of one per cent but less than eight-hundredths of one 5227
per cent by weight per unit volume of alcohol in the person's 5228
whole blood. 5229

(2) The person has a concentration of at least three- 5230
hundredths of one per cent but less than ninety-six-thousandths 5231
of one per cent by weight per unit volume of alcohol in the 5232

person's blood serum or plasma. 5233

(3) The person has a concentration of at least two- 5234
hundredths of one gram but less than eight-hundredths of one 5235
gram by weight of alcohol per two hundred ten liters of the 5236
person's breath. 5237

(4) The person has a concentration of at least twenty- 5238
eight one-thousandths of one gram but less than eleven- 5239
hundredths of one gram by weight of alcohol per one hundred 5240
milliliters of the person's urine. 5241

(C) In any proceeding arising out of one incident, a 5242
person may be charged with a violation of division (A) (1) (a) or 5243
(A) (2) and a violation of division (B) (1), (2), or (3) of this 5244
section, but the person may not be convicted of more than one 5245
violation of these divisions. 5246

(D) (1) (a) In any criminal prosecution or juvenile court 5247
proceeding for a violation of division (A) (1) (a) of this section 5248
or for an equivalent offense that is vehicle-related, the result 5249
of any test of any blood, oral fluid, or urine withdrawn and 5250
analyzed at any health care provider, as defined in section 5251
2317.02 of the Revised Code, may be admitted with expert 5252
testimony to be considered with any other relevant and competent 5253
evidence in determining the guilt or innocence of the defendant. 5254

(b) In any criminal prosecution or juvenile court 5255
proceeding for a violation of division (A) or (B) of this 5256
section or for an equivalent offense that is vehicle-related, 5257
the court may admit evidence on the presence and concentration 5258
of alcohol, drugs of abuse, controlled substances, metabolites 5259
of a controlled substance, or a combination of them in the 5260
defendant's whole blood, blood serum or plasma, breath, urine, 5261

oral fluid, or other bodily substance at the time of the alleged 5262
violation as shown by chemical analysis of the substance 5263
withdrawn within three hours of the time of the alleged 5264
violation. The three-hour time limit specified in this division 5265
regarding the admission of evidence does not extend or affect 5266
the two-hour time limit specified in division (A) of section 5267
4511.192 of the Revised Code as the maximum period of time 5268
during which a person may consent to a chemical test or tests as 5269
described in that section. The court may admit evidence on the 5270
presence and concentration of alcohol, drugs of abuse, or a 5271
combination of them as described in this division when a person 5272
submits to a blood, breath, urine, oral fluid, or other bodily 5273
substance test at the request of a law enforcement officer under 5274
section 4511.191 of the Revised Code or a blood or urine sample 5275
is obtained pursuant to a search warrant. Only a physician, a 5276
registered nurse, an emergency medical technician-intermediate, 5277
an emergency medical technician-paramedic, or a qualified 5278
technician, chemist, or phlebotomist shall withdraw a blood 5279
sample for the purpose of determining the alcohol, drug, 5280
controlled substance, metabolite of a controlled substance, or 5281
combination content of the whole blood, blood serum, or blood 5282
plasma. This limitation does not apply to the taking of breath, 5283
oral fluid, or urine specimens. A person authorized to withdraw 5284
blood under this division may refuse to withdraw blood under 5285
this division, if in that person's opinion, the physical welfare 5286
of the person would be endangered by the withdrawing of blood. 5287

The bodily substance withdrawn under division (D) (1) (b) of 5288
this section shall be analyzed in accordance with methods 5289
approved by the director of health by an individual possessing a 5290
valid permit issued by the director pursuant to section 3701.143 5291
of the Revised Code. 5292

(c) As used in division (D) (1) (b) of this section, 5293
"emergency medical technician-intermediate" and "emergency 5294
medical technician-paramedic" have the same meanings as in 5295
section 4765.01 of the Revised Code. 5296

(2) In a criminal prosecution or juvenile court proceeding 5297
for a violation of division (A) of this section or for an 5298
equivalent offense that is vehicle-related, if there was at the 5299
time the bodily substance was withdrawn a concentration of less 5300
than the applicable concentration of alcohol specified in 5301
divisions (A) (1) (b), (c), (d), and (e) of this section or less 5302
than the applicable concentration of a listed controlled 5303
substance or a listed metabolite of a controlled substance 5304
specified for a violation of division (A) (1) (j) of this section, 5305
that fact may be considered with other competent evidence in 5306
determining the guilt or innocence of the defendant. This 5307
division does not limit or affect a criminal prosecution or 5308
juvenile court proceeding for a violation of division (B) of 5309
this section or for an equivalent offense that is substantially 5310
equivalent to that division. 5311

(3) Upon the request of the person who was tested, the 5312
results of the chemical test shall be made available to the 5313
person or the person's attorney, immediately upon the completion 5314
of the chemical test analysis. 5315

If the chemical test was obtained pursuant to division (D) 5316
(1) (b) of this section, the person tested may have a physician, 5317
a registered nurse, or a qualified technician, chemist, or 5318
phlebotomist of the person's own choosing administer a chemical 5319
test or tests, at the person's expense, in addition to any 5320
administered at the request of a law enforcement officer. If the 5321
person was under arrest as described in division (A) (5) of 5322

section 4511.191 of the Revised Code, the arresting officer 5323
shall advise the person at the time of the arrest that the 5324
person may have an independent chemical test taken at the 5325
person's own expense. If the person was under arrest other than 5326
described in division (A) (5) of section 4511.191 of the Revised 5327
Code, the form to be read to the person to be tested, as 5328
required under section 4511.192 of the Revised Code, shall state 5329
that the person may have an independent test performed at the 5330
person's expense. The failure or inability to obtain an 5331
additional chemical test by a person shall not preclude the 5332
admission of evidence relating to the chemical test or tests 5333
taken at the request of a law enforcement officer. 5334

(4) (a) As used in divisions (D) (4) (b) and (c) of this 5335
section, "national highway traffic safety administration" means 5336
the national highway traffic safety administration established 5337
as an administration of the United States department of 5338
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 5339

(b) In any criminal prosecution or juvenile court 5340
proceeding for a violation of division (A) or (B) of this 5341
section, of a municipal ordinance relating to operating a 5342
vehicle while under the influence of alcohol, a drug of abuse, 5343
or alcohol and a drug of abuse, or of a municipal ordinance 5344
relating to operating a vehicle with a prohibited concentration 5345
of alcohol, a controlled substance, or a metabolite of a 5346
controlled substance in the whole blood, blood serum or plasma, 5347
breath, oral fluid, or urine, if a law enforcement officer has 5348
administered a field sobriety test to the operator of the 5349
vehicle involved in the violation and if it is shown by clear 5350
and convincing evidence that the officer administered the test 5351
in substantial compliance with the testing standards for any 5352
reliable, credible, and generally accepted field sobriety tests 5353

that were in effect at the time the tests were administered, 5354
including, but not limited to, any testing standards then in 5355
effect that were set by the national highway traffic safety 5356
administration, all of the following apply: 5357

(i) The officer may testify concerning the results of the 5358
field sobriety test so administered. 5359

(ii) The prosecution may introduce the results of the 5360
field sobriety test so administered as evidence in any 5361
proceedings in the criminal prosecution or juvenile court 5362
proceeding. 5363

(iii) If testimony is presented or evidence is introduced 5364
under division (D) (4) (b) (i) or (ii) of this section and if the 5365
testimony or evidence is admissible under the Rules of Evidence, 5366
the court shall admit the testimony or evidence and the trier of 5367
fact shall give it whatever weight the trier of fact considers 5368
to be appropriate. 5369

(c) Division (D) (4) (b) of this section does not limit or 5370
preclude a court, in its determination of whether the arrest of 5371
a person was supported by probable cause or its determination of 5372
any other matter in a criminal prosecution or juvenile court 5373
proceeding of a type described in that division, from 5374
considering evidence or testimony that is not otherwise 5375
disallowed by division (D) (4) (b) of this section. 5376

(E) (1) Subject to division (E) (3) of this section, in any 5377
criminal prosecution or juvenile court proceeding for a 5378
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 5379
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 5380
an equivalent offense that is substantially equivalent to any of 5381
those divisions, a laboratory report from any laboratory 5382

personnel issued a permit by the department of health 5383
authorizing an analysis as described in this division that 5384
contains an analysis of the whole blood, blood serum or plasma, 5385
breath, urine, or other bodily substance tested and that 5386
contains all of the information specified in this division shall 5387
be admitted as prima-facie evidence of the information and 5388
statements that the report contains. The laboratory report shall 5389
contain all of the following: 5390

(a) The signature, under oath, of any person who performed 5391
the analysis; 5392

(b) Any findings as to the identity and quantity of 5393
alcohol, a drug of abuse, a controlled substance, a metabolite 5394
of a controlled substance, or a combination of them that was 5395
found; 5396

(c) A copy of a notarized statement by the laboratory 5397
director or a designee of the director that contains the name of 5398
each certified analyst or test performer involved with the 5399
report, the analyst's or test performer's employment 5400
relationship with the laboratory that issued the report, and a 5401
notation that performing an analysis of the type involved is 5402
part of the analyst's or test performer's regular duties; 5403

(d) An outline of the analyst's or test performer's 5404
education, training, and experience in performing the type of 5405
analysis involved and a certification that the laboratory 5406
satisfies appropriate quality control standards in general and, 5407
in this particular analysis, under rules of the department of 5408
health. 5409

(2) Notwithstanding any other provision of law regarding 5410
the admission of evidence, a report of the type described in 5411

division (E) (1) of this section is not admissible against the 5412
defendant to whom it pertains in any proceeding, other than a 5413
preliminary hearing or a grand jury proceeding, unless the 5414
prosecutor has served a copy of the report on the defendant's 5415
attorney or, if the defendant has no attorney, on the defendant. 5416

(3) A report of the type described in division (E) (1) of 5417
this section shall not be prima-facie evidence of the contents, 5418
identity, or amount of any substance if, within seven days after 5419
the defendant to whom the report pertains or the defendant's 5420
attorney receives a copy of the report, the defendant or the 5421
defendant's attorney demands the testimony of the person who 5422
signed the report. The judge in the case may extend the seven- 5423
day time limit in the interest of justice. 5424

(F) Except as otherwise provided in this division, any 5425
physician, registered nurse, emergency medical technician- 5426
intermediate, emergency medical technician-paramedic, or 5427
qualified technician, chemist, or phlebotomist who withdraws 5428
blood from a person pursuant to this section or section 4511.191 5429
or 4511.192 of the Revised Code, and any hospital, first-aid 5430
station, or clinic at which blood is withdrawn from a person 5431
pursuant to this section or section 4511.191 or 4511.192 of the 5432
Revised Code, is immune from criminal liability and civil 5433
liability based upon a claim of assault and battery or any other 5434
claim that is not a claim of malpractice, for any act performed 5435
in withdrawing blood from the person. The immunity provided in 5436
this division also extends to an emergency medical service 5437
organization that employs an emergency medical technician- 5438
intermediate or emergency medical technician-paramedic who 5439
withdraws blood under this section. The immunity provided in 5440
this division is not available to a person who withdraws blood 5441
if the person engages in willful or wanton misconduct. 5442

As used in this division, "emergency medical technician-
intermediate" and "emergency medical technician-paramedic" have
the same meanings as in section 4765.01 of the Revised Code.

(G) (1) Whoever violates any provision of divisions (A) (1)
(a) to (i) or (A) (2) of this section is guilty of operating a
vehicle under the influence of alcohol, a drug of abuse, or a
combination of them. Whoever violates division (A) (1) (j) of this
section is guilty of operating a vehicle while under the
influence of a listed controlled substance or a listed
metabolite of a controlled substance. The court shall sentence
the offender for either offense under Chapter 2929. of the
Revised Code, except as otherwise authorized or required by
divisions (G) (1) (a) to (e) of this section:

(a) Except as otherwise provided in division (G) (1) (b),
(c), (d), or (e) of this section, the offender is guilty of a
misdemeanor of the first degree, and the court shall sentence
the offender to all of the following:

(i) If the sentence is being imposed for a violation of
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section,
a mandatory jail term of three consecutive days. As used in this
division, three consecutive days means seventy-two consecutive
hours. The court may sentence an offender to both an
intervention program and a jail term. The court may impose a
jail term in addition to the three-day mandatory jail term or
intervention program. However, in no case shall the cumulative
jail term imposed for the offense exceed six months.

The court may suspend the execution of the three-day jail
term under this division if the court, in lieu of that suspended
term, places the offender under a community control sanction
pursuant to section 2929.25 of the Revised Code and requires the

offender to attend, for three consecutive days, a drivers' 5473
intervention program certified under section 5119.38 of the 5474
Revised Code. The court also may suspend the execution of any 5475
part of the three-day jail term under this division if it places 5476
the offender under a community control sanction pursuant to 5477
section 2929.25 of the Revised Code for part of the three days, 5478
requires the offender to attend for the suspended part of the 5479
term a drivers' intervention program so certified, and sentences 5480
the offender to a jail term equal to the remainder of the three 5481
consecutive days that the offender does not spend attending the 5482
program. The court may require the offender, as a condition of 5483
community control and in addition to the required attendance at 5484
a drivers' intervention program, to attend and satisfactorily 5485
complete any treatment or education programs that comply with 5486
the minimum standards adopted pursuant to Chapter 5119. of the 5487
Revised Code by the director of mental health and addiction 5488
services that the operators of the drivers' intervention program 5489
determine that the offender should attend and to report 5490
periodically to the court on the offender's progress in the 5491
programs. The court also may impose on the offender any other 5492
conditions of community control that it considers necessary. 5493

If the court grants unlimited driving privileges to a 5494
first-time offender under section 4510.022 of the Revised Code, 5495
all penalties imposed upon the offender by the court under 5496
division (G)(1)(a)(i) of this section for the offense apply, 5497
except that the court shall suspend any mandatory or additional 5498
jail term imposed by the court under division (G)(1)(a)(i) of 5499
this section upon granting unlimited driving privileges in 5500
accordance with section 4510.022 of the Revised Code. 5501

(ii) If the sentence is being imposed for a violation of 5502
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5503

section, except as otherwise provided in this division, a 5504
mandatory jail term of at least three consecutive days and a 5505
requirement that the offender attend, for three consecutive 5506
days, a drivers' intervention program that is certified pursuant 5507
to section 5119.38 of the Revised Code. As used in this 5508
division, three consecutive days means seventy-two consecutive 5509
hours. If the court determines that the offender is not 5510
conducive to treatment in a drivers' intervention program, if 5511
the offender refuses to attend a drivers' intervention program, 5512
or if the jail at which the offender is to serve the jail term 5513
imposed can provide a driver's intervention program, the court 5514
shall sentence the offender to a mandatory jail term of at least 5515
six consecutive days. 5516

If the court grants unlimited driving privileges to a 5517
first-time offender under section 4510.022 of the Revised Code, 5518
all penalties imposed upon the offender by the court under 5519
division (G)(1)(a)(ii) of this section for the offense apply, 5520
except that the court shall suspend any mandatory or additional 5521
jail term imposed by the court under division (G)(1)(a)(ii) of 5522
this section upon granting unlimited driving privileges in 5523
accordance with section 4510.022 of the Revised Code. 5524

The court may require the offender, under a community 5525
control sanction imposed under section 2929.25 of the Revised 5526
Code, to attend and satisfactorily complete any treatment or 5527
education programs that comply with the minimum standards 5528
adopted pursuant to Chapter 5119. of the Revised Code by the 5529
director of mental health and addiction services, in addition to 5530
the required attendance at drivers' intervention program, that 5531
the operators of the drivers' intervention program determine 5532
that the offender should attend and to report periodically to 5533
the court on the offender's progress in the programs. The court 5534

also may impose any other conditions of community control on the 5535
offender that it considers necessary. 5536

(iii) In all cases, a fine of not less than five hundred 5537
sixty-five and not more than one thousand seventy-five dollars; 5538

(iv) In all cases, a suspension of the offender's driver's 5539
or commercial driver's license or permit or nonresident 5540
operating privilege for a definite period of one to three years. 5541
The court may grant limited driving privileges relative to the 5542
suspension under sections 4510.021 and 4510.13 of the Revised 5543
Code. The court may grant unlimited driving privileges with an 5544
ignition interlock device relative to the suspension and may 5545
reduce the period of suspension as authorized under section 5546
4510.022 of the Revised Code. 5547

(b) Except as otherwise provided in division (G)(1)(e) of 5548
this section, an offender who, within ten years of the offense, 5549
previously has been convicted of or pleaded guilty to one 5550
violation of division (A) of this section or one other 5551
equivalent offense is guilty of a misdemeanor of the first 5552
degree. The court shall sentence the offender to all of the 5553
following: 5554

(i) If the sentence is being imposed for a violation of 5555
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 5556
a mandatory jail term of ten consecutive days. The court shall 5557
impose the ten-day mandatory jail term under this division 5558
unless, subject to division (G)(3) of this section, it instead 5559
imposes a sentence under that division consisting of both a jail 5560
term and a term of house arrest with electronic monitoring, with 5561
continuous alcohol monitoring, or with both electronic 5562
monitoring and continuous alcohol monitoring. The court may 5563
impose a jail term in addition to the ten-day mandatory jail 5564

term. The cumulative jail term imposed for the offense shall not 5565
exceed six months. 5566

In addition to the jail term or the term of house arrest 5567
with electronic monitoring or continuous alcohol monitoring or 5568
both types of monitoring and jail term, the court shall require 5569
the offender to be assessed by a community addiction services 5570
provider that is authorized by section 5119.21 of the Revised 5571
Code, subject to division (I) of this section, and shall order 5572
the offender to follow the treatment recommendations of the 5573
services provider. The purpose of the assessment is to determine 5574
the degree of the offender's alcohol usage and to determine 5575
whether or not treatment is warranted. Upon the request of the 5576
court, the services provider shall submit the results of the 5577
assessment to the court, including all treatment recommendations 5578
and clinical diagnoses related to alcohol use. 5579

(ii) If the sentence is being imposed for a violation of 5580
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5581
section, except as otherwise provided in this division, a 5582
mandatory jail term of twenty consecutive days. The court shall 5583
impose the twenty-day mandatory jail term under this division 5584
unless, subject to division (G)(3) of this section, it instead 5585
imposes a sentence under that division consisting of both a jail 5586
term and a term of house arrest with electronic monitoring, with 5587
continuous alcohol monitoring, or with both electronic 5588
monitoring and continuous alcohol monitoring. The court may 5589
impose a jail term in addition to the twenty-day mandatory jail 5590
term. The cumulative jail term imposed for the offense shall not 5591
exceed six months. 5592

In addition to the jail term or the term of house arrest 5593
with electronic monitoring or continuous alcohol monitoring or 5594

both types of monitoring and jail term, the court shall require 5595
the offender to be assessed by a community addiction service 5596
provider that is authorized by section 5119.21 of the Revised 5597
Code, subject to division (I) of this section, and shall order 5598
the offender to follow the treatment recommendations of the 5599
services provider. The purpose of the assessment is to determine 5600
the degree of the offender's alcohol usage and to determine 5601
whether or not treatment is warranted. Upon the request of the 5602
court, the services provider shall submit the results of the 5603
assessment to the court, including all treatment recommendations 5604
and clinical diagnoses related to alcohol use. 5605

(iii) In all cases, notwithstanding the fines set forth in 5606
Chapter 2929. of the Revised Code, a fine of not less than seven 5607
hundred fifteen and not more than one thousand six hundred 5608
twenty-five dollars; 5609

(iv) In all cases, a suspension of the offender's driver's 5610
license, commercial driver's license, temporary instruction 5611
permit, probationary license, or nonresident operating privilege 5612
for a definite period of one to seven years. The court may grant 5613
limited driving privileges relative to the suspension under 5614
sections 4510.021 and 4510.13 of the Revised Code. 5615

(v) In all cases, if the vehicle is registered in the 5616
offender's name, immobilization of the vehicle involved in the 5617
offense for ninety days in accordance with section 4503.233 of 5618
the Revised Code and impoundment of the license plates of that 5619
vehicle for ninety days. 5620

(c) Except as otherwise provided in division (G) (1) (e) of 5621
this section, an offender who, within ten years of the offense, 5622
previously has been convicted of or pleaded guilty to two 5623
violations of division (A) of this section or other equivalent 5624

offenses is guilty of a misdemeanor. The court shall sentence 5625
the offender to all of the following: 5626

(i) If the sentence is being imposed for a violation of 5627
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 5628
a mandatory jail term of thirty consecutive days. The court 5629
shall impose the thirty-day mandatory jail term under this 5630
division unless, subject to division (G)(3) of this section, it 5631
instead imposes a sentence under that division consisting of 5632
both a jail term and a term of house arrest with electronic 5633
monitoring, with continuous alcohol monitoring, or with both 5634
electronic monitoring and continuous alcohol monitoring. The 5635
court may impose a jail term in addition to the thirty-day 5636
mandatory jail term. Notwithstanding the jail terms set forth in 5637
sections 2929.21 to 2929.28 of the Revised Code, the additional 5638
jail term shall not exceed one year, and the cumulative jail 5639
term imposed for the offense shall not exceed one year. 5640

(ii) If the sentence is being imposed for a violation of 5641
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5642
section, a mandatory jail term of sixty consecutive days. The 5643
court shall impose the sixty-day mandatory jail term under this 5644
division unless, subject to division (G)(3) of this section, it 5645
instead imposes a sentence under that division consisting of 5646
both a jail term and a term of house arrest with electronic 5647
monitoring, with continuous alcohol monitoring, or with both 5648
electronic monitoring and continuous alcohol monitoring. The 5649
court may impose a jail term in addition to the sixty-day 5650
mandatory jail term. Notwithstanding the jail terms set forth in 5651
sections 2929.21 to 2929.28 of the Revised Code, the additional 5652
jail term shall not exceed one year, and the cumulative jail 5653
term imposed for the offense shall not exceed one year. 5654

(iii) In all cases, notwithstanding the fines set forth in 5655
Chapter 2929. of the Revised Code, a fine of not less than one 5656
thousand forty and not more than two thousand seven hundred 5657
fifty dollars; 5658

(iv) In all cases, a suspension of the offender's driver's 5659
license, commercial driver's license, temporary instruction 5660
permit, probationary license, or nonresident operating privilege 5661
for a definite period of two to twelve years. The court may 5662
grant limited driving privileges relative to the suspension 5663
under sections 4510.021 and 4510.13 of the Revised Code. 5664

(v) In all cases, if the vehicle is registered in the 5665
offender's name, criminal forfeiture of the vehicle involved in 5666
the offense in accordance with section 4503.234 of the Revised 5667
Code. Division (G) (6) of this section applies regarding any 5668
vehicle that is subject to an order of criminal forfeiture under 5669
this division. 5670

(vi) In all cases, the court shall order the offender to 5671
participate with a community addiction services provider 5672
authorized by section 5119.21 of the Revised Code, subject to 5673
division (I) of this section, and shall order the offender to 5674
follow the treatment recommendations of the services provider. 5675
The operator of the services provider shall determine and assess 5676
the degree of the offender's alcohol dependency and shall make 5677
recommendations for treatment. Upon the request of the court, 5678
the services provider shall submit the results of the assessment 5679
to the court, including all treatment recommendations and 5680
clinical diagnoses related to alcohol use. 5681

(d) Except as otherwise provided in division (G) (1) (e) of 5682
this section, an offender who, within ten years of the offense, 5683
previously has been convicted of or pleaded guilty to three or 5684

four violations of division (A) of this section or other 5685
equivalent offenses, an offender who, within twenty years of the 5686
offense, previously has been convicted of or pleaded guilty to 5687
five or more violations of that nature, or an offender who 5688
previously has been convicted of or pleaded guilty to a 5689
specification of the type described in section 2941.1413 of the 5690
Revised Code, is guilty of a felony of the fourth degree. The 5691
court shall sentence the offender to all of the following: 5692

(i) If the sentence is being imposed for a violation of 5693
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 5694
a mandatory prison term of one, two, three, four, or five years 5695
as required by and in accordance with division (G)(2) of section 5696
2929.13 of the Revised Code if the offender also is convicted of 5697
or also pleads guilty to a specification of the type described 5698
in section 2941.1413 of the Revised Code or, in the discretion 5699
of the court, either a mandatory term of local incarceration of 5700
sixty consecutive days in accordance with division (G)(1) of 5701
section 2929.13 of the Revised Code or a mandatory prison term 5702
of sixty consecutive days in accordance with division (G)(2) of 5703
that section if the offender is not convicted of and does not 5704
plead guilty to a specification of that type. If the court 5705
imposes a mandatory term of local incarceration, it may impose a 5706
jail term in addition to the sixty-day mandatory term, the 5707
cumulative total of the mandatory term and the jail term for the 5708
offense shall not exceed one year, and, except as provided in 5709
division (A)(1) of section 2929.13 of the Revised Code, no 5710
prison term is authorized for the offense. If the court imposes 5711
a mandatory prison term, notwithstanding division (A)(4) of 5712
section 2929.14 of the Revised Code, it also may sentence the 5713
offender to a definite prison term that shall be not less than 5714
six months and not more than thirty months and the prison terms 5715

shall be imposed as described in division (G) (2) of section 5716
2929.13 of the Revised Code. If the court imposes a mandatory 5717
prison term or mandatory prison term and additional prison term, 5718
in addition to the term or terms so imposed, the court also may 5719
sentence the offender to a community control sanction for the 5720
offense, but the offender shall serve all of the prison terms so 5721
imposed prior to serving the community control sanction. 5722

(ii) If the sentence is being imposed for a violation of 5723
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 5724
section, a mandatory prison term of one, two, three, four, or 5725
five years as required by and in accordance with division (G) (2) 5726
of section 2929.13 of the Revised Code if the offender also is 5727
convicted of or also pleads guilty to a specification of the 5728
type described in section 2941.1413 of the Revised Code or, in 5729
the discretion of the court, either a mandatory term of local 5730
incarceration of one hundred twenty consecutive days in 5731
accordance with division (G) (1) of section 2929.13 of the 5732
Revised Code or a mandatory prison term of one hundred twenty 5733
consecutive days in accordance with division (G) (2) of that 5734
section if the offender is not convicted of and does not plead 5735
guilty to a specification of that type. If the court imposes a 5736
mandatory term of local incarceration, it may impose a jail term 5737
in addition to the one hundred twenty-day mandatory term, the 5738
cumulative total of the mandatory term and the jail term for the 5739
offense shall not exceed one year, and, except as provided in 5740
division (A) (1) of section 2929.13 of the Revised Code, no 5741
prison term is authorized for the offense. If the court imposes 5742
a mandatory prison term, notwithstanding division (A) (4) of 5743
section 2929.14 of the Revised Code, it also may sentence the 5744
offender to a definite prison term that shall be not less than 5745
six months and not more than thirty months and the prison terms 5746

shall be imposed as described in division (G) (2) of section 5747
2929.13 of the Revised Code. If the court imposes a mandatory 5748
prison term or mandatory prison term and additional prison term, 5749
in addition to the term or terms so imposed, the court also may 5750
sentence the offender to a community control sanction for the 5751
offense, but the offender shall serve all of the prison terms so 5752
imposed prior to serving the community control sanction. 5753

(iii) In all cases, notwithstanding section 2929.18 of the 5754
Revised Code, a fine of not less than one thousand five hundred 5755
forty nor more than ten thousand five hundred dollars; 5756

(iv) In all cases, a class two license suspension of the 5757
offender's driver's license, commercial driver's license, 5758
temporary instruction permit, probationary license, or 5759
nonresident operating privilege from the range specified in 5760
division (A) (2) of section 4510.02 of the Revised Code. The 5761
court may grant limited driving privileges relative to the 5762
suspension under sections 4510.021 and 4510.13 of the Revised 5763
Code. 5764

(v) In all cases, if the vehicle is registered in the 5765
offender's name, criminal forfeiture of the vehicle involved in 5766
the offense in accordance with section 4503.234 of the Revised 5767
Code. Division (G) (6) of this section applies regarding any 5768
vehicle that is subject to an order of criminal forfeiture under 5769
this division. 5770

(vi) In all cases, the court shall order the offender to 5771
participate with a community addiction services provider 5772
authorized by section 5119.21 of the Revised Code, subject to 5773
division (I) of this section, and shall order the offender to 5774
follow the treatment recommendations of the services provider. 5775
The operator of the services provider shall determine and assess 5776

the degree of the offender's alcohol dependency and shall make 5777
recommendations for treatment. Upon the request of the court, 5778
the services provider shall submit the results of the assessment 5779
to the court, including all treatment recommendations and 5780
clinical diagnoses related to alcohol use. 5781

(vii) In all cases, if the court sentences the offender to 5782
a mandatory term of local incarceration, in addition to the 5783
mandatory term, the court, pursuant to section 2929.17 of the 5784
Revised Code, may impose a term of house arrest with electronic 5785
monitoring. The term shall not commence until after the offender 5786
has served the mandatory term of local incarceration. 5787

(e) An offender who previously has been convicted of or 5788
pleaded guilty to a violation of division (A) of this section 5789
that was a felony, regardless of when the violation and the 5790
conviction or guilty plea occurred, is guilty of a felony of the 5791
third degree. The court shall sentence the offender to all of 5792
the following: 5793

(i) If the offender is being sentenced for a violation of 5794
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 5795
a mandatory prison term of one, two, three, four, or five years 5796
as required by and in accordance with division (G)(2) of section 5797
2929.13 of the Revised Code if the offender also is convicted of 5798
or also pleads guilty to a specification of the type described 5799
in section 2941.1413 of the Revised Code or a mandatory prison 5800
term of sixty consecutive days in accordance with division (G) 5801
(2) of section 2929.13 of the Revised Code if the offender is 5802
not convicted of and does not plead guilty to a specification of 5803
that type. The court may impose a prison term in addition to the 5804
mandatory prison term. The cumulative total of a sixty-day 5805
mandatory prison term and the additional prison term for the 5806

offense shall not exceed five years. In addition to the 5807
mandatory prison term or mandatory prison term and additional 5808
prison term the court imposes, the court also may sentence the 5809
offender to a community control sanction for the offense, but 5810
the offender shall serve all of the prison terms so imposed 5811
prior to serving the community control sanction. 5812

(ii) If the sentence is being imposed for a violation of 5813
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5814
section, a mandatory prison term of one, two, three, four, or 5815
five years as required by and in accordance with division (G)(2) 5816
of section 2929.13 of the Revised Code if the offender also is 5817
convicted of or also pleads guilty to a specification of the 5818
type described in section 2941.1413 of the Revised Code or a 5819
mandatory prison term of one hundred twenty consecutive days in 5820
accordance with division (G)(2) of section 2929.13 of the 5821
Revised Code if the offender is not convicted of and does not 5822
plead guilty to a specification of that type. The court may 5823
impose a prison term in addition to the mandatory prison term. 5824
The cumulative total of a one hundred twenty-day mandatory 5825
prison term and the additional prison term for the offense shall 5826
not exceed five years. In addition to the mandatory prison term 5827
or mandatory prison term and additional prison term the court 5828
imposes, the court also may sentence the offender to a community 5829
control sanction for the offense, but the offender shall serve 5830
all of the prison terms so imposed prior to serving the 5831
community control sanction. 5832

(iii) In all cases, notwithstanding section 2929.18 of the 5833
Revised Code, a fine of not less than one thousand five hundred 5834
forty nor more than ten thousand five hundred dollars; 5835

(iv) In all cases, a class two license suspension of the 5836

offender's driver's license, commercial driver's license, 5837
temporary instruction permit, probationary license, or 5838
nonresident operating privilege from the range specified in 5839
division (A) (2) of section 4510.02 of the Revised Code. The 5840
court may grant limited driving privileges relative to the 5841
suspension under sections 4510.021 and 4510.13 of the Revised 5842
Code. 5843

(v) In all cases, if the vehicle is registered in the 5844
offender's name, criminal forfeiture of the vehicle involved in 5845
the offense in accordance with section 4503.234 of the Revised 5846
Code. Division (G) (6) of this section applies regarding any 5847
vehicle that is subject to an order of criminal forfeiture under 5848
this division. 5849

(vi) In all cases, the court shall order the offender to 5850
participate with a community addiction services provider 5851
authorized by section 5119.21 of the Revised Code, subject to 5852
division (I) of this section, and shall order the offender to 5853
follow the treatment recommendations of the services provider. 5854
The operator of the services provider shall determine and assess 5855
the degree of the offender's alcohol dependency and shall make 5856
recommendations for treatment. Upon the request of the court, 5857
the services provider shall submit the results of the assessment 5858
to the court, including all treatment recommendations and 5859
clinical diagnoses related to alcohol use. 5860

(2) An offender who is convicted of or pleads guilty to a 5861
violation of division (A) of this section and who subsequently 5862
seeks reinstatement of the driver's or occupational driver's 5863
license or permit or nonresident operating privilege suspended 5864
under this section as a result of the conviction or guilty plea 5865
shall pay a reinstatement fee as provided in division (F) (2) of 5866

section 4511.191 of the Revised Code.

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(3) If an offender is sentenced to a jail term under
division (G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this
section and if, within sixty days of sentencing of the offender,
the court issues a written finding on the record that, due to
the unavailability of space at the jail where the offender is
required to serve the term, the offender will not be able to
begin serving that term within the sixty-day period following
the date of sentencing, the court may impose an alternative
sentence under this division that includes a term of house
arrest with electronic monitoring, with continuous alcohol
monitoring, or with both electronic monitoring and continuous
alcohol monitoring.

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As an alternative to a mandatory jail term of ten
consecutive days required by division (G)(1)(b)(i) of this
section, the court, under this division, may sentence the
offender to five consecutive days in jail and not less than
eighteen consecutive days of house arrest with electronic
monitoring, with continuous alcohol monitoring, or with both
electronic monitoring and continuous alcohol monitoring. The
cumulative total of the five consecutive days in jail and the
period of house arrest with electronic monitoring, continuous
alcohol monitoring, or both types of monitoring shall not exceed
six months. The five consecutive days in jail do not have to be
served prior to or consecutively to the period of house arrest.

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As an alternative to the mandatory jail term of twenty
consecutive days required by division (G)(1)(b)(ii) of this
section, the court, under this division, may sentence the
offender to ten consecutive days in jail and not less than
thirty-six consecutive days of house arrest with electronic

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monitoring, with continuous alcohol monitoring, or with both 5897
electronic monitoring and continuous alcohol monitoring. The 5898
cumulative total of the ten consecutive days in jail and the 5899
period of house arrest with electronic monitoring, continuous 5900
alcohol monitoring, or both types of monitoring shall not exceed 5901
six months. The ten consecutive days in jail do not have to be 5902
served prior to or consecutively to the period of house arrest. 5903

As an alternative to a mandatory jail term of thirty 5904
consecutive days required by division (G)(1)(c)(i) of this 5905
section, the court, under this division, may sentence the 5906
offender to fifteen consecutive days in jail and not less than 5907
fifty-five consecutive days of house arrest with electronic 5908
monitoring, with continuous alcohol monitoring, or with both 5909
electronic monitoring and continuous alcohol monitoring. The 5910
cumulative total of the fifteen consecutive days in jail and the 5911
period of house arrest with electronic monitoring, continuous 5912
alcohol monitoring, or both types of monitoring shall not exceed 5913
one year. The fifteen consecutive days in jail do not have to be 5914
served prior to or consecutively to the period of house arrest. 5915

As an alternative to the mandatory jail term of sixty 5916
consecutive days required by division (G)(1)(c)(ii) of this 5917
section, the court, under this division, may sentence the 5918
offender to thirty consecutive days in jail and not less than 5919
one hundred ten consecutive days of house arrest with electronic 5920
monitoring, with continuous alcohol monitoring, or with both 5921
electronic monitoring and continuous alcohol monitoring. The 5922
cumulative total of the thirty consecutive days in jail and the 5923
period of house arrest with electronic monitoring, continuous 5924
alcohol monitoring, or both types of monitoring shall not exceed 5925
one year. The thirty consecutive days in jail do not have to be 5926
served prior to or consecutively to the period of house arrest. 5927

(4) If an offender's driver's or occupational driver's 5928
license or permit or nonresident operating privilege is 5929
suspended under division (G) of this section and if section 5930
4510.13 of the Revised Code permits the court to grant limited 5931
driving privileges, the court may grant the limited driving 5932
privileges in accordance with that section. If division (A) (7) 5933
of that section requires that the court impose as a condition of 5934
the privileges that the offender must display on the vehicle 5935
that is driven subject to the privileges restricted license 5936
plates that are issued under section 4503.231 of the Revised 5937
Code, except as provided in division (B) of that section, the 5938
court shall impose that condition as one of the conditions of 5939
the limited driving privileges granted to the offender, except 5940
as provided in division (B) of section 4503.231 of the Revised 5941
Code. 5942

(5) Fines imposed under this section for a violation of 5943
division (A) of this section shall be distributed as follows: 5944

(a) Twenty-five dollars of the fine imposed under division 5945
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 5946
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 5947
fine imposed under division (G) (1) (c) (iii), and two hundred ten 5948
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 5949
(iii) of this section shall be paid to an enforcement and 5950
education fund established by the legislative authority of the 5951
law enforcement agency in this state that primarily was 5952
responsible for the arrest of the offender, as determined by the 5953
court that imposes the fine. The agency shall use this share to 5954
pay only those costs it incurs in enforcing this section or a 5955
municipal OVI ordinance and in informing the public of the laws 5956
governing the operation of a vehicle while under the influence 5957
of alcohol, the dangers of the operation of a vehicle under the 5958

influence of alcohol, and other information relating to the 5959
operation of a vehicle under the influence of alcohol and the 5960
consumption of alcoholic beverages. 5961

(b) Fifty dollars of the fine imposed under division (G) 5962
(1) (a) (iii) of this section shall be paid to the political 5963
subdivision that pays the cost of housing the offender during 5964
the offender's term of incarceration. If the offender is being 5965
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 5966
(e), or (j) of this section and was confined as a result of the 5967
offense prior to being sentenced for the offense but is not 5968
sentenced to a term of incarceration, the fifty dollars shall be 5969
paid to the political subdivision that paid the cost of housing 5970
the offender during that period of confinement. The political 5971
subdivision shall use the share under this division to pay or 5972
reimburse incarceration or treatment costs it incurs in housing 5973
or providing drug and alcohol treatment to persons who violate 5974
this section or a municipal OVI ordinance, costs of any 5975
immobilizing or disabling device used on the offender's vehicle, 5976
and costs of electronic house arrest equipment needed for 5977
persons who violate this section. 5978

(c) Twenty-five dollars of the fine imposed under division 5979
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 5980
division (G) (1) (b) (iii) of this section shall be deposited into 5981
the county or municipal indigent drivers' alcohol treatment fund 5982
under the control of that court, as created by the county or 5983
municipal corporation under division (H) of section 4511.191 of 5984
the Revised Code. 5985

(d) One hundred fifteen dollars of the fine imposed under 5986
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 5987
the fine imposed under division (G) (1) (c) (iii), and four hundred 5988

forty dollars of the fine imposed under division (G) (1) (d) (iii) 5989
or (e) (iii) of this section shall be paid to the political 5990
subdivision that pays the cost of housing the offender during 5991
the offender's term of incarceration. The political subdivision 5992
shall use this share to pay or reimburse incarceration or 5993
treatment costs it incurs in housing or providing drug and 5994
alcohol treatment to persons who violate this section or a 5995
municipal OVI ordinance, costs for any immobilizing or disabling 5996
device used on the offender's vehicle, and costs of electronic 5997
house arrest equipment needed for persons who violate this 5998
section. 5999

(e) One hundred twenty-five dollars of the fine imposed 6000
under divisions (G) (1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), 6001
(G) (1) (d) (iii), and (G) (1) (e) (iii) of this section shall be 6002
deposited into the special projects fund of the court in which 6003
the offender was convicted and that is established under 6004
division (E) (1) of section 2303.201, division (B) (1) of section 6005
1901.26, or division (B) (1) of section 1907.24 of the Revised 6006
Code, to be used exclusively to cover the cost of immobilizing 6007
or disabling devices, including certified ignition interlock 6008
devices, and remote alcohol monitoring devices for indigent 6009
offenders who are required by a judge to use either of these 6010
devices. If the court in which the offender was convicted does 6011
not have a special projects fund that is established under 6012
division (E) (1) of section 2303.201, division (B) (1) of section 6013
1901.26, or division (B) (1) of section 1907.24 of the Revised 6014
Code, the one hundred twenty-five dollars shall be ~~deposited~~ 6015
transmitted to the treasurer of state for deposit into the 6016
indigent drivers interlock and alcohol monitoring fund under 6017
division (I) of section 4511.191 of the Revised Code. 6018

(f) Seventy-five dollars of the fine imposed under 6019

division (G) (1) (a) (iii), one hundred twenty-five dollars of the 6020
fine imposed under division (G) (1) (b) (iii), two hundred fifty 6021
dollars of the fine imposed under division (G) (1) (c) (iii), and 6022
five hundred dollars of the fine imposed under division (G) (1) 6023
(d) (iii) or (e) (iii) of this section shall be transmitted to the 6024
treasurer of state for deposit into the indigent defense support 6025
fund established under section 120.08 of the Revised Code. 6026

(g) One hundred fifteen dollars shall be ~~credited~~ 6027
transmitted to the treasurer of state for deposit into the 6028
statewide treatment and prevention fund created by section 6029
4301.30 of the Revised Code. Money credited to the fund under 6030
this section shall be used for purposes identified under section 6031
5119.22 of the Revised Code. 6032

(h) The balance of the fine imposed under division (G) (1) 6033
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 6034
section shall be disbursed as otherwise provided by law. 6035

(6) If title to a motor vehicle that is subject to an 6036
order of criminal forfeiture under division (G) (1) (c), (d), or 6037
(e) of this section is assigned or transferred and division (B) 6038
(2) or (3) of section 4503.234 of the Revised Code applies, in 6039
addition to or independent of any other penalty established by 6040
law, the court may fine the offender the value of the vehicle as 6041
determined by publications of the national automobile dealers 6042
association. The proceeds of any fine so imposed shall be 6043
distributed in accordance with division (C) (2) of that section. 6044

(7) In all cases in which an offender is sentenced under 6045
division (G) of this section, the offender shall provide the 6046
court with proof of financial responsibility as defined in 6047
section 4509.01 of the Revised Code. If the offender fails to 6048
provide that proof of financial responsibility, the court, in 6049

addition to any other penalties provided by law, may order 6050
restitution pursuant to section 2929.18 or 2929.28 of the 6051
Revised Code in an amount not exceeding five thousand dollars 6052
for any economic loss arising from an accident or collision that 6053
was the direct and proximate result of the offender's operation 6054
of the vehicle before, during, or after committing the offense 6055
for which the offender is sentenced under division (G) of this 6056
section. 6057

(8) A court may order an offender to reimburse a law 6058
enforcement agency for any costs incurred by the agency with 6059
respect to a chemical test or tests administered to the offender 6060
if all of the following apply: 6061

(a) The offender is convicted of or pleads guilty to a 6062
violation of division (A) of this section. 6063

(b) The test or tests were of the offender's whole blood, 6064
blood serum or plasma, oral fluid, or urine. 6065

(c) The test or tests indicated that the offender had one 6066
of the following at the time of the offense: 6067

(i) A prohibited concentration of a controlled substance 6068
or a metabolite of a controlled substance in the offender's 6069
whole blood, blood serum or plasma, or urine; 6070

(ii) A drug of abuse or a metabolite of a drug of abuse in 6071
the offender's oral fluid. 6072

(9) A court may warn any person who is convicted of or who 6073
pleads guilty to a violation of division (A) of this section or 6074
an equivalent offense that a subsequent violation of this 6075
section or an equivalent offense that results in the death of 6076
another or the unlawful termination of another's pregnancy may 6077
result in the person being guilty of aggravated vehicular 6078

homicide under section 2903.06 of the Revised Code. The court 6079
may warn the person of the applicable penalties for that 6080
violation under sections 2903.06 and 2929.142 of the Revised 6081
Code. 6082

(10) As used in division (G) of this section, "electronic 6083
monitoring," "mandatory prison term," and "mandatory term of 6084
local incarceration" have the same meanings as in section 6085
2929.01 of the Revised Code. 6086

(H) Whoever violates division (B) of this section is 6087
guilty of operating a vehicle after underage alcohol consumption 6088
and shall be punished as follows: 6089

(1) Except as otherwise provided in division (H) (2) of 6090
this section, the offender is guilty of a misdemeanor of the 6091
fourth degree. In addition to any other sanction imposed for the 6092
offense, the court shall impose a class six suspension of the 6093
offender's driver's license, commercial driver's license, 6094
temporary instruction permit, probationary license, or 6095
nonresident operating privilege from the range specified in 6096
division (A) (6) of section 4510.02 of the Revised Code. The 6097
court may grant limited driving privileges relative to the 6098
suspension under sections 4510.021 and 4510.13 of the Revised 6099
Code. The court may grant unlimited driving privileges with an 6100
ignition interlock device relative to the suspension and may 6101
reduce the period of suspension as authorized under section 6102
4510.022 of the Revised Code. If the court grants unlimited 6103
driving privileges under section 4510.022 of the Revised Code, 6104
the court shall suspend any jail term imposed under division (H) 6105
(1) of this section as required under that section. 6106

(2) If, within one year of the offense, the offender 6107
previously has been convicted of or pleaded guilty to one or 6108

more violations of division (A) of this section or other 6109
equivalent offenses, the offender is guilty of a misdemeanor of 6110
the third degree. In addition to any other sanction imposed for 6111
the offense, the court shall impose a class four suspension of 6112
the offender's driver's license, commercial driver's license, 6113
temporary instruction permit, probationary license, or 6114
nonresident operating privilege from the range specified in 6115
division (A)(4) of section 4510.02 of the Revised Code. The 6116
court may grant limited driving privileges relative to the 6117
suspension under sections 4510.021 and 4510.13 of the Revised 6118
Code. 6119

(3) The offender shall provide the court with proof of 6120
financial responsibility as defined in section 4509.01 of the 6121
Revised Code. If the offender fails to provide that proof of 6122
financial responsibility, then, in addition to any other 6123
penalties provided by law, the court may order restitution 6124
pursuant to section 2929.28 of the Revised Code in an amount not 6125
exceeding five thousand dollars for any economic loss arising 6126
from an accident or collision that was the direct and proximate 6127
result of the offender's operation of the vehicle before, 6128
during, or after committing the violation of division (B) of 6129
this section. 6130

(I)(1) No court shall sentence an offender to an alcohol 6131
treatment program under this section unless the treatment 6132
program complies with the minimum standards for alcohol 6133
treatment programs adopted under Chapter 5119. of the Revised 6134
Code by the director of mental health and addiction services. 6135

(2) An offender who stays in a drivers' intervention 6136
program or in an alcohol treatment program under an order issued 6137
under this section shall pay the cost of the stay in the 6138

program. However, if the court determines that an offender who 6139
stays in an alcohol treatment program under an order issued 6140
under this section is unable to pay the cost of the stay in the 6141
program, the court may order that the cost be paid from the 6142
court's indigent drivers' alcohol treatment fund. 6143

(J) If a person whose driver's or commercial driver's 6144
license or permit or nonresident operating privilege is 6145
suspended under this section files an appeal regarding any 6146
aspect of the person's trial or sentence, the appeal itself does 6147
not stay the operation of the suspension. 6148

(K) Division (A)(1)(j) of this section does not apply to a 6149
person who operates a vehicle, streetcar, or trackless trolley 6150
while the person has a concentration of a listed controlled 6151
substance or a listed metabolite of a controlled substance in 6152
the person's whole blood, blood serum or plasma, or urine that 6153
equals or exceeds the amount specified in that division, if both 6154
of the following apply: 6155

(1) The person obtained the controlled substance pursuant 6156
to a prescription issued by a licensed health professional 6157
authorized to prescribe drugs. 6158

(2) The person injected, ingested, or inhaled the 6159
controlled substance in accordance with the health 6160
professional's directions. 6161

(L) The prohibited concentrations of a controlled 6162
substance or a metabolite of a controlled substance listed in 6163
division (A)(1)(j) of this section also apply in a prosecution 6164
of a violation of division (D) of section 2923.16 of the Revised 6165
Code in the same manner as if the offender is being prosecuted 6166
for a prohibited concentration of alcohol. 6167

(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section.

(N) (1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (N) (2) of this section, the Rules of Criminal Procedure apply to felony violations of this section.

(2) If, on or after January 1, 2004, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern felony violations of this section, the modified rules shall apply to felony violations of this section.

Sec. 4705.09. (A) (1) Any person admitted to the practice of law in this state by order of the supreme court in accordance with its prescribed and published rules, or any law firm or legal professional association, may establish and maintain an interest-bearing trust account, for purposes of depositing client funds held by the attorney, firm, or association that are nominal in amount or are to be held by the attorney, firm, or association for a short period of time, with any bank, savings bank, or savings and loan association that is authorized to do business in this state and is insured by the federal deposit insurance corporation or the successor to that corporation, or any credit union insured by the national credit union administration operating under the "Federal Credit Union Act," 84 Stat. 994 (1970), 12 U.S.C. 1751, or insured by a credit

union share guaranty corporation established under Chapter 1761. 6198
of the Revised Code. Each account established under this 6199
division shall be in the name of the attorney, firm, or 6200
association that established and is maintaining it and shall be 6201
identified as an IOLTA or an interest on lawyer's trust account. 6202
The name of the account may contain additional identifying 6203
features to distinguish it from other trust accounts established 6204
and maintained by the attorney, firm, or association. 6205

(2) Each attorney who receives funds belonging to a client 6206
shall do one of the following: 6207

(a) Establish and maintain one or more interest-bearing 6208
trust accounts in accordance with division (A)(1) of this 6209
section or maintain one or more interest-bearing trust accounts 6210
previously established in accordance with that division, and 6211
deposit all client funds held that are nominal in amount or are 6212
to be held by the attorney for a short period of time in the 6213
account or accounts; 6214

(b) If the attorney is affiliated with a law firm or legal 6215
professional association, comply with division (A)(2)(a) of this 6216
section or deposit all client funds held that are nominal in 6217
amount or are to be held by the attorney for a short period of 6218
time in one or more interest-bearing trust accounts established 6219
and maintained by the firm or association in accordance with 6220
division (A)(1) of this section. 6221

(3) No funds belonging to any attorney, firm, or legal 6222
professional association shall be deposited in any interest- 6223
bearing trust account established under division (A)(1) or (2) 6224
of this section, except that funds sufficient to pay or enable a 6225
waiver of depository institution service charges on the account 6226
shall be deposited in the account and other funds belonging to 6227

the attorney, firm, or association may be deposited as 6228
authorized by the Code of Professional Responsibility adopted by 6229
the supreme court. The determinations of whether funds held are 6230
nominal or more than nominal in amount and of whether funds are 6231
to be held for a short period or longer than a short period of 6232
time rests in the sound judgment of the particular attorney. No 6233
imputation of professional misconduct shall arise from the 6234
attorney's exercise of judgment in these matters. 6235

(B) All interest earned on funds deposited in an interest- 6236
bearing trust account established under division (A) (1) or (2) 6237
of this section shall be transmitted to the ~~treasurer of state~~ 6238
public defender for deposit in the legal aid fund established 6239
under section 120.52 of the Revised Code. No part of the 6240
interest earned on funds deposited in an interest-bearing trust 6241
account established under division (A) (1) or (2) of this section 6242
shall be paid to, or inure to the benefit of, the attorney, the 6243
attorney's law firm or legal professional association, the 6244
client or other person who owns or has a beneficial ownership of 6245
the funds deposited, or any other person other than in 6246
accordance with this section, section 4705.10, and sections 6247
120.51 to 120.55 of the Revised Code. 6248

(C) No liability arising out of any act or omission by any 6249
attorney, law firm, or legal professional association with 6250
respect to any interest-bearing trust account established under 6251
division (A) (1) or (2) of this section shall be imputed to the 6252
depository institution. 6253

(D) The supreme court may adopt and enforce rules of 6254
professional conduct that pertain to the use, by attorneys, law 6255
firms, or legal professional associations, of interest-bearing 6256
trust accounts established under division (A) (1) or (2) of this 6257

section, and that pertain to the enforcement of division (A) (2) 6258
of this section. Any rules adopted by the supreme court under 6259
this authority shall conform to the provisions of this section, 6260
section 4705.10, and sections 120.51 to 120.55 of the Revised 6261
Code. 6262

Sec. 4705.10. (A) All of the following apply to an 6263
interest-bearing trust account established under authority of 6264
section 4705.09 of the Revised Code: 6265

(1) All funds in the account shall be subject to 6266
withdrawal upon request and without delay, or as soon as is 6267
permitted by federal law; 6268

(2) The rate of interest payable on the account shall not 6269
be less than the rate paid by the depository institution to 6270
regular, nonattorney depositors. Higher rates offered by the 6271
institution to customers whose deposits exceed certain time or 6272
quantity qualifications, such as those offered in the form of 6273
certificates of deposit, may be obtained by a person or law firm 6274
establishing the account if there is no impairment of the right 6275
to withdraw or transfer principal immediately. 6276

(3) The depository institution shall be directed, by the 6277
person or law firm establishing the account, to do all of the 6278
following: 6279

(a) Remit interest or dividends, whichever is applicable, 6280
on the average monthly balance in the account or as otherwise 6281
computed in accordance with the institution's standard 6282
accounting practice, less reasonable service charges, to the 6283
~~treasurer of state~~ public defender at least quarterly for 6284
deposit in the legal aid fund established under section 120.52 6285
of the Revised Code; 6286

(b) Transmit to the ~~treasurer of state~~ public defender, 6287
upon its request, to the Ohio access to justice foundation, and 6288
the depositing attorney, law firm, or legal professional 6289
association upon the attorney's, firm's, or association's 6290
request, at the time of each remittance required by division (A) 6291
(3)(a) of this section, a statement showing the name of the 6292
attorney for whom or the law firm or legal professional 6293
association for which the remittance is sent, the rate of 6294
interest applied, the accounting period, the net amount remitted 6295
to the ~~treasurer of state~~ public defender for each account, the 6296
total remitted, the average account balance for each month of 6297
the period for which the report is made, and the amount deducted 6298
for service charges; 6299

(4) The depository institution shall notify the office of 6300
disciplinary counsel or other entity designated by the supreme 6301
court on each occasion when a properly payable instrument is 6302
presented for payment from the account, and the account contains 6303
insufficient funds. The depository institution shall provide 6304
this notice without regard to whether the instrument is honored 6305
by the depository institution. The depository institution shall 6306
provide the notice described in division (A)(4) of this section 6307
by electronic or other means within five banking days of the 6308
date that the instrument was honored or returned as dishonored. 6309
The notice shall contain all of the following: 6310

(a) The name and address of the depository institution; 6311

(b) The name and address of the lawyer, law firm, or legal 6312
professional association that maintains the account; 6313

(c) The account number and either the amount of the 6314
overdraft and the date issued or the amount of the dishonored 6315
instrument and the date returned. 6316

(B) (1) The statements and reports of individual depositor
information made under divisions (A) (3) and (4) of this section
are confidential and shall be used only for purposes of
administering the legal aid fund and for enforcement of the
rules of professional conduct adopted by the supreme court.

(2) A depository institution may charge the lawyer, law
firm, or legal professional association that maintains the
account with fees associated with producing and mailing a notice
required by division (A) (4) of this section but shall not deduct
such fees from the interest earned on the account.

Sec. 5528.54. (A) The commissioners of the sinking fund
are authorized to issue and sell, as provided in this section
and in amounts from time to time authorized by the general
assembly, general obligations of this state for the purpose of
financing or assisting in the financing of the costs of
projects. The full faith and credit, revenues, and taxing power
of the state are and shall be pledged to the timely payment of
bond service charges on outstanding obligations, all in
accordance with Section 2m of Article VIII, Ohio Constitution,
and sections 5528.51 to 5528.53 of the Revised Code, and so long
as such obligations are outstanding there shall be levied and
collected excises, taxes, and other revenues in amounts
sufficient to pay the bond service charges on such obligations
and costs relating to credit enhancement facilities.

(B) Not more than two hundred twenty million dollars
principal amount of obligations, plus the principal amount of
obligations that in any prior fiscal years could have been, but
were not issued within that two-hundred-twenty-million-dollar
fiscal year limit, may be issued in any fiscal year, and not
more than one billion two hundred million dollars principal

amount of obligations may be outstanding at any one time, all 6347
determined as provided in sections 5528.51 to 5528.53 of the 6348
Revised Code. 6349

(C) The state may participate in financing projects by 6350
grants, loans, or contributions to local government entities. 6351

(D) Each issue of obligations shall be authorized by 6352
resolution of the commissioners. The bond proceedings shall 6353
provide for the principal amount or maximum principal amount of 6354
obligations of an issue, and shall provide for or authorize the 6355
manner for determining the principal maturity or maturities, not 6356
exceeding the earlier of thirty years from the date of issuance 6357
of the particular obligations or thirty years from the date the 6358
debt represented by the particular obligations was originally 6359
contracted, the interest rate or rates, the date of and the 6360
dates of payment of interest on the obligations, their 6361
denominations, and the establishment within or outside the state 6362
of a place or places of payment of bond service charges. 6363
Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code 6364
are applicable to the obligations. The purpose of the 6365
obligations may be stated in the bond proceedings as "financing 6366
or assisting in the financing of highway capital improvement 6367
projects as provided in Section 2m of Article VIII, Ohio 6368
Constitution." 6369

(E) The proceeds of the obligations, except for any 6370
portion to be deposited into special funds, or into escrow funds 6371
for the purpose of refunding outstanding obligations, all as may 6372
be provided in the bond proceedings, shall be deposited into the 6373
highway capital improvement fund established by section 5528.53 6374
of the Revised Code. 6375

(F) The commissioners may appoint or provide for the 6376

appointment of paying agents, bond registrars, securities 6377
depositories, and transfer agents, and may retain the services 6378
of financial advisers and accounting experts, and retain or 6379
contract for the services of marketing, remarketing, indexing, 6380
and administrative agents, other consultants, and independent 6381
contractors, including printing services, as are necessary in 6382
the judgment of the commissioners to carry out sections 5528.51 6383
to 5528.53 of the Revised Code. Financing costs are payable, as 6384
provided in the bond proceedings, from the proceeds of the 6385
obligations, from special funds, or from other moneys available 6386
for the purpose. 6387

(G) The bond proceedings, including any trust agreement, 6388
may contain additional provisions customary or appropriate to 6389
the financing or to the obligations or to particular obligations 6390
including, but not limited to: 6391

(1) The redemption of obligations prior to maturity at the 6392
option of the state or of the holder or upon the occurrence of 6393
certain conditions at such price or prices and under such terms 6394
and conditions as are provided in the bond proceedings; 6395

(2) The form of and other terms of the obligations; 6396

(3) The establishment, deposit, investment, and 6397
application of special funds, and the safeguarding of moneys on 6398
hand or on deposit, in lieu of otherwise applicable provisions 6399
of Chapter 131. or 135. of the Revised Code, but subject to any 6400
special provisions of this section with respect to particular 6401
funds or moneys, and provided that any bank or trust company 6402
that acts as a depository of any moneys in special funds may 6403
furnish such indemnifying bonds or may pledge such securities as 6404
required by the commissioners; 6405

(4) Any or every provision of the bond proceedings binding 6406
upon the commissioners and such state agency or local government 6407
entities, officer, board, commission, authority, agency, 6408
department, or other person or body as may from time to time 6409
have the authority under law to take such actions as may be 6410
necessary to perform all or any part of the duty required by 6411
such provision; 6412

(5) The maintenance of each pledge, any trust agreement, 6413
or other instrument composing part of the bond proceedings until 6414
the state has fully paid or provided for the payment of the bond 6415
service charges on the obligations or met other stated 6416
conditions; 6417

(6) In the event of default in any payments required to be 6418
made by the bond proceedings, or any other agreement of the 6419
commissioners made as part of a contract under which the 6420
obligations were issued or secured, the enforcement of such 6421
payments or agreements by mandamus, suit in equity, action at 6422
law, or any combination of the foregoing; 6423

(7) The rights and remedies of the holders of obligations 6424
and of the trustee under any trust agreement, and provisions for 6425
protecting and enforcing them, including limitations on rights 6426
of individual holders of obligations; 6427

(8) The replacement of any obligations that become 6428
mutilated or are destroyed, lost, or stolen; 6429

(9) Provision for the funding, refunding, or advance 6430
refunding or other provision for payment of obligations that 6431
will then no longer be outstanding for purposes of sections 6432
5528.51 to 5528.56 of the Revised Code or of the bond 6433
proceedings; 6434

(10) Any provision that may be made in bond proceedings or 6435
a trust agreement, including provision for amendment of the bond 6436
proceedings; 6437

(11) Any other or additional agreements with the holders 6438
of the obligations relating to any of the foregoing; 6439

(12) Such other provisions as the commissioners determine, 6440
including limitations, conditions, or qualifications relating to 6441
any of the foregoing. 6442

(H) The great seal of the state or a facsimile of that 6443
seal may be affixed to or printed on the obligations. The 6444
obligations requiring signatures by the commissioners shall be 6445
signed by or bear the facsimile signatures of two or more of the 6446
commissioners as provided in the bond proceedings. Any 6447
obligations may be signed by the person who, on the date of 6448
execution, is the authorized signer although on the date of such 6449
obligations such person was not a commissioner. In case the 6450
individual whose signature or a facsimile of whose signature 6451
appears on any obligation ceases to be a commissioner before 6452
delivery of the obligation, such signature or facsimile is 6453
nevertheless valid and sufficient for all purposes as if that 6454
individual had remained the member until such delivery, and in 6455
case the seal to be affixed to or printed on obligations has 6456
been changed after the seal has been affixed to or a facsimile 6457
of the seal has been printed on the obligations, that seal or 6458
facsimile seal shall continue to be sufficient as to those 6459
obligations and obligations issued in substitution or exchange 6460
therefor. 6461

(I) The obligations are negotiable instruments and 6462
securities under Chapter 1308. of the Revised Code, subject to 6463
the provisions of the bond proceedings as to registration. 6464

Obligations may be issued in coupon or in fully registered form, 6465
or both, as the commissioners determine. Provision may be made 6466
for the registration of any obligations with coupons attached as 6467
to principal alone or as to both principal and interest, their 6468
exchange for obligations so registered, and for the conversion 6469
or reconversion into obligations with coupons attached of any 6470
obligations registered as to both principal and interest, and 6471
for reasonable charges for such registration, exchange, 6472
conversion, and reconversion. Pending preparation of definitive 6473
obligations, the commissioners may issue interim receipts or 6474
certificates which shall be exchanged for such definitive 6475
obligations. 6476

(J) Obligations may be sold at public sale or at private 6477
sale, and at such price at, above, or below par, as determined 6478
by the commissioners in the bond proceedings. 6479

(K) In the discretion of the commissioners, obligations 6480
may be secured additionally by a trust agreement between the 6481
state and a corporate trustee which may be any trust company or 6482
bank having a place of business within the state. Any trust 6483
agreement may contain the resolution authorizing the issuance of 6484
the obligations, any provisions that may be contained in the 6485
bond proceedings, and other provisions that are customary or 6486
appropriate in an agreement of the type. 6487

(L) Except to the extent that their rights are restricted 6488
by the bond proceedings, any holder of obligations, or a trustee 6489
under the bond proceedings may by any suitable form of legal 6490
proceedings protect and enforce any rights under the laws of 6491
this state or granted by the bond proceedings. Such rights 6492
include the right to compel the performance of all duties of the 6493
commissioners and the state. Each duty of the commissioners and 6494

its employees, and of each state agency and local government 6495
entity and its officers, members, or employees, undertaken 6496
pursuant to the bond proceedings, is hereby established as a 6497
duty of the commissioners, and of each such agency, local 6498
government entity, officer, member, or employee having authority 6499
to perform such duty, specifically enjoined by the law and 6500
resulting from an office, trust, or station within the meaning 6501
of section 2731.01 of the Revised Code. The persons who are at 6502
the time the commissioners of the sinking fund, or its 6503
employees, are not liable in their personal capacities on any 6504
obligations or any agreements of or with the commissioners 6505
relating to obligations or under the bond proceedings. 6506

(M) Obligations are lawful investments for banks, 6507
societies for savings, savings and loan associations, deposit 6508
guarantee associations, trust companies, trustees, fiduciaries, 6509
insurance companies, including domestic for life and domestic 6510
not for life, trustees or other officers having charge of 6511
sinking and bond retirement or other special funds of political 6512
subdivisions and taxing districts of this state, the 6513
commissioners of the sinking fund, the administrator of workers' 6514
compensation, subject to the approval of the workers' 6515
compensation board and the industrial commission, the state 6516
teachers retirement system, the public employees retirement 6517
system, the school employees retirement system, and the Ohio 6518
police and fire pension fund, notwithstanding any other 6519
provisions of the Revised Code or rules adopted pursuant thereto 6520
by any state agency with respect to investments by them, and are 6521
also acceptable as security for the deposit of public moneys. 6522

(N) Unless otherwise provided in any applicable bond 6523
proceedings, moneys to the credit of or in the special funds 6524
established by or pursuant to this section may be invested by or 6525

on behalf of the commissioners only in notes, bonds, or other 6526
direct obligations of the United States or of any agency or 6527
instrumentality thereof, in obligations of this state or any 6528
political subdivision of this state, in certificates of deposit 6529
of any national bank located in this state and any bank, as 6530
defined in section 1101.01 of the Revised Code, subject to 6531
inspection by the superintendent of financial institutions, in 6532
the Ohio subdivision's fund established pursuant to section 6533
~~135.45~~113.07 of the Revised Code, in no-front-end-load money 6534
market mutual funds consisting exclusively of direct obligations 6535
of the United States or of an agency or instrumentality thereof, 6536
and in repurchase agreements, including those issued by any 6537
fiduciary, secured by direct obligations of the United States or 6538
an agency or instrumentality thereof, and in common trust funds 6539
established in accordance with section 1109.20 of the Revised 6540
Code and consisting exclusively of direct obligations of the 6541
United States or of an agency or instrumentality thereof, 6542
notwithstanding division (A) (4) of that section. The income from 6543
investments shall be credited to such special funds or otherwise 6544
as the commissioners determine in the bond proceedings, and the 6545
investments may be sold or exchanged at such times as the 6546
commissioners determine or authorize. 6547

(O) Unless otherwise provided in any applicable bond 6548
proceedings, moneys to the credit of or in a special fund shall 6549
be disbursed on the order of the commissioners, provided that no 6550
such order is required for the payment from the bond service 6551
fund or other special fund when due of bond service charges or 6552
required payments under credit enhancement facilities. 6553

(P) The commissioners may covenant in the bond 6554
proceedings, and any such covenants shall be controlling 6555
notwithstanding any other provision of law, that the state and 6556

the applicable officers and agencies of the state, including the
general assembly, shall, so long as any obligations are
outstanding in accordance with their terms, maintain statutory
authority for and cause to be charged and collected taxes,
excises, and other receipts of the state so that the receipts to
the bond service fund shall be sufficient in amounts to meet
bond service charges and for the establishment and maintenance
of any reserves and other requirements, including payment of
financing costs, provided for in the bond proceedings.

(Q) The obligations, and the transfer of, and the
interest, interest equivalent, and other income and accreted
amounts from, including any profit made on the sale, exchange,
or other disposition of, the obligations shall at all times be
free from taxation, direct or indirect, within the state.

(R) This section applies only with respect to obligations
issued and delivered prior to September 30, 2000.

Sec. 5725.22. (A) The treasurer of state shall maintain a
list of taxes levied by section 5725.18 of the Revised Code and
certified for assessment by the superintendent of insurance
pursuant to section 5725.20 of the Revised Code.

(B) The treasurer of state shall collect, and the taxpayer
shall pay, all taxes levied under section 5725.18 of the Revised
Code and any interest applicable thereto. Payments ~~may shall~~ be
made electronically ~~or by any other means authorized as~~
prescribed by the treasurer of state. ~~Whenever the~~
~~superintendent of insurance submits an electronic call for data,~~
~~the treasurer of state shall electronically submit to the~~
~~superintendent the data requested, including the amount of taxes~~
~~collected and the name of the domestic insurance company from~~
~~whom collected.~~ The treasurer of state may adopt rules

concerning the methods and timeliness of payments under this 6587
division. 6588

(C) Each tax bill issued pursuant to this section shall 6589
separately reflect the taxes due, interest, if any, due date, 6590
and any other information considered necessary. The last day on 6591
which payment may be made without penalty shall be the fifteenth 6592
day of June, unless that day is not a business day as defined in 6593
section 5709.40 of the Revised Code, in which case the payment 6594
may be made on the next business day. The treasurer of state 6595
shall issue the tax bill to the taxpayer electronically through 6596
the department of insurance's web site. 6597

The treasurer of state shall refund taxes as provided in 6598
this section, but no refund shall be made to a taxpayer having a 6599
delinquent claim certified pursuant to this section that remains 6600
unpaid. The treasurer of state may consult the attorney general 6601
regarding such claims. Refunds shall be paid from the tax refund 6602
fund created by section 5703.052 of the Revised Code. 6603

(D) (1) Unless an exigency exists, the treasurer of state 6604
shall issue a tax bill within twenty days after receipt of an 6605
assessment certified by the superintendent of insurance under 6606
section 5725.20 of the Revised Code, but if such assessment 6607
reflects a late filed tax return, the treasurer of state shall 6608
add interest as provided in division (A) of section 5725.221 of 6609
the Revised Code and issue a tax bill. In the case of an 6610
exigency, the treasurer of state shall issue the tax bill as 6611
soon as possible and may extend the due date for payment of the 6612
tax prescribed by division (C) of this section. 6613

(2) After receipt of any amended or final assessment of 6614
taxes received from the superintendent of insurance pursuant to 6615
section 5725.20 of the Revised Code, the treasurer of state 6616

shall ascertain the difference between the total taxes computed 6617
on such assessment and the total taxes computed on the most 6618
recent assessment certified for the same tax year. If the 6619
difference is a deficiency and that deficiency is greater than 6620
one dollar, the treasurer of state shall add interest as 6621
provided in division (B)(1) of section 5725.221 of the Revised 6622
Code and issue a tax bill, with payment due thirty days after 6623
the date ~~of~~ the bill is issued. If the difference is an excess_ 6624
of more than one dollar, the treasurer of state shall add 6625
interest as provided in division (B)(2) of section 5725.221 of 6626
the Revised Code and certify the name of the taxpayer and the 6627
amount to be refunded to the director of budget and management 6628
for payment to the taxpayer. If the taxpayer has a deficiency 6629
for one tax year and an excess for another tax year, or any 6630
combination thereof for more than two tax years, the treasurer 6631
of state may determine the net result after adding interest, if 6632
applicable, and, ~~depending on~~ if such result is greater than one 6633
dollar, proceed to issue a tax bill or certify a refund, as 6634
applicable. 6635

(E) Except as otherwise provided in this division, the 6636
treasurer of state may cancel a debt owed to the state arising 6637
from the tax imposed by section 5725.18 of the Revised Code, 6638
including any interest arising from such tax, if the total 6639
amount of the debt does not exceed fifty dollars. The treasurer 6640
of state shall not cancel any debt that has been certified to 6641
the attorney general under division (F) of this section. 6642

(F) If a taxpayer fails to pay all taxes and interest, if 6643
any, on or before the due date shown on the tax bill issued by 6644
the treasurer of state, and if that unpaid amount has not been 6645
canceled pursuant to division (E) of this section, the treasurer 6646
of state shall add a penalty equal to five hundred dollars for 6647

each month the taxpayer fails to pay all taxes and interest due. 6648
The treasurer of state may add an additional penalty, not to 6649
exceed ten per cent of the taxes and interest due, if the 6650
taxpayer fails to demonstrate that the taxpayer made a good 6651
faith effort to pay all taxes and interest on or before the due 6652
date shown on the tax bill. The Unless a delinquent amount is 6653
canceled pursuant to division (E) of this section, the treasurer 6654
of state shall prepare a delinquent claim for each tax bill on 6655
which penalties were added and certify such claims to the 6656
attorney general for collection. The attorney general shall 6657
transmit a copy of each claim certified by the treasurer of 6658
state to the superintendent of insurance. For each claim 6659
certified by the treasurer of state, the attorney general shall 6660
proceed to collect the delinquent taxes, penalties, and interest 6661
thereon in the manner prescribed by law. 6662

(G) Whenever the superintendent of insurance submits an 6663
electronic call for data, the treasurer of state shall 6664
electronically submit to the superintendent the data requested, 6665
including the amount of taxes collected and the name of the 6666
domestic insurance company from whom the tax is collected. 6667

Sec. 5725.23. Taxes, interest, and penalties may be 6668
recovered from a delinquent domestic insurance company or person 6669
in an action brought in the name of the state in the court of 6670
common pleas of Franklin county or any county in which such 6671
company or person has an office or place of business, and such 6672
court shall have jurisdiction of such action regardless of the 6673
amount involved. The attorney general, on request of the 6674
superintendent of insurance or ~~tax commissioner~~ treasurer of 6675
state, shall institute such action in the court of common pleas 6676
of Franklin county or any other county the superintendent or 6677
~~commissioner~~ treasurer directs. In any such action, it shall be 6678

sufficient to allege that the tax, interest, and penalty sought 6679
to be recovered stand charged on the tax list of domestic 6680
insurance company franchise taxes ~~or intangible property taxes~~ 6681
in the office of the treasurer of state and have been unpaid for 6682
a period of forty-five days after having been placed thereon. 6683
Sums recovered in any such action shall be paid into the state 6684
treasury and distributed as provided in section 5725.24 of the 6685
Revised Code. 6686

Sec. 5729.05. On or before the fifteenth day of October 6687
each year, each foreign insurance company shall pay to the 6688
treasurer of state an amount equal to one-half of the previous 6689
calendar year's tax, before credits, which was assessed and paid 6690
under section 3737.71 of the Revised Code and this chapter. This 6691
payment shall be considered as a partial payment of the tax upon 6692
the business done in this state during the calendar year in 6693
which the payment date provided by this paragraph is contained. 6694

Payments shall be made electronically as prescribed by the 6695
treasurer of state. The treasurer of state may adopt rules 6696
concerning the methods and timeliness of payments under this 6697
section. 6698

At the time of filing its annual statement, each foreign 6699
insurance company shall pay to the treasurer of state the tax 6700
assessable under section 3737.71 of the Revised Code and this 6701
chapter, calculated by such company from such annual statement. 6702
The company may deduct the part of such tax already paid as a 6703
partial payment. 6704

The superintendent shall determine the correctness of the 6705
reports and statements of insurance companies, compute the 6706
annual tax, and, on or before the fifteenth day of May, prepare 6707
and furnish to the treasurer of state lists of all taxable 6708

companies, showing as to each company the whole amount of the 6709
annual tax computed by the superintendent. The treasurer of 6710
state, after deducting the tax already paid, shall promptly 6711
notify each such company of any amount due, which amount shall 6712
be paid by each such company to the treasurer of state by the 6713
fifteenth day of June next succeeding. If a company has for any 6714
reason overpaid or was illegally or erroneously assessed or 6715
charged for collection a larger amount of tax than its annual 6716
tax as computed by the superintendent of insurance and an 6717
application for refund was timely filed under section 5729.102 6718
of the Revised Code, a refund of the excess amount shall be paid 6719
from the tax refund fund created by section 5703.052 of the 6720
Revised Code. 6721

Sec. 5729.10. If a company fails to pay the tax levied by 6722
section 5729.03 of the Revised Code, or to make any partial 6723
payment thereof as required by law after a statement thereof has 6724
been made and mailed to it, or if the annual statement required 6725
by law to be made by it is false or incorrect, the 6726
superintendent of insurance may revoke the license of such 6727
company doing business in this state. Upon failure to pay the 6728
tax or to make partial payment thereof according to law, the 6729
~~superintendent-treasurer of state~~ shall certify ~~that fact-the~~ 6730
tax liability and any related interest and penalties to the 6731
attorney general, who shall thereupon begin an action against 6732
the company in the court of common pleas of Franklin county, or 6733
any other county ~~he~~ the attorney general elects, to recover the 6734
amount of the tax. If such company ceases to do business in this 6735
state, it shall thereupon make a report to the superintendent of 6736
the gross amount of premiums not theretofore reported as 6737
provided in section 5729.02 or 5729.04 of the Revised Code 6738
received by it from policies covering risks within this state 6739

prior to such discontinuance of business, after deducting return 6740
premiums and considerations received for reinsurance not 6741
theretofore so reported, and shall forthwith pay to the 6742
~~superintendent~~ treasurer of state a like per cent of tax 6743
thereon. 6744

Sec. 5739.17. (A) No person shall engage in making retail 6745
sales subject to a tax imposed by or pursuant to section 6746
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code as 6747
a business without having a license therefor, except as 6748
otherwise provided in divisions (A) (1), (2), and (3) of this 6749
section. 6750

(1) In the dissolution of a partnership by death, the 6751
surviving partner may operate under the license of the 6752
partnership for a period of sixty days. 6753

(2) The heirs or legal representatives of deceased 6754
persons, and receivers and trustees in bankruptcy, appointed by 6755
any competent authority, may operate under the license of the 6756
person so succeeded in possession. 6757

(3) Two or more persons who are not partners may operate a 6758
single place of business under one license. In such case neither 6759
the retirement of any such person from business at that place of 6760
business, nor the entrance of any person, under an existing 6761
arrangement, shall affect the license or require the issuance of 6762
a new license, unless the person retiring from the business is 6763
the individual named on the vendor's license. 6764

Except as otherwise provided in this section, each 6765
applicant for a license shall make out and deliver to the county 6766
auditor of each county in which the applicant desires to engage 6767
in business, upon a blank to be furnished by such auditor for 6768

that purpose, a statement showing the name of the applicant, 6769
each place of business in the county where the applicant will 6770
make retail sales, the nature of the business, and any other 6771
information the tax commissioner reasonably prescribes in the 6772
form of a statement prescribed by the commissioner. 6773

At the time of making the application, the applicant shall 6774
pay into the county treasury a license fee in the sum of fifty 6775
dollars for each fixed place of business in the county that will 6776
be the situs of retail sales. Upon receipt of the application 6777
and exhibition of the county treasurer's receipt, showing the 6778
payment of the license fee, the county auditor shall issue to 6779
the applicant a license for each fixed place of business 6780
designated in the application, authorizing the applicant to 6781
engage in business at that location. The county auditor shall 6782
~~transmit~~ remit twenty-five dollars of each license fee to the 6783
~~treasurer of state~~ attorney general for deposit into the state 6784
treasury to the credit of the organized crime commission fund 6785
for the purposes specified in section 177.011 of the Revised 6786
Code. The remaining twenty-five dollars of each license fee 6787
shall be credited to the general fund of the county. 6788

(B) If a vendor's identity changes, the vendor shall apply 6789
for a new license. If a vendor wishes to move an existing fixed 6790
place of business to a new location within the same county, the 6791
vendor shall obtain a new vendor's license or submit a request 6792
to the commissioner to transfer the existing vendor's license to 6793
the new location. When the new location has been verified as 6794
being within the same county, the commissioner shall authorize 6795
the transfer and notify the county auditor of the change of 6796
location. If a vendor wishes to move an existing fixed place of 6797
business to another county, the vendor's license shall not 6798
transfer and the vendor shall obtain a new vendor's license from 6799

the county in which the business is to be located. The form of 6800
the license shall be prescribed by the commissioner. The fees 6801
collected shall be credited as specified in division (A) (3) of 6802
this section. If a vendor fails to notify the commissioner of a 6803
change of location of its fixed place of business or that its 6804
business has closed, the commissioner may cancel the vendor's 6805
license if ordinary mail sent to the location shown on the 6806
license is returned because of an undeliverable address. 6807

(C) The commissioner may establish or participate in a 6808
registration system whereby any vendor may obtain a vendor's 6809
license by submitting to the commissioner a vendor's license 6810
application and a license fee of fifty dollars for each fixed 6811
place of business at which the vendor intends to make retail 6812
sales. Under this registration system, the commissioner shall 6813
issue a vendor's license to the applicant on behalf of the 6814
county auditor of the county in which the applicant desires to 6815
engage in business, and shall forward a copy of the application 6816
and license fee to that county. Twenty-five dollars of each 6817
license fee received by the commissioner for the issuance of 6818
vendor's licenses shall be deposited into the vendor's license 6819
application fund, which is hereby created in the state treasury. 6820
The remaining twenty-five dollars of each license fee shall be 6821
deposited into the organized crime commission fund for the 6822
purposes specified in section 177.011 of the Revised Code. The 6823
commissioner shall certify to the director of budget and 6824
management within ten business days after the close of a month 6825
the license fees to be transmitted to each county from the 6826
vendor's license application fund for vendor's license 6827
applications received by the commissioner during that month. 6828
License fees transmitted to a county for which payment was not 6829
received by the commissioner may be netted against a future 6830

distribution to that county, including distributions made 6831
pursuant to section 5739.21 of the Revised Code. 6832

A vendor that makes retail sales subject to tax under 6833
Chapter 5739. of the Revised Code pursuant to a permit issued by 6834
the division of liquor control shall obtain a vendor's license 6835
in the identical name and for the identical address as shown on 6836
the permit. 6837

Except as otherwise provided in this section, if a vendor 6838
has no fixed place of business and sells from a vehicle, each 6839
vehicle intended to be used within a county constitutes a place 6840
of business for the purpose of this section. 6841

(D) As used in this section, "transient vendor" means any 6842
person who makes sales of tangible personal property from 6843
vending machines located on land owned by others, who leases 6844
titled motor vehicles, titled watercraft, or titled outboard 6845
motors, who effectuates leases that are taxed according to 6846
division (A)(2) of section 5739.02 of the Revised Code, or who, 6847
in the usual course of the person's business, transports 6848
inventory, stock of goods, or similar tangible personal property 6849
to a temporary place of business or temporary exhibition, show, 6850
fair, flea market, or similar event in a county in which the 6851
person has no fixed place of business, for the purpose of making 6852
retail sales of such property. A "temporary place of business" 6853
means any public or quasi-public place including, but not 6854
limited to, a hotel, rooming house, storeroom, building, part of 6855
a building, tent, vacant lot, railroad car, or motor vehicle 6856
that is temporarily occupied for the purpose of making retail 6857
sales of goods to the public. A place of business is not 6858
temporary if the same person conducted business at the place 6859
continuously for more than six months or occupied the premises 6860

as the person's permanent residence for more than six months, or 6861
if the person intends it to be a fixed place of business. 6862

Any transient vendor, in lieu of obtaining a vendor's 6863
license under division (A) of this section for counties in which 6864
the transient vendor has no fixed place of business, may apply 6865
to the tax commissioner, on a form prescribed by the 6866
commissioner, for a transient vendor's license. The transient 6867
vendor's license authorizes the transient vendor to make retail 6868
sales in any county in which the transient vendor does not 6869
maintain a fixed place of business. Any holder of a transient 6870
vendor's license shall not be required to obtain a separate 6871
vendor's license from the county auditor in that county. Upon 6872
the commissioner's determination that an applicant is a 6873
transient vendor, the applicant shall pay a license fee in the 6874
amount of fifty dollars, at which time the tax commissioner 6875
shall issue the license. Twenty-five dollars of that license fee 6876
shall be deposited into the organized crime commission fund for 6877
the purposes specified in section 177.011 of the Revised Code. 6878
The tax commissioner may require a vendor to be licensed as a 6879
transient vendor if, in the opinion of the commissioner, such 6880
licensing is necessary for the efficient administration of the 6881
tax. 6882

Any holder of a valid transient vendor's license may make 6883
retail sales at a temporary place of business or temporary 6884
exhibition, show, fair, flea market, or similar event, held 6885
anywhere in the state without complying with any provision of 6886
section 311.37 of the Revised Code. Any holder of a valid 6887
vendor's license may make retail sales as a transient vendor at 6888
a temporary place of business or temporary exhibition, show, 6889
fair, flea market, or similar event held in any county in which 6890
the vendor maintains a fixed place of business for which the 6891

vendor holds a vendor's license without obtaining a transient 6892
vendor's license. 6893

(E) Any vendor who is issued a license pursuant to this 6894
section shall display the license or a copy of it prominently, 6895
in plain view, at every place of business of the vendor. 6896

(F) No owner, organizer, or promoter who operates a fair, 6897
flea market, show, exhibition, convention, or similar event at 6898
which transient vendors are present shall fail to keep a 6899
comprehensive record of all such vendors, listing the vendor's 6900
name, permanent address, vendor's license number, and the type 6901
of goods sold. Such records shall be kept for four years and 6902
shall be open to inspection by the commissioner. 6903

(G) The commissioner may issue additional types of 6904
licenses if required to efficiently administer the tax imposed 6905
by this chapter. 6906

Sec. 5747.51. (A) On or before the twenty-fifth day of 6907
July of each year, the tax commissioner shall make and certify 6908
to the county auditor of each county an estimate of the amount 6909
of the local government fund to be allocated to the undivided 6910
local government fund of each county for the ensuing calendar 6911
year, adjusting the total as required to account for 6912
subdivisions receiving local government funds under section 6913
5747.502 of the Revised Code. 6914

(B) At each annual regular session of the county budget 6915
commission convened pursuant to section 5705.27 of the Revised 6916
Code, each auditor shall present to the commission the 6917
certificate of the commissioner, the annual tax budget and 6918
estimates, and the records showing the action of the commission 6919
in its last preceding regular session. The commission, after 6920

extending to the representatives of each subdivision an 6921
opportunity to be heard, under oath administered by any member 6922
of the commission, and considering all the facts and information 6923
presented to it by the auditor, shall determine the amount of 6924
the undivided local government fund needed by and to be 6925
apportioned to each subdivision for current operating expenses, 6926
as shown in the tax budget of the subdivision. This 6927
determination shall be made pursuant to divisions (C) to (I) of 6928
this section, unless the commission has provided for a formula 6929
pursuant to section 5747.53 of the Revised Code. The 6930
commissioner shall reduce the amount of funds from the undivided 6931
local government fund to a subdivision required to receive 6932
reduced funds under section 5747.502 of the Revised Code. 6933

Nothing in this section prevents the budget commission, 6934
for the purpose of apportioning the undivided local government 6935
fund, from inquiring into the claimed needs of any subdivision 6936
as stated in its tax budget, or from adjusting claimed needs to 6937
reflect actual needs. For the purposes of this section, "current 6938
operating expenses" means the lawful expenditures of a 6939
subdivision, except those for permanent improvements and except 6940
payments for interest, sinking fund, and retirement of bonds, 6941
notes, and certificates of indebtedness of the subdivision. 6942

(C) The commission shall determine the combined total of 6943
the estimated expenditures, including transfers, from the 6944
general fund and any special funds other than special funds 6945
established for road and bridge; street construction, 6946
maintenance, and repair; state highway improvement; and gas, 6947
water, sewer, and electric public utilities operated by a 6948
subdivision, as shown in the subdivision's tax budget for the 6949
ensuing calendar year. 6950

(D) From the combined total of expenditures calculated 6951
pursuant to division (C) of this section, the commission shall 6952
deduct the following expenditures, if included in these funds in 6953
the tax budget: 6954

(1) Expenditures for permanent improvements as defined in 6955
division (E) of section 5705.01 of the Revised Code; 6956

(2) In the case of counties and townships, transfers to 6957
the road and bridge fund, and in the case of municipalities, 6958
transfers to the street construction, maintenance, and repair 6959
fund and the state highway improvement fund; 6960

(3) Expenditures for the payment of debt charges; 6961

(4) Expenditures for the payment of judgments. 6962

(E) In addition to the deductions made pursuant to 6963
division (D) of this section, revenues accruing to the general 6964
fund and any special fund considered under division (C) of this 6965
section from the following sources shall be deducted from the 6966
combined total of expenditures calculated pursuant to division 6967
(C) of this section: 6968

(1) Taxes levied within the ten-mill limitation, as 6969
defined in section 5705.02 of the Revised Code; 6970

(2) The budget commission allocation of estimated county 6971
public library fund revenues to be distributed pursuant to 6972
section 5747.48 of the Revised Code; 6973

(3) Estimated unencumbered balances as shown on the tax 6974
budget as of the thirty-first day of December of the current 6975
year in the general fund, but not any estimated balance in any 6976
special fund considered in division (C) of this section; 6977

(4) Revenue, including transfers, shown in the general 6978

fund and any special funds other than special funds established 6979
for road and bridge; street construction, maintenance, and 6980
repair; state highway improvement; and gas, water, sewer, and 6981
electric public utilities, from all other sources except those 6982
that a subdivision receives from an additional tax or service 6983
charge voted by its electorate or receives from special 6984
assessment or revenue bond collection. For the purposes of this 6985
division, where the charter of a municipal corporation prohibits 6986
the levy of an income tax, an income tax levied by the 6987
legislative authority of such municipal corporation pursuant to 6988
an amendment of the charter of that municipal corporation to 6989
authorize such a levy represents an additional tax voted by the 6990
electorate of that municipal corporation. For the purposes of 6991
this division, any measure adopted by a board of county 6992
commissioners pursuant to section 322.02, 4504.02, or 5739.021 6993
of the Revised Code, including those measures upheld by the 6994
electorate in a referendum conducted pursuant to section 6995
322.021, 4504.021, or 5739.022 of the Revised Code, shall not be 6996
considered an additional tax voted by the electorate. 6997

Subject to division (F) of section 5705.29 of the Revised 6998
Code, money in a reserve balance account established by a 6999
county, township, or municipal corporation under section 5705.13 7000
of the Revised Code shall not be considered an unencumbered 7001
balance or revenue under division (E) (3) or (4) of this section. 7002
Money in a reserve balance account established by a township 7003
under section 5705.132 of the Revised Code shall not be 7004
considered an unencumbered balance or revenue under division (E) 7005
(3) or (4) of this section. 7006

If a county, township, or municipal corporation has 7007
created and maintains a nonexpendable trust fund under section 7008
5705.131 of the Revised Code, the principal of the fund, and any 7009

additions to the principal arising from sources other than the 7010
reinvestment of investment earnings arising from such a fund, 7011
shall not be considered an unencumbered balance or revenue under 7012
division (E) (3) or (4) of this section. Only investment earnings 7013
arising from investment of the principal or investment of such 7014
additions to principal may be considered an unencumbered balance 7015
or revenue under those divisions. 7016

(F) The total expenditures calculated pursuant to division 7017
(C) of this section, less the deductions authorized in divisions 7018
(D) and (E) of this section, shall be known as the "relative 7019
need" of the subdivision, for the purposes of this section. 7020

(G) The budget commission shall total the relative need of 7021
all participating subdivisions in the county, and shall compute 7022
a relative need factor by dividing the total estimate of the 7023
undivided local government fund by the total relative need of 7024
all participating subdivisions. 7025

(H) The relative need of each subdivision shall be 7026
multiplied by the relative need factor to determine the 7027
proportionate share of the subdivision in the undivided local 7028
government fund of the county; provided, that the maximum 7029
proportionate share of a county shall not exceed the following 7030
maximum percentages of the total estimate of the undivided local 7031
government fund governed by the relationship of the percentage 7032
of the population of the county that resides within municipal 7033
corporations within the county to the total population of the 7034
county as reported in the reports on population in Ohio by the 7035
department of development as of the twentieth day of July of the 7036
year in which the tax budget is filed with the budget 7037
commission: 7038

7039

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A	Percentage of municipal population within the county:	Percentage share of the county shall not exceed:
B	Less than forty-one per cent	Sixty per cent
C	Forty-one per cent or more but less than eighty-one per cent	Fifty per cent
D	Eighty-one per cent or more	Thirty per cent

Where the proportionate share of the county exceeds the 7040
limitations established in this division, the budget commission 7041
shall adjust the proportionate shares determined pursuant to 7042
this division so that the proportionate share of the county does 7043
not exceed these limitations, and it shall increase the 7044
proportionate shares of all other subdivisions on a pro rata 7045
basis. In counties having a population of less than one hundred 7046
thousand, not less than ten per cent shall be distributed to the 7047
townships therein. 7048

(I) The proportionate share of each subdivision in the 7049
undivided local government fund determined pursuant to division 7050
(H) of this section for any calendar year shall not be less than 7051
the product of the average of the percentages of the undivided 7052
local government fund of the county as apportioned to that 7053
subdivision for the calendar years 1968, 1969, and 1970, 7054
multiplied by the total amount of the undivided local government 7055
fund of the county apportioned pursuant to former section 7056
5739.23 of the Revised Code for the calendar year 1970. For the 7057
purposes of this division, the total apportioned amount for the 7058
calendar year 1970 shall be the amount actually allocated to the 7059

county in 1970 from the state collected intangible tax as levied 7060
by section 5707.03 of the Revised Code and distributed pursuant 7061
to section 5725.24 of the Revised Code, plus the amount received 7062
by the county in the calendar year 1970 pursuant to division (B) 7063
(1) of former section 5739.21 of the Revised Code, and 7064
distributed pursuant to former section 5739.22 of the Revised 7065
Code. If the total amount of the undivided local government fund 7066
for any calendar year is less than the amount of the undivided 7067
local government fund apportioned pursuant to former section 7068
5739.23 of the Revised Code for the calendar year 1970, the 7069
minimum amount guaranteed to each subdivision for that calendar 7070
year pursuant to this division shall be reduced on a basis 7071
proportionate to the amount by which the amount of the undivided 7072
local government fund for that calendar year is less than the 7073
amount of the undivided local government fund apportioned for 7074
the calendar year 1970. 7075

(J) On the basis of such apportionment, the county auditor 7076
shall compute the percentage share of each such subdivision in 7077
the undivided local government fund and shall at the same time 7078
certify to the tax commissioner the percentage share of the 7079
county as a subdivision. No payment shall be made from the 7080
undivided local government fund, except in accordance with such 7081
percentage shares. 7082

Within ten days after the budget commission has made its 7083
apportionment, whether conducted pursuant to section 5747.51 or 7084
5747.53 of the Revised Code, the auditor shall publish a list of 7085
the subdivisions and the amount each is to receive from the 7086
undivided local government fund and the percentage share of each 7087
subdivision, in a newspaper or newspapers of countywide 7088
circulation, and send a copy of such allocation to the tax 7089
commissioner. 7090

The county auditor shall also send a copy of such 7091
allocation by ordinary or electronic mail to the fiscal officer 7092
of each subdivision entitled to participate in the allocation of 7093
the undivided local government fund of the county. This copy 7094
shall constitute the official notice of the commission action 7095
referred to in section 5705.37 of the Revised Code. 7096

All money received into the treasury of a subdivision from 7097
the undivided local government fund in a county treasury shall 7098
be paid into the general fund and used for the current operating 7099
expenses of the subdivision. 7100

If a municipal corporation maintains a municipal 7101
university, such municipal university, when the board of 7102
trustees so requests the legislative authority of the municipal 7103
corporation, shall participate in the money apportioned to such 7104
municipal corporation from the total local government fund, 7105
however created and constituted, in such amount as requested by 7106
the board of trustees, provided such sum does not exceed nine 7107
per cent of the total amount paid to the municipal corporation. 7108

If any public official fails to maintain the records 7109
required by sections 5747.50 to 5747.55 of the Revised Code or 7110
by the rules issued by the tax commissioner, ~~the auditor of~~ 7111
~~state, or the treasurer of state~~ pursuant to such sections, or 7112
fails to comply with any law relating to the enforcement of such 7113
sections, the local government fund money allocated to the 7114
county may be withheld until such time as the public official 7115
has complied with such sections or such law or the rules issued 7116
pursuant thereto. 7117

Sec. 6101.51. The treasurer of a conservancy district, at 7118
the time of taking office, shall execute to the district and 7119
deliver to the president of the board of directors of the 7120

district, a bond with good and sufficient sureties, to be 7121
approved by the board, conditioned that the treasurer shall 7122
account for and pay over as required by law, and as ordered by 7123
the board, all money received by the treasurer on the sale of 7124
bonds and notes or from any other source, that the treasurer 7125
only shall deliver the bonds and notes to the purchasers under 7126
and according to the terms prescribed in this section and 7127
section 6101.50 of the Revised Code, and that, when ordered by 7128
the board to do so, the treasurer shall return to the board, 7129
duly canceled, any bonds and notes not sold, which bonds and 7130
notes shall remain in the custody of the board, which shall 7131
produce them for inspection or for use as evidence whenever and 7132
wherever legally requested to do so. The cost of the bond of the 7133
treasurer shall be paid by the board from the funds of the 7134
district. The board shall make appropriations at the proper time 7135
for the payment of the maturing bonds and notes of the district 7136
and the interest payments coming due on all bonds and notes 7137
sold, and the treasurer of the district shall place sufficient 7138
funds at the place of payment to pay them. If proper 7139
appropriations are not made by the board as provided in this 7140
section, the treasurer of the district of the treasurer's own 7141
accord shall place funds at the place of payment and report that 7142
action to the next meeting of the board. The canceled bonds and 7143
coupons, receipted notes, and receipts of the treasurer shall be 7144
evidence of such payment. 7145

The successor in office of any treasurer of a conservancy 7146
district is not entitled to take over the assets of the treasury 7147
until the treasurer has complied with this section. Moneys 7148
derived from the sale of bonds and from all other sources shall 7149
be deposited by the treasurer In accordance with sections 135.01 7150
to 135.21 of the Revised Code. The funds derived from the sale 7151

of any of the bonds and notes shall be used only for paying the 7152
cost of the properties, works, and improvements and costs, 7153
expenses, fees, and salaries authorized by law. 7154

The district may secure the payment of loans from the 7155
United States government in the same manner as it may secure the 7156
payment of bonds, and the board may make any necessary 7157
regulations to provide for that payment. 7158

A party who has not sought a remedy against any proceeding 7159
under this chapter, until bonds or notes have been sold or the 7160
work constructed, cannot for any cause have an injunction 7161
against the collection of assessments for the payment of the 7162
bonds or notes. 7163

When consideration for bonds is received by the district, 7164
the bonds shall not be invalid for any irregularity or defect in 7165
the proceedings for their issuance and sale, and shall be 7166
incontestable in the hands of bona fide purchasers or holders of 7167
the bonds for value. No proceedings in respect to the issuance 7168
of any bonds are necessary except as required by this chapter. 7169

Notwithstanding any other provision of this section 7170
governing the deposit or investment of moneys of a conservancy 7171
district, the board of directors of a district, for the purpose 7172
of providing for the investment of the moneys on the district's 7173
behalf, may order the treasurer of the district to invest moneys 7174
of the district in the Ohio subdivision's fund authorized to be 7175
created under section ~~135.45~~ 113.07 of the Revised Code. Any 7176
such investments in the fund are subject to and governed by that 7177
section and rules adopted under it. 7178

Section 2. That existing sections 113.05, 113.051, 113.09, 7179
113.13, 113.16, 113.40, 113.78, 118.05, 120.52, 131.01, 131.50, 7180

135.01, 135.03, 135.032, 135.14, 135.143, 135.18, 135.22, 7181
135.35, 135.45, 135.451, 135.71, 151.01, 164.09, 183.51, 317.36, 7182
319.63, 321.46, 321.47, 1557.03, 2969.13, 3109.14, 3307.12, 7183
3334.08, 3334.11, 3705.242, 3737.945, 3953.231, 4511.19, 7184
4705.09, 4705.10, 5528.54, 5725.22, 5725.23, 5729.05, 5729.10, 7185
5739.17, 5747.51, and 6101.51 of the Revised Code are hereby 7186
repealed. 7187

Section 3. That sections 113.06, 113.10, 113.43, and 7188
135.144 of the Revised Code are hereby repealed. 7189

Section 4. TRANSFER FROM THE TORRENS LAW ASSURANCE FUND TO 7190
THE COUNTY RECORDER ELECTRONIC MODERNIZATION FUND 7191

On July 1, 2026, or as soon as possible thereafter, the 7192
Treasurer of State shall transfer the cash balance including 7193
accrued interest and investment earnings from the Torrens Law 7194
Assurance Fund in the custody of the Treasurer of State to the 7195
County Recorder Electronic Modernization Fund (Fund 5BD1). Upon 7196
completion of the transfer and on the effective date of its 7197
repeal by this act, the Torrens Law Assurance Fund is hereby 7198
abolished. 7199

Section 5. Section 4511.19 of the Revised Code is 7200
presented in this act as a composite of the section as amended 7201
by both H.B. 37 and S.B. 100 of the 135th General Assembly. The 7202
General Assembly, applying the principle stated in division (B) 7203
of section 1.52 of the Revised Code that amendments are to be 7204
harmonized and reconciled if reasonably capable of simultaneous 7205
operation, finds that the composite is the resulting version of 7206
the section in effect prior to the effective date of the section 7207
as presented in this act. 7208