

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 300

Senator Roegner

To amend sections 113.05, 113.051, 113.09, 113.16,	1
113.53, 117.44, 118.05, 120.52, 135.01, 135.032,	2
135.14, 135.143, 135.22, 135.35, 135.45,	3
135.451, 151.01, 164.09, 183.51, 317.36, 319.63,	4
321.46, 321.47, 1557.03, 3307.12, 3334.08,	5
3334.11, 3705.242, 3737.945, 3953.231, 4511.19,	6
4705.09, 4705.10, 5528.54, 5725.22, 5725.23,	7
5729.05, 5729.10, 5739.17, 5747.51, and 6101.51;	8
to amend, for the purpose of adopting a new	9
section number as indicated in parentheses,	10
section 135.45 (113.07); to enact section	11
113.052; and to repeal sections 113.10 and	12
113.43 of the Revised Code relating to the	13
Treasurer of State.	14

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

Section 1. That sections 113.05, 113.051, 113.09, 113.16,	15
113.53, 117.44, 118.05, 120.52, 135.01, 135.032, 135.14,	16
135.143, 135.22, 135.35, 135.45, 135.451, 151.01, 164.09,	17
183.51, 317.36, 319.63, 321.46, 321.47, 1557.03, 3307.12,	18
3334.08, 3334.11, 3705.242, 3737.945, 3953.231, 4511.19,	19
4705.09, 4705.10, 5528.54, 5725.22, 5725.23, 5729.05, 5729.10,	20
5739.17, 5747.51, and 6101.51 be amended; section 135.45	21

(113.07) be amended for the purpose of adopting a new section 22
number as indicated in parentheses; and section 113.052 of the 23
Revised Code be enacted to read as follows: 24

Sec. 113.05. (A) As used in sections 113.05 to 113.40 of 25
the Revised Code: 26

(1) "Account," "appropriation," "disbursement," 27
"electronic funds transfer," "fund," and "warrant" have the same 28
meanings as in section 131.01 of the Revised Code. 29

(2) "Active deposit" and "interim deposit" have the same 30
meanings as in section 135.01 of the Revised Code. 31

(3) "Assets" has the same meaning as in section 131.01 of 32
the Revised Code, but does not include items held in safekeeping 33
by the treasurer of state including, but not limited to, 34
collateral pledged to a state agency. 35

~~(3) "Custodial funds" do not include items held in~~ 36
~~safekeeping by the treasurer of state including, but not limited~~ 37
~~to, collateral pledged to a state agency.~~ 38

(B) The state treasury consists of the moneys, claims, 39
bonds, notes, other obligations, stocks, and other securities, 40
receipts or other evidences of ownership, and other intangible 41
assets of the state that are required by law to be deposited in 42
the state treasury or are otherwise a part of the state 43
treasury. All assets of the state treasury shall be kept in the 44
rooms assigned the treasurer of state, with the vaults, safes, 45
and other appliances therein; provided, that: 46

(1) Securities and other assets required by law to be 47
deposited or kept in the state treasury may be deposited for 48
safekeeping with the federal reserve bank of Cleveland, Ohio ~~or~~ 49
, secured and insured depositories in or out of this state, or 50

other qualified custodians as designated by the treasurer of 51
state. 52

(2) ~~Public moneys may~~ Active deposits shall be kept in 53
~~constituted state depositories~~ designated by the state board of 54
deposit pursuant to section 135.12 of the Revised Code and 55
secured for repayment pursuant to section 135.18 of the Revised 56
Code. 57

(3) Interim deposits shall be invested in accordance with 58
section 135.143 of the Revised Code and held in safekeeping 59
pursuant to division (B)(1) of this section. 60

~~(C)~~ (C) (1) The custodial funds of the treasurer of state 61
consist of the moneys, claims, bonds, notes, other obligations, 62
stocks, and other securities, receipts or other evidences of 63
ownership, and other intangible assets that are required by law 64
to be kept in the custody of the treasurer of state but are not 65
part of the state treasury. All assets of the custodial funds of 66
the treasurer of state shall be kept in ~~either or both~~ any of 67
the following: 68

~~(1)~~ (a) The rooms assigned the treasurer of state, with the 69
vaults, safes, and other appliances therein; 70

~~(2)~~ (b) The federal reserve bank of Cleveland, Ohio ~~or~~, 71
secured and insured depositories in or out of this state, or 72
other qualified custodians as designated by the treasurer of 73
state; 74

(c) Active deposits shall be kept in depositories 75
designated by the state board of deposit pursuant to section 76
135.12 of the Revised Code and secured for repayment pursuant to 77
section 135.18 of the Revised Code; 78

(d) Interim deposits may be invested in the Ohio 79

subdivision's fund established in the custody of the treasurer 80
of state pursuant to section 113.07 of the Revised Code; 81

(e) When the Revised Code allows the administrator or 82
owner of the custodial fund to invest in securities or other 83
assets, those securities and other assets shall be held in 84
safekeeping pursuant to division (C) (1) (b) of this section. 85

(2) Notwithstanding any contrary provision in division (B) 86
or (C) of this section, money held in a depository account of a 87
partnership, trust, limited liability company, corporation, or 88
any other legal entity authorized to transact business in this 89
state that has been established for the investment of funds 90
pursuant to section 145.11, 742.11, 3307.15, 3309.15, 3334.11, 91
4123.44, or 5505.06 of the Revised Code is not public money or 92
an active deposit for the purposes of Chapters 113. and 135. of 93
the Revised Code and shall not be considered to be in the 94
custody of the treasurer of state or subject to the state board 95
of deposit. 96

(D) Assets of the state treasury shall not be commingled 97
with assets of the custodial funds of the treasurer of state. 98

Sec. 113.051. ~~(A) The treasurer of state or the officer~~ 99
~~who performs the duties of the office of treasurer of state is~~ 100
~~the custodian of the funds required by law to be kept in the~~ 101
~~custody of the treasurer of state. The~~ In connection with the 102
custodial funds described in division (C) of section 113.05 of 103
the Revised Code or as otherwise required by law, the custodial 104
duties of the treasurer of state include safekeeping the 105
~~custodial funds~~ active deposits and investment assets of an 106
owner or administrator; collecting principal, dividends, 107
distributions, and interest on ~~custodial funds~~ active deposits 108
and investments of an owner or administrator; and paying for, 109

transferring, and collecting the purchase or sale price of 110
investments. The duties of the treasurer of state do not include 111
making investment decisions of an owner, administrator, or its 112
authorized agents or monitoring compliance with an owner's or 113
administrator's internal investment policies. The treasurer of 114
state is not responsible for the investment decisions of an 115
owner, administrator, or agent, compliance with the owner's or 116
administrator's internal investment policies, or any unlawful 117
activities of an owner, administrator, or its authorized agents. 118

(B) The treasurer of state may enter into a sub-custody or 119
other agency agreement with a trustee who meets the requirements 120
of section ~~135.18~~ 1111.02 of the Revised Code to execute the 121
custodial duties ~~required by law~~ under division (A) of this 122
section. The agreement shall apply to the ~~custodial funds and~~ 123
investment assets of an owner or administrator. The agreement 124
may provide that the trustee has primary responsibility for 125
custody of the ~~funds and investments~~ and any related depository 126
accounts in order to execute an owner's or administrator's 127
instructions. The treasurer of state or the treasurer's 128
authorized agent may enter into additional agreements as 129
necessary to facilitate an owner's or administrator's 130
transactions. 131

Sec. 113.052. (A) The treasurer of state, employees of the 132
treasurer of state, and their bondspersons or sureties, when 133
depositing or investing funds pursuant to this chapter and 134
Chapter 135. of the Revised Code, shall be relieved from any 135
liability for the loss of any public money deposited or invested 136
by them when they have acted pursuant to law. Further, in no 137
event shall liability attach to the treasurer of state or 138
employees of the treasurer of state where the proximate cause of 139
any loss related to the investment in, sale, or liquidation of 140

any investment when such loss is due to a risk arising from an 141
investment prudently made under their investment authority set 142
forth in this chapter and Chapter 135. of the Revised Code. 143

(B) This section applies to the deposit or investment of 144
any public money, including funds in the following categories: 145

(1) Active deposits of the state; 146

(2) Interim deposits of the state; 147

(3) The state treasurer's investment pool described in 148
section 113.07 of the Revised Code; 149

(4) Temporary investment pools of bond proceeds; 150

(5) Funds in the Ohio subdivision's fund described in 151
section 113.07 of the Revised Code; 152

(6) Securities lending as authorized by section 135.47 of 153
the Revised Code; 154

(7) Investments related to any strategic reserve that the 155
treasurer of state or employees of the treasurer of state are 156
authorized to invest pursuant to the Revised Code. 157

Sec. ~~135.45~~ 113.07. (A) Subject to division (B) of this 158
section, a treasurer, governing board, or investing authority of 159
a subdivision or state entity may pay public moneys of the 160
subdivision or state entity into the Ohio subdivision's fund, 161
which may be established in the custody of the treasurer of 162
state. The treasurer of state shall invest the moneys in the 163
fund in separately managed accounts and pooled accounts, 164
including the state treasurer's investment pool, in the same 165
manner, in the same types of instruments, and subject to the 166
same limitations provided for the deposit and investment of 167
interim moneys of the state, except that the fund shall not be 168

invested in the linked deposits authorized under section 135.61 169
of the Revised Code. A treasurer, governing board, or investing 170
authority of a subdivision or state entity shall designate two 171
or more authorized signers associated with each account of the 172
subdivision or state entity that is managed by the treasurer of 173
state in the treasurer of state's investment pool. The 174
authorized person shall deposit redemptions made from a 175
subdivision's or state entity's account only into the 176
subdivision's treasury or state entity's custodial account at 177
the public depository so designated by the subdivision's 178
governing board or the state board of deposit. 179

(B) (1) On and after July 1, 1997, a treasurer, governing 180
board, or investing authority of a subdivision or state entity 181
that has not entered into an agreement with the treasurer of 182
state under division (C) of this section shall not invest public 183
moneys of the subdivision or state entity in a pooled account of 184
the Ohio subdivision's fund under division (B) (6) of section 185
135.14 of the Revised Code or division (A) (6) of section 135.35 186
of the Revised Code if the pool does not maintain the highest 187
letter or numerical rating provided by at least one nationally 188
recognized statistical rating organization. 189

(2) Upon receipt of notice that the pool does not maintain 190
the highest letter or numerical rating required under division 191
(B) (1) of this section, the treasurer of state shall have ninety 192
days to obtain the required highest letter or numerical rating. 193
If the treasurer of state fails to obtain the required highest 194
letter or numerical rating, the treasurer of state shall have an 195
additional one hundred eighty days to develop a plan to dissolve 196
the pool. The plan shall include reasonable standards for the 197
equitable return of public moneys in the pool to those 198
subdivisions and state entities participating in the pool. 199

(3) Treasurers, governing boards, or investing authorities 200
of subdivisions and state entities participating in the pool 201
shall not be required to divest in the pool during the initial 202
one hundred eighty days following the treasurer of state's 203
receipt of notice under division (B)(2) of this section. 204

(C) A treasurer, governing board, or investing authority 205
of a subdivision or state entity that wishes to invest public 206
moneys of the subdivision in a separately managed account or 207
pooled account of the Ohio subdivision's fund may enter into an 208
agreement with the treasurer of state that sets forth the manner 209
in which the money is to be invested. The treasurer of state 210
shall invest the moneys in accordance with the agreement, 211
subject to the limitations set forth in division (A) of this 212
section. For purposes of this division, the limitation on 213
investments in debt interests provided in division (A)(11)(a) of 214
section 135.143 of the Revised Code shall not apply to a 215
subdivision's or state entity's excess reserves. 216

(D) The treasurer of state shall adopt such rules as are 217
necessary for the implementation of this section, including the 218
efficient administration of and accounting for the separately 219
managed accounts and pooled accounts, including the state 220
treasurer's investment pool, and the specification of minimum 221
amounts that may be paid into such pools and minimum periods of 222
time for which such payments shall be retained in the pools. The 223
rules shall provide for the administrative expenses of the 224
separately managed accounts and pooled accounts, including the 225
state treasurer's investment pool, to be paid from the earnings 226
and for the interest earnings in excess of such expenses to be 227
credited to the several treasurers, governing boards, and 228
investing authorities participating in a pool in a manner which 229
equitably reflects the differing amounts of their respective 230

investments in the pool and the differing periods of time for 231
which such amounts are in the pool. 232

(E) The treasurer of state shall give bond with sufficient 233
sureties, payable to the treasurers, governing boards, and 234
investing authorities of subdivisions and state entities 235
participating in the fund, for the benefit of the subdivisions 236
whose moneys are paid into the fund for investment, in the total 237
penal sum of two hundred fifty thousand dollars, conditioned for 238
the faithful discharge of the treasurer of state's duties in 239
relation to the fund. 240

(F) The treasurer of state and the treasurer of state's 241
bonders or surety are liable for the loss of any interim moneys 242
of the state, state entities, and subdivisions invested under 243
this section to the same extent the treasurer of state and the 244
treasurer of state's bonders or surety are liable for the loss 245
of public moneys under section 135.19 of the Revised Code. 246

(G) As used in this section: 247

(1) "Interim moneys" and "governing board" have the same 248
meanings as in section 135.01 of the Revised Code. 249

(2) (a) "Subdivision" has the same meaning as in section 250
135.01 of the Revised Code, but also includes a county, a 251
municipal corporation that has adopted a charter under Article 252
XVIII, Ohio Constitution, or any government entity for which the 253
fund is a permissible investment. 254

(b) "State entity" means the general assembly, the supreme 255
court, the court of claims, the office of an elected state 256
officer, or a department, bureau, board, office, commission, 257
agency, institution of higher education, retirement system, or 258
other institution or instrumentality of this state established 259

by the constitution or laws of this state. 260

(c) "Public moneys of a subdivision" has the same meaning 261
as in section 135.01 of the Revised Code, but also includes 262
"public moneys" as defined in section 135.31 of the Revised 263
Code, and funds held in the custody of the treasurer of state 264
notwithstanding any limitations on the permissible investments 265
of such funds. 266

(3) "Treasurer" has the same meaning as in sections 135.01 267
and 135.31 of the Revised Code. 268

(4) "Investing authority" has the same meaning as in 269
section 135.31 of the Revised Code. 270

(5) "Excess reserves" means the amount of a subdivision's 271
public moneys that exceed the average of a subdivision's annual 272
operating expenses in the immediately preceding three fiscal 273
years. 274

Sec. 113.09. ~~Except as provided in section 113.10 of the~~ 275
~~Revised Code, all~~ All moneys deposited with the treasurer of 276
state, the disposition of which is not otherwise provided for by 277
law, shall be credited to the general revenue fund, which is 278
hereby created in the state treasury. If a warrant for the 279
payment of money from the state treasury has been illegally or 280
improperly issued, or the amount of a warrant exceeds the sum 281
that should have been named therein, and payment of such warrant 282
or excess has been made by the treasurer of state, the director 283
of budget and management shall, unless the account of the 284
appropriation from which it was paid has been closed, credit the 285
amount collected to such appropriation; but, if such account has 286
been closed, the director shall credit the amount so collected 287
to the fund on which the warrant was originally drawn. 288

All investment earnings on moneys deposited in the state 289
treasury shall be credited to the general revenue fund unless: 290

(A) The disposition of the earnings is otherwise provided 291
for by law; 292

(B) The director has provided in the plan approved under 293
section 131.36 of the Revised Code that a different fund is 294
entitled to the earnings. 295

Sec. 113.16. ~~If upon~~ At the conclusion of an audit there 296
~~is found in the state treasury and the custodial funds of the~~ 297
~~treasurer of state the moneys, claims, bonds, notes, other~~ 298
~~obligations, stocks, and other securities, receipts or other~~ 299
~~evidences of ownership, and other intangible assets which should~~ 300
~~be in the state treasury or in the custodial funds of the~~ 301
~~treasurer of state~~ under section 113.14 of the Revised Code, the 302
auditors shall make ~~triplicate written certificates of the fact~~ 303
~~over a report of their findings and the report shall contain~~ 304
their official signatures. One of the ~~certificates~~ reports shall 305
be delivered to the treasurer of state ~~and recorded in his~~ 306
~~office,~~ one to the auditor of state ~~and recorded in his office,~~ 307
and one to the governor ~~and recorded in his office.~~ 308

If upon an audit, under section 113.14 of the Revised 309
Code, a deficiency is found in the moneys, claims, bonds, notes, 310
other obligations, stocks, and other securities, receipts or 311
other evidences of ownership, or other intangible assets which 312
should be in the state treasury or in the custodial funds of the 313
treasurer of state, or any irregularity or omission in the 314
business of the office or in keeping accounts, the auditors 315
shall state particularly the deficiency, irregularity, or 316
omission. 317

Sec. 113.53. (A) A designated beneficiary, or a trustee or guardian of a designated beneficiary who lacks capacity to enter into an agreement, may apply, on forms prescribed by the treasurer of state, to open a program account. A beneficiary may have only one ABLE account. The treasurer of state may impose a nonrefundable application fee. The application shall require the applicant to provide the following information:

(1) The name, address, social security number, and birth date of the designated beneficiary;

(2) The name, address, and social security number of the designated beneficiary's trustee or guardian, if applicable;

(3) Certification by the applicant that the applicant understands the maximum account value and the consequences under division (C) of this section for excess contributions and understands how program account values exceeding the amount designated under section 103 of the "Stephen Beck, Jr., ABLE Act of 2014," 26 U.S.C. 529A note, may affect the applicant's resources for determining the applicant's eligibility for the supplemental security income program;

(4) Any additional information required by the treasurer of state.

(B) (1) To qualify for a program account, a designated beneficiary must be an eligible individual at the time the program account is opened. Before opening a program account, the treasurer of state or program manager shall enter into an agreement with the account owner that discloses the requirements and restrictions on contributions and withdrawals from the program account.

(2) Any person may make contributions to a program account

after the account is opened, subject to the limitations imposed 347
by section 529A of the Internal Revenue Code and any rules 348
adopted by the secretary. 349

(C) Contributions to a program account shall be made in 350
cash. The treasurer of state or program manager shall reject or 351
promptly withdraw a contribution to a program account if that 352
contribution would exceed the annual limits prescribed in 353
subsection (b) (2) (B) of section 529A of the Internal Revenue 354
Code. The treasurer or program manager shall reject or promptly 355
withdraw a contribution if the value of the program account 356
equals or exceeds the maximum account value or the designated 357
beneficiary is not an eligible individual in the current 358
calendar year. 359

(D) (1) To the extent authorized by federal law, and in 360
accordance with rules adopted by the treasurer of state, an 361
account owner may change the designated beneficiary of a program 362
account to another individual. 363

(2) No account owner may use an interest in an ABLE 364
account as security for a loan. Any pledge of an interest in an 365
account shall be void and of no force and effect. 366

(E) (1) A distribution from a program account to any 367
individual or for the benefit of any individual during a 368
calendar year shall be reported to the internal revenue service 369
and the designated beneficiary or the distributee to the extent 370
required under state or federal law. 371

(2) Statements shall be provided to each account owner of 372
a program account at least four times each year within thirty 373
days after the end of the quarterly period to which a statement 374
relates. The statement shall identify the contributions made 375

during the preceding quarter, the total contributions made to 376
the account through the last day of that quarter, the value of 377
the account on the last day of that quarter, distributions made 378
during that quarter, and any other information that the 379
treasurer of state requires to be reported to the account owner. 380

(3) Statements and information relating to program 381
accounts shall be prepared and filed to the extent required 382
under sections 113.50 to 113.56 of the Revised Code and any 383
other state or federal law. 384

(F) The program shall provide separate accounting for each 385
designated beneficiary. An annual fee may be imposed upon the 386
account owner for the maintenance of a program account. 387

(G) (1) Money in an ABLE account shall be exempt from 388
attachment, execution, or garnishment as provided in section 389
2329.66 of the Revised Code. 390

(2) Unless required by federal law, money in an ABLE 391
account is not subject to claims made under the medicaid estate 392
recovery program instituted pursuant to section 5162.21 of the 393
Revised Code. 394

(H) (1) Notwithstanding any other provision of state law, 395
all of the following shall be disregarded for the purposes of 396
determining an individual's eligibility for a means-tested 397
public assistance program funded only with state, local, or 398
state and local funds and the amount of assistance or benefits 399
the individual is eligible to receive under the program: 400

(a) Any amount in an ABLE account, including earnings on 401
the account; 402

(b) Any contributions to an ABLE account; 403

(c) Any distribution from an ABLE account for qualified disability expenses. 404
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(2) Division (H)(1) of this section applies only to an individual who is either of the following: 406
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(a) The designated beneficiary of the ABLE account; 408

(b) An individual whose eligibility for the means-tested program is conditioned on the ABLE account's designated beneficiary disclosing the designated beneficiary's income, resources, or both to the entity administering the means-tested public assistance program. 409
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(3) Notwithstanding any provision of the Revised Code to the contrary, all information related to an ABLE account obtained by the treasurer of state under this section is not a public record under section 149.43 of the Revised Code. 414
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Sec. 117.44. To enhance local officials' background and working knowledge of government accounting, budgeting and financing, financial report preparation, and the rules adopted by the auditor of state, the auditor of state shall hold training programs for persons elected for the first time as township fiscal officers, city auditors, and village clerks, between the first day of December and the first day of April immediately following a general election for any of these offices. Similar training may also be provided to any township fiscal officer, city auditor, or village clerk who is appointed to fill a vacancy or who is elected in a special election. 418
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The auditor of state also shall develop and provide an annual training program of continuing education for village clerks. 429
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The auditor of state shall determine the manner, content, 432

and length of the training programs after consultation with 433
appropriate statewide organizations of local governmental 434
officials. The auditor of state shall charge the political 435
subdivisions that the trainees represent a registration fee that 436
will meet actual and necessary expenses of the training, 437
including instructor fees, site acquisition costs, and the cost 438
of course materials. The necessary personal expenses incurred by 439
the officials as a result of attending the training program 440
shall be borne by the political subdivisions they represent. 441

The auditor of state shall allow any other interested 442
person to attend any of the training programs that the auditor 443
of state holds pursuant to this section; provided, that before 444
attending any such training program, the interested person shall 445
pay to the auditor of state the full registration fee that the 446
auditor of state has set for the training program. 447

The auditor of state may provide any other appropriate 448
training or educational programs that may be developed and 449
offered by the auditor of state or in collaboration with one or 450
more other state agencies, political subdivisions, or other 451
public or private entities. 452

There is hereby established in the state treasury the 453
auditor of state training program fund, to be used by the 454
auditor of state for the actual and necessary expenses of any 455
training programs held pursuant to this section ~~or section~~ 456
~~321.46 of the Revised Code~~. All registration fees collected 457
under this section shall be paid into the fund. 458

Sec. 118.05. (A) Pursuant to the powers of the general 459
assembly and for the purposes of this chapter, upon the 460
occurrence of a fiscal emergency in any municipal corporation, 461
county, or township, as determined pursuant to section 118.04 of 462

the Revised Code, there is established, with respect to that 463
municipal corporation, county, or township, a body both 464
corporate and politic constituting an agency and instrumentality 465
of the state and performing essential governmental functions of 466
the state to be known as the "financial planning and supervision 467
commission for _____ (name of municipal corporation, 468
county, or township)," which, in that name, may exercise all 469
authority vested in such a commission by this chapter. Except as 470
otherwise provided in division (L) of this section, a separate 471
commission is established with respect to each municipal 472
corporation, county, or township as to which there is a fiscal 473
emergency as determined under this chapter. 474

(B) A commission shall consist of the following voting 475
members: 476

(1) Four ex officio members: the treasurer of state; the 477
director of budget and management; in the case of a municipal 478
corporation, the mayor of the municipal corporation and the 479
presiding officer of the legislative authority of the municipal 480
corporation; in the case of a county, a member of the board of 481
county commissioners and the county auditor; in the case of a 482
county that has adopted a charter under Article X, Ohio 483
Constitution, and under that charter has both a county executive 484
and a county fiscal officer, the county executive and the county 485
fiscal officer; and in the case of a township, a member of the 486
board of township trustees and the county auditor. 487

The treasurer of state may designate ~~a deputy treasurer or~~ 488
~~director~~ an individual within the office of the treasurer of 489
state or any other appropriate person who is not an employee of 490
the treasurer of state's office; the director of budget and 491
management may designate an individual within the office of 492

budget and management or any other appropriate person who is not 493
an employee of the office of budget and management; the 494
presiding officer of the legislative authority of the municipal 495
corporation may designate any other member of the legislative 496
authority; the board of county commissioners may designate any 497
other member of the board or the fiscal officer of the county; 498
the fiscal officer of a county that has adopted a charter under 499
Article X, Ohio Constitution, may designate an individual within 500
the county fiscal office; the county auditor may designate an 501
individual within the county auditor's office; and the board of 502
township trustees may designate any other member of the board or 503
the fiscal officer of the township to attend the meetings of the 504
commission when the ex officio member is absent or unable for 505
any reason to attend. A designee, when present, shall be counted 506
in determining whether a quorum is present at any meeting of the 507
commission and may vote and participate in all proceedings and 508
actions of the commission. The designations shall be in writing, 509
executed by the ex officio member or entity making the 510
designation, and filed with the secretary of the commission. The 511
designations may be changed from time to time in like manner, 512
but due regard shall be given to the need for continuity. 513

(2) If a municipal corporation, county, or township has a 514
population of at least one thousand, three additional members 515
appointed not later than fifteen days after the auditor of state 516
determines that a fiscal emergency exists as follows: 517

For a municipal corporation, the governor shall appoint 518
one member; the mayor shall appoint one member confirmed by the 519
legislative authority of the municipal corporation; and the 520
county auditor of the county in which the largest portion of the 521
territory of the municipal corporation is located shall appoint 522
one member. The county auditor may appoint the county auditor to 523

the commission. 524

For a county, the governor shall appoint one member and 525
the board of county commissioners shall appoint two members. In 526
the case of a county that has adopted a charter under Article X, 527
Ohio Constitution, and under that charter has both a county 528
executive and a county council, the governor shall appoint one 529
member, the county executive shall appoint one member, and the 530
county council shall appoint one member. A member of the board 531
of county commissioners, a county executive, or a member of the 532
county council is ineligible for appointment to the commission 533
under this paragraph. 534

For a township, the governor shall appoint one member and 535
the board of township trustees shall appoint two members. A 536
member of the board of township trustees is ineligible for 537
appointment to the commission under this paragraph. 538

Each of the three appointed members shall serve during the 539
life of the commission, subject to removal by the appointing 540
authority for misfeasance, nonfeasance, or malfeasance in 541
office. In the event of the death, resignation, incapacity, 542
removal, or ineligibility to serve of an appointed member, the 543
appointing authority that appointed the member shall appoint a 544
successor, except as otherwise provided in division (M) of this 545
section. 546

Each appointed member shall be an individual: 547

Who has knowledge and experience in financial matters, 548
financial management, or business organization or operations; 549

Whose residency, office, or principal place of 550
professional or business activity is situated within the 551
municipal corporation, county, or township, except that a county 552

auditor who serves on the commission of a municipal corporation 553
is not required to reside or have an office or principal place 554
of professional or business activity in the municipal 555
corporation; 556

Who shall not become a candidate for elected public office 557
while serving as a member of the commission, except a county 558
auditor who serves on the commission of a municipal corporation 559
may be a candidate for reelection to the county auditor's 560
office. 561

(C) Immediately after appointment of the initial appointed 562
members of the commission, the governor shall call the first 563
meeting of the commission and shall cause written notice of the 564
time, date, and place of the first meeting to be given to each 565
member of the commission at least forty-eight hours in advance 566
of the meeting. 567

(D) The director of budget and management shall serve as 568
chairperson of the commission. The commission shall elect one of 569
its members to serve as vice-chairperson and may appoint a 570
secretary and any other officers, who need not be members of the 571
commission, it considers necessary. The chairperson may remove 572
an appointed member if that member fails to attend three 573
meetings. In that event, the appointing authority shall fill the 574
vacancy in the same manner as the original appointment, except 575
as otherwise provided in division (M) of this section. 576

(E) The commission may adopt and alter bylaws and rules, 577
which shall not be subject to section 111.15 or Chapter 119. of 578
the Revised Code, for the conduct of its affairs and for the 579
manner, subject to this chapter, in which its powers and 580
functions shall be exercised and embodied. 581

(F) Four members of a commission established pursuant to 582
divisions (B) (1) and (2) of this section constitute a quorum of 583
the commission. The affirmative vote of a majority of the 584
members of the commission is necessary for any action taken by 585
vote of the commission. No vacancy in the membership of the 586
commission shall impair the rights of a quorum by such vote to 587
exercise all the rights and perform all the duties of the 588
commission. Members of the commission, and their designees, are 589
not disqualified from voting by reason of the functions of the 590
other office they hold and are not disqualified from exercising 591
the functions of the other office with respect to the municipal 592
corporation, county, or township, its officers, or the 593
commission. 594

(G) The auditor of state shall serve as the "financial 595
supervisor" to the commission unless the auditor of state elects 596
to contract for that service. As used in this chapter, 597
"financial supervisor" means the auditor of state. 598

(H) At the request of the commission, the auditor of state 599
shall designate employees of the auditor of state's office to 600
assist the commission and the financial supervisor and to 601
coordinate the work of the auditor of state's office and the 602
financial supervisor. Upon the determination of a fiscal 603
emergency in any municipal corporation, county, or township, the 604
municipal corporation, county, or township shall provide the 605
commission with such reasonable office space in the principal 606
building housing city, county, or township government, where 607
feasible, as it determines is necessary to carry out its duties 608
under this chapter. 609

(I) The financial supervisor, the members of the 610
commission, the auditor of state, and any person authorized to 611

act on behalf of or assist them shall not be personally liable 612
or subject to any suit, judgment, or claim for damages resulting 613
from the exercise of or failure to exercise the powers, duties, 614
and functions granted to them in regard to their functioning 615
under this chapter, but the commission, the financial 616
supervisor, the auditor of state, and those other persons shall 617
be subject to mandamus proceedings to compel performance of 618
their duties under this chapter and with respect to any debt 619
obligations issued pursuant or subject to this chapter. 620

(J) At the request of the commission, the administrative 621
head of any state agency shall temporarily assign personnel 622
skilled in accounting and budgeting procedures to assist the 623
commission or the financial supervisor in its duties as 624
financial supervisor. 625

(K) The appointed members of the commission who are 626
members of the board of township trustees or are not elected 627
officials are not subject to section 102.02 of the Revised Code. 628
Each appointed member of the commission shall file with the 629
commission a signed written statement setting forth the general 630
nature of sales of goods, property, or services or of loans to 631
the municipal corporation, county, or township with respect to 632
which that commission is established, in which the appointed 633
member has a pecuniary interest or in which any member of the 634
appointed member's immediate family, as defined in section 635
102.01 of the Revised Code, or any corporation, partnership, or 636
enterprise of which the appointed member is an officer, 637
director, or partner, or of which the appointed member or a 638
member of the appointed member's immediate family, as so 639
defined, owns more than a five per cent interest, has a 640
pecuniary interest, and of which sale, loan, or interest such 641
member has knowledge. The statement shall be supplemented from 642

time to time to reflect changes in the general nature of any 643
such sales or loans. 644

(L) A commission is not established with respect to any 645
village or township with a population of less than one thousand 646
as of the most recent federal decennial census. Upon the 647
occurrence of a fiscal emergency in such a village or township, 648
the auditor of state shall serve as the financial supervisor of 649
the village or township and shall have all the powers and 650
responsibilities of a commission, including the powers and 651
responsibilities described in section 118.07 of the Revised 652
Code. 653

(M) (1) Notwithstanding any contrary provision of division 654
(B) (2) or (D) of this section, if one or more appointed seats on 655
a commission that was established before October 17, 2017, are 656
or become vacant, division (M) of this section applies 657
concerning the commission. 658

(2) In the case of a commission established with respect 659
to a municipal corporation: 660

(a) If one such vacancy exists on the commission, the 661
county auditor of the county in which the largest portion of the 662
territory of the municipal corporation is located shall appoint 663
a member to fill the vacancy. The county auditor may appoint the 664
county auditor to the commission. Of the two remaining appointed 665
members of the commission, the mayor shall determine, not later 666
than the fifteenth day after ~~the effective date of this~~ 667
~~amendment~~ November 2, 2018, or the fifteenth day after the 668
vacancy occurs, whichever is later, which of those members shall 669
be considered the member appointed by the mayor for purposes of 670
divisions (B) (2) and (D) of this section, and the other 671
appointed member shall be considered the member appointed by the 672

governor for purposes of divisions (B) (2) and (D) of this 673
section. 674

(b) If two such vacancies exist on the commission, the 675
county auditor of the county in which the largest portion of the 676
territory of the municipal corporation is located shall appoint 677
a member to fill one vacancy, and the mayor shall appoint a 678
member confirmed by the legislative authority of the municipal 679
corporation to fill the other vacancy. The county auditor may 680
appoint the county auditor to the commission. The remaining 681
appointed member of the commission shall be considered the 682
member appointed by the governor for purposes of divisions (B) 683
(2) and (D) of this section. 684

(c) If three such vacancies exist on the commission, the 685
members shall be appointed in accordance with division (B) (2) of 686
this section. 687

(3) In the case of a commission established with respect 688
to a township: 689

(a) If one such vacancy exists on the commission, the 690
board of township trustees shall appoint a member to fill the 691
vacancy, who shall not be a member of the board of township 692
trustees. Of the two remaining appointed members of the 693
commission, the board of township trustees shall determine, not 694
later than the fifteenth day after ~~the effective date of this~~ 695
~~amendment~~ November 2, 2018, or the fifteenth day after the 696
vacancy occurs, whichever is later, which of those members shall 697
be considered the member appointed by the board of township 698
trustees for purposes of divisions (B) (2) and (D) of this 699
section, and the other appointed member shall be considered the 700
member appointed by the governor for purposes of divisions (B) 701
(2) and (D) of this section. 702

(b) If two such vacancies exist on the commission, the 703
board of township trustees shall appoint two members to fill the 704
vacancies, who shall not be members of the board of township 705
trustees. The remaining appointed member of the commission shall 706
be considered the member appointed by the governor for purposes 707
of divisions (B) (2) and (D) of this section. 708

(c) If three such vacancies exist on the commission, the 709
members shall be appointed in accordance with division (B) (2) of 710
this section. 711

(4) After one or more vacancies in appointed seats on a 712
commission have been filled under division (M) of this section, 713
any subsequent vacancy or vacancies shall be filled under 714
division (B) (2) or (D) of this section, as applicable. 715

Sec. 120.52. There is hereby established in the state 716
treasury the legal aid fund, which shall be for the charitable 717
public purpose of providing financial assistance to legal aid 718
societies that provide civil legal services to indigents. The 719
fund shall contain all funds credited to it ~~by the treasurer of~~ 720
~~state~~ pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 721
4705.09, and 4705.10 of the Revised Code. 722

The treasurer of state may invest moneys contained in the 723
legal aid fund in any manner authorized by the Revised Code for 724
the investment of state moneys. However, no such investment 725
shall interfere with any apportionment, allocation, or payment 726
of moneys as required by section 120.53 of the Revised Code. 727

The state public defender, through the Ohio access to 728
justice foundation, shall administer the payment of moneys out 729
of the fund. Four and one-half per cent of the moneys in the 730
fund shall be reserved for the actual, reasonable costs of 731

administering sections 120.51 to 120.55 and sections 1901.26, 732
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 733
Code. Moneys that are reserved for administrative costs but that 734
are not used for actual, reasonable administrative costs shall 735
be set aside for use in the manner described in division (A) of 736
section 120.521 of the Revised Code. The remainder of the moneys 737
in the legal aid fund shall be distributed in accordance with 738
section 120.53 of the Revised Code. The Ohio access to justice 739
foundation shall establish, in accordance with Chapter 119. of 740
the Revised Code, rules governing the administration of the 741
legal aid fund, including the programs established under 742
sections 1901.26, 1907.24, 2303.201, 4705.09, and 4705.10 of the 743
Revised Code regarding interest on interest-bearing trust 744
accounts of an attorney, law firm, or legal professional 745
association. 746

Sec. 135.01. Except as otherwise provided in sections 747
135.14, 135.143, 135.181, and 135.182 of the Revised Code, as 748
used in sections 135.01 to 135.21 of the Revised Code: 749

(A) "Active deposit" means a public deposit necessary to 750
meet current demands on the treasury, or a fund that is in the 751
custody of the treasurer of state but not part of the state 752
treasury, and that is deposited in any of the following: 753

(1) A commercial account that is payable or withdrawable, 754
in whole or in part, on demand; 755

(2) A negotiable order of withdrawal account as authorized 756
in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 757
146, 12 U.S.C.A. 1832(a); 758

(3) A money market deposit account as authorized in the 759
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 760

1501, 12 U.S.C. 3503. 761

(B) "Auditor" includes the auditor of state and the 762
auditor, or officer exercising the functions of an auditor, of 763
any subdivision. 764

(C) "Capital funds" means the sum of the following: the 765
par value of the outstanding common capital stock, the par value 766
of the outstanding preferred capital stock, the aggregate par 767
value of all outstanding capital notes and debentures, and the 768
surplus. In the case of an institution having offices in more 769
than one county, the capital funds of such institution, for the 770
purposes of sections 135.01 to 135.21 of the Revised Code, 771
relative to the deposit of the public moneys of the subdivisions 772
in one such county, shall be considered to be that proportion of 773
the capital funds of the institution that is represented by the 774
ratio that the deposit liabilities of such institution 775
originating at the office located in the county bears to the 776
total deposit liabilities of the institution. 777

(D) "Governing board" means, in the case of the state, the 778
state board of deposit; in the case of all school districts and 779
educational service centers except as otherwise provided in this 780
section, the board of education or governing board of a service 781
center, and when the case so requires, the board of 782
commissioners of the sinking fund; in the case of a municipal 783
corporation, the legislative authority, and when the case so 784
requires, the board of trustees of the sinking fund; in the case 785
of a township, the board of township trustees; in the case of a 786
union or joint institution or enterprise of two or more 787
subdivisions not having a treasurer, the board of directors or 788
trustees thereof; and in the case of any other subdivision 789
electing or appointing a treasurer, the directors, trustees, or 790

other similar officers of such subdivision. The governing board 791
of a subdivision electing or appointing a treasurer shall be the 792
governing board of all other subdivisions for which such 793
treasurer is authorized by law to act. In the case of a county 794
school financing district that levies a tax pursuant to section 795
5705.215 of the Revised Code, the county board of education that 796
serves as its taxing authority shall operate as a governing 797
board. Any other county board of education shall operate as a 798
governing board unless it adopts a resolution designating the 799
board of county commissioners as the governing board for the 800
county school district. 801

(E) "Inactive deposit" means a public deposit other than 802
an interim deposit or an active deposit. 803

(F) "Interim deposit" means a deposit of interim moneys. 804
"Interim moneys" means public moneys in the treasury of any 805
subdivision after the award of inactive deposits has been made 806
in accordance with section 135.07 of the Revised Code, which 807
moneys are in excess of the aggregate amount of the inactive 808
deposits as estimated by the governing board prior to the period 809
of designation and which the governing board finds should not be 810
deposited as active or inactive deposits for the reason that 811
such moneys will not be needed for immediate use but will be 812
needed before the end of the period of designation. In the case 813
of the state treasury, "interim moneys" means public moneys that 814
are not active deposits and may be invested in accordance with 815
section 135.143 of the Revised Code. 816

(G) "Permissible rate of interest" means a rate of 817
interest that all eligible institutions mentioned in section 818
135.03 of the Revised Code are permitted to pay by law or valid 819
regulations. 820

(H) "Warrant clearance account" means an account 821
established by the treasurer of state for either of the 822
following purposes: 823

(1) The deposit of active state moneys for the purposes of 824
clearing state paper warrants or checks through the banking 825
system, funding electronic benefit transfer cards, issuing 826
stored value cards, or otherwise facilitating the settlement of 827
state obligations; 828

(2) The deposit of custodial moneys from an account held 829
in the custody of the treasurer of state to facilitate 830
settlement of obligations of the custodial fund. 831

(I) "Public deposit" means public moneys deposited in a 832
public depository pursuant to sections 135.01 to 135.21 of the 833
Revised Code. 834

(J) "Public depository" means an institution which 835
receives or holds any public deposits. 836

(K) "Public moneys" means all moneys in the treasury of 837
the state or any subdivision of the state, or moneys coming 838
lawfully into the possession or custody of the treasurer of 839
state or of the treasurer of any subdivision. "Public moneys of 840
the state" includes all such moneys coming lawfully into the 841
possession of the treasurer of state; and "public moneys of a 842
subdivision" includes all such moneys coming lawfully into the 843
possession of the treasurer of the subdivision. 844

(L) "Subdivision" means any municipal corporation, except 845
one which has adopted a charter under Article XVIII, Ohio 846
Constitution, and the charter or ordinances of the chartered 847
municipal corporation set forth special provisions respecting 848
the deposit or investment of its public moneys, or any school 849

district or educational service center, a county school 850
financing district, township, municipal or school district 851
sinking fund, special taxing or assessment district, or other 852
district or local authority electing or appointing a treasurer, 853
except a county. In the case of a school district or educational 854
service center, special taxing or assessment district, or other 855
local authority for which a treasurer, elected or appointed 856
primarily as the treasurer of a subdivision, is authorized or 857
required by law to act as ex officio treasurer, the subdivision 858
for which such a treasurer has been primarily elected or 859
appointed shall be considered to be the "subdivision." The term 860
also includes a union or joint institution or enterprise of two 861
or more subdivisions, that is not authorized to elect or appoint 862
a treasurer, and for which no ex officio treasurer is provided 863
by law. 864

(M) "Treasurer" means, in the case of the state, the 865
treasurer of state and in the case of any subdivision, the 866
treasurer, or officer exercising the functions of a treasurer, 867
of such subdivision. In the case of a board of trustees of the 868
sinking fund of a municipal corporation, the board of 869
commissioners of the sinking fund of a school district, or a 870
board of directors or trustees of any union or joint institution 871
or enterprise of two or more subdivisions not having a 872
treasurer, such term means such board of trustees of the sinking 873
fund, board of commissioners of the sinking fund, or board of 874
directors or trustees. 875

(N) "Treasury investment board" of a municipal corporation 876
means the mayor or other chief executive officer, the village 877
solicitor or city director of law, and the auditor or other 878
chief fiscal officer. 879

(O) "No-load money market mutual fund" means a no-load 880
money market mutual fund to which all of the following apply: 881

(1) The fund is registered as an investment company under 882
the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 883
80a-1 to 80a-64; 884

(2) The fund has the highest letter or numerical rating 885
provided by at least one nationally recognized statistical 886
rating organization; 887

(3) The fund does not include any investment in a 888
derivative. As used in division (O)(3) of this section, 889
"derivative" means a financial instrument or contract or 890
obligation whose value or return is based upon or linked to 891
another asset or index, or both, separate from the financial 892
instrument, contract, or obligation itself. Any security, 893
obligation, trust account, or other instrument that is created 894
from an issue of the United States treasury or is created from 895
an obligation of a federal agency or instrumentality or is 896
created from both is considered a derivative instrument. An 897
eligible investment described in section 135.14 or 135.35 of the 898
Revised Code with a variable interest rate payment, based upon a 899
single interest payment or single index comprised of other 900
investments provided for in division (B)(1) or (2) of section 901
135.14 of the Revised Code, is not a derivative, provided that 902
such variable rate investment has a maximum maturity of two 903
years. 904

(P) "Public depositor" means the state or a subdivision, 905
as applicable, that deposits public moneys in a public 906
depository pursuant to sections 135.01 to 135.21 of the Revised 907
Code. 908

(Q) "Uninsured public deposit" means the portion of a 909
public deposit that is not insured by the federal deposit 910
insurance corporation or by any other agency or instrumentality 911
of the federal government. 912

Sec. 135.032. (A) For the purposes of this section: 913

(1) "Institution" means an institution eligible to become 914
a public depository under section 135.03 or 135.32 of the 915
Revised Code or an eligible credit union, as defined in section 916
135.62 of the Revised Code. 917

(2) "Prompt corrective action directive" means a directive 918
issued by a regulatory authority of the United States as 919
authorized under 12 U.S.C. 1790d or 1831o or, in the case of a 920
nonfederally insured institution chartered in this state, a 921
directive issued by the superintendent of the division of 922
financial institutions. 923

(B) An institution designated as a public depository under 924
this chapter shall ~~notify~~ provide written notification within 925
five business days, as defined in section 3901.81 of the Revised 926
Code, to each governing board that made such designation if the 927
institution becomes party to an active prompt corrective action 928
directive. 929

(C) Except as otherwise provided in division (D) of this 930
section, an institution is ineligible to become a public 931
depository under this chapter or to have active, interim, or 932
inactive deposits awarded, placed, purchased, made, or 933
designated pursuant to this chapter, if the institution is party 934
to an active prompt corrective action directive. 935

(D) If a governing board receives notice under division 936
(B) of this section, or otherwise becomes aware that an 937

institution the board designated as a public depository is party 938
to an active prompt corrective action directive, the board may 939
do either or both of the following, if the board determines that 940
it is in the public interest: 941

(1) Allow the public depository to continue to have 942
active, interim, or inactive deposits awarded, placed, 943
purchased, made, or designated for the remainder of the 944
designation period; 945

(2) Designate the institution as a public depository for 946
additional succeeding designation periods. 947

(E) If a governing board determines that one or both of 948
the actions permitted by division (D) of this section are in the 949
public interest, and public moneys are lost due to the failure 950
of the public depository subject to the active prompt correction 951
directive, all of the following are relieved from any liability 952
for that loss: 953

(1) The governing board's treasurer and deputy treasurer; 954

(2) An executive director, director, or other person 955
employed by the governing board, its treasurer, or its deputy 956
treasurer; 957

(3) Bondspersons and surety of any person described in 958
divisions (E) (1) and (2) of this section. 959

Sec. 135.14. (A) As used in this section: 960

(1) "Treasurer" does not include the treasurer of state, 961
and "governing board" does not include the state board of 962
deposit. 963

(2) "Other obligations" includes notes whether or not 964
issued in anticipation of the issuance of bonds. 965

(B) The treasurer or governing board may invest or deposit 966
any part or all of the interim moneys. The following 967
classifications of obligations shall be eligible for such 968
investment or deposit: 969

(1) United States treasury bills, notes, bonds, or any 970
other obligation or security issued by the United States 971
treasury or any other obligation guaranteed as to principal and 972
interest by the United States. 973

Nothing in the classification of eligible obligations set 974
forth in division (B)(1) of this section or in the 975
classifications of eligible obligations set forth in divisions 976
(B)(2) to (7) of this section shall be construed to authorize 977
any investment in stripped principal or interest obligations of 978
such eligible obligations. 979

(2) Bonds, notes, debentures, or any other obligations or 980
securities issued by any federal government agency or 981
instrumentality, including but not limited to, the federal 982
national mortgage association, federal home loan bank, federal 983
farm credit bank, federal home loan mortgage corporation, and 984
government national mortgage association. All federal agency 985
securities shall be direct issuances of federal government 986
agencies or instrumentalities. 987

(3) Interim deposits in the eligible institutions applying 988
for interim moneys as provided in section 135.08 of the Revised 989
Code. The award of interim deposits shall be made in accordance 990
with section 135.09 of the Revised Code and the treasurer or the 991
governing board shall determine the periods for which such 992
interim deposits are to be made and shall award such interim 993
deposits for such periods, provided that any eligible 994
institution receiving an interim deposit award may, upon 995

notification that the award has been made, decline to accept the 996
interim deposit in which event the award shall be made as though 997
the institution had not applied for such interim deposit. 998

(4) Bonds and other obligations of this state, or the 999
political subdivisions of this state, provided that, with 1000
respect to bonds or other obligations of political subdivisions, 1001
all of the following apply: 1002

(a) The bonds or other obligations are payable from 1003
general revenues of the political subdivision and backed by the 1004
full faith and credit of the political subdivision. 1005

(b) The bonds or other obligations are rated at the time 1006
of purchase in the three highest classifications established by 1007
at least one nationally recognized statistical rating 1008
organization and purchased through a registered securities 1009
broker or dealer. 1010

(c) The aggregate value of the bonds or other obligations 1011
does not exceed twenty per cent of interim moneys available for 1012
investment at the time of purchase. 1013

(d) The treasurer or governing board is not the sole 1014
purchaser of the bonds or other obligations at original 1015
issuance. 1016

(e) The bonds or other obligations mature within ten years 1017
from the date of settlement. 1018

No investment shall be made under division (B) (4) of this 1019
section unless the treasurer or governing board has completed 1020
additional training for making the investments authorized by 1021
division (B) (4) of this section. The type and amount of 1022
additional training shall be approved by the treasurer of state 1023
and may be conducted by or provided under the supervision of the 1024

treasurer of state. 1025

(5) No-load money market mutual funds consisting 1026
exclusively of obligations described in division (B) (1) or (2) 1027
of this section and repurchase agreements secured by such 1028
obligations, provided that investments in securities described 1029
in this division are made only through eligible institutions 1030
mentioned in section 135.03 of the Revised Code; 1031

(6) The Ohio subdivision's fund as provided in section 1032
~~135.45~~ 113.07 of the Revised Code; 1033

(7) Up to forty per cent of interim moneys available for 1034
investment in either of the following: 1035

(a) Commercial paper notes issued by an entity that is 1036
defined in division (K) of section 1706.01 of the Revised Code 1037
and that has assets exceeding five hundred million dollars, to 1038
which notes all of the following apply: 1039

(i) The notes are rated at the time of purchase in the 1040
highest classification established by at least two nationally 1041
recognized statistical rating organizations. 1042

(ii) The aggregate value of the notes does not exceed ten 1043
per cent of the aggregate value of the outstanding commercial 1044
paper of the issuing corporation. 1045

(iii) The notes mature not later than two hundred seventy 1046
days after purchase. 1047

(iv) The investment in commercial paper notes of a single 1048
issuer shall not exceed in the aggregate five per cent of 1049
interim moneys available for investment at the time of purchase. 1050

(b) Bankers acceptances of banks that are insured by the 1051
federal deposit insurance corporation and that mature not later 1052

than one hundred eighty days after purchase. 1053

No investment shall be made pursuant to division (B) (7) of 1054
this section unless the treasurer or governing board has 1055
completed additional training for making the investments 1056
authorized by division (B) (7) of this section. The type and 1057
amount of additional training shall be approved by the treasurer 1058
of state and may be conducted by or provided under the 1059
supervision of the treasurer of state. 1060

(C) Nothing in the classifications of eligible obligations 1061
set forth in divisions (B) (1) to (7) of this section shall be 1062
construed to authorize any investment in a derivative, and no 1063
treasurer or governing board shall invest in a derivative. For 1064
purposes of this division, "derivative" means a financial 1065
instrument or contract or obligation whose value or return is 1066
based upon or linked to another asset or index, or both, 1067
separate from the financial instrument, contract, or obligation 1068
itself. Any security, obligation, trust account, or other 1069
instrument that is created from an issue of the United States 1070
treasury or is created from an obligation of a federal agency or 1071
instrumentality or is created from both is considered a 1072
derivative instrument. An eligible investment described in this 1073
section with a variable interest rate payment, based upon a 1074
single interest payment or single index comprised of other 1075
eligible investments provided for in division (B) (1) or (2) of 1076
this section, is not a derivative, provided that such variable 1077
rate investment has a maximum maturity of two years. 1078

(D) Except as provided in division (B) (4) or (E) of this 1079
section, any investment made pursuant to this section must 1080
mature within five years from the date of settlement, unless the 1081
investment is matched to a specific obligation or debt of the 1082

subdivision. 1083

(E) The treasurer or governing board may also enter into a 1084
written repurchase agreement with any eligible institution 1085
mentioned in section 135.03 of the Revised Code or any eligible 1086
dealer pursuant to division (M) of this section, under the terms 1087
of which agreement the treasurer or governing board purchases, 1088
and such institution or dealer agrees unconditionally to 1089
repurchase any of the securities listed in divisions (D) (1) to 1090
(5), except letters of credit described in division (D) (2), of 1091
section 135.18 of the Revised Code. The market value of 1092
securities subject to an overnight written repurchase agreement 1093
must exceed the principal value of the overnight written 1094
repurchase agreement by at least two per cent. A written 1095
repurchase agreement shall not exceed thirty days and the market 1096
value of securities subject to a written repurchase agreement 1097
must exceed the principal value of the written repurchase 1098
agreement by at least two per cent and be marked to market 1099
daily. All securities purchased pursuant to this division shall 1100
be delivered into the custody of the treasurer or governing 1101
board or an agent designated by the treasurer or governing 1102
board. A written repurchase agreement with an eligible 1103
securities dealer shall be transacted on a delivery versus 1104
payment basis. The agreement shall contain the requirement that 1105
for each transaction pursuant to the agreement the participating 1106
institution or dealer shall provide all of the following 1107
information: 1108

(1) The par value of the securities; 1109

(2) The type, rate, and maturity date of the securities; 1110

(3) A numerical identifier generally accepted in the 1111
securities industry that designates the securities. 1112

No treasurer or governing board shall enter into a written 1113
repurchase agreement under the terms of which the treasurer or 1114
governing board agrees to sell securities owned by the 1115
subdivision to a purchaser and agrees with that purchaser to 1116
unconditionally repurchase those securities. 1117

(F) No treasurer or governing board shall make an 1118
investment under this section, unless the treasurer or governing 1119
board, at the time of making the investment, reasonably expects 1120
that the investment can be held until its maturity. 1121

(G) No treasurer or governing board shall pay interim 1122
moneys into a fund established by another subdivision, 1123
treasurer, governing board, or investing authority, if that fund 1124
was established for the purpose of investing the public moneys 1125
of other subdivisions. This division does not apply to the 1126
payment of public moneys into either of the following: 1127

(1) The Ohio subdivision's fund pursuant to division (B) 1128
(6) of this section; 1129

(2) A fund created solely for the purpose of acquiring, 1130
constructing, owning, leasing, or operating municipal utilities 1131
pursuant to the authority provided under section 715.02 of the 1132
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 1133

For purposes of division (G) of this section, 1134
"subdivision" includes a county. 1135

(H) The use of leverage, in which the treasurer or 1136
governing board uses its current investment assets as collateral 1137
for the purpose of purchasing other assets, is prohibited. The 1138
issuance of taxable notes for the purpose of arbitrage is 1139
prohibited. Contracting to sell securities that have not yet 1140
been acquired by the treasurer or governing board, for the 1141

purpose of purchasing such securities on the speculation that 1142
bond prices will decline, is prohibited. 1143

(I) Whenever, during a period of designation, the 1144
treasurer classifies public moneys as interim moneys, the 1145
treasurer shall notify the governing board of such action. The 1146
notification shall be given within thirty days after such 1147
classification and in the event the governing board does not 1148
concur in such classification or in the investments or deposits 1149
made under this section, the governing board may order the 1150
treasurer to sell or liquidate any of such investments or 1151
deposits, and any such order shall specifically describe the 1152
investments or deposits and fix the date upon which they are to 1153
be sold or liquidated. Investments or deposits so ordered to be 1154
sold or liquidated shall be sold or liquidated for cash by the 1155
treasurer on the date fixed in such order at the then current 1156
market price. Neither the treasurer nor the members of the board 1157
shall be held accountable for any loss occasioned by sales or 1158
liquidations of investments or deposits at prices lower than 1159
their cost. Any loss or expense incurred in making such sales or 1160
liquidations is payable as other expenses of the treasurer's 1161
office. 1162

(J) If any investments or deposits purchased under the 1163
authority of this section are issuable to a designated payee or 1164
to the order of a designated payee, the name of the treasurer 1165
and the title of the treasurer's office shall be so designated. 1166
If any such securities are registrable either as to principal or 1167
interest, or both, then such securities shall be registered in 1168
the name of the treasurer as such. 1169

(K) The treasurer is responsible for the safekeeping of 1170
all documents evidencing a deposit or investment acquired by the 1171

treasurer under this section. Any securities may be deposited 1172
for safekeeping with a qualified trustee as provided in section 1173
135.18 of the Revised Code, except the delivery of securities 1174
acquired under any repurchase agreement under this section shall 1175
be made to a qualified trustee, provided, however, that the 1176
qualified trustee shall be required to report to the treasurer, 1177
governing board, auditor of state, or an authorized outside 1178
auditor at any time upon request as to the identity, market 1179
value, and location of the document evidencing each security, 1180
and that if the participating institution is a designated 1181
depository of the subdivision for the current period of 1182
designation, the securities that are the subject of the 1183
repurchase agreement may be delivered to the treasurer or held 1184
in trust by the participating institution on behalf of the 1185
subdivision. Interest earned on any investments or deposits 1186
authorized by this section shall be collected by the treasurer 1187
and credited by the treasurer to the proper fund of the 1188
subdivision. 1189

Upon the expiration of the term of office of a treasurer 1190
or in the event of a vacancy in the office of treasurer by 1191
reason of death, resignation, removal from office, or otherwise, 1192
the treasurer or the treasurer's legal representative shall 1193
transfer and deliver to the treasurer's successor all documents 1194
evidencing a deposit or investment held by the treasurer. For 1195
the investments and deposits so transferred and delivered, such 1196
treasurer shall be credited with and the treasurer's successor 1197
shall be charged with the amount of money held in such 1198
investments and deposits. 1199

(L) Whenever investments or deposits acquired under this 1200
section mature and become due and payable, the treasurer shall 1201
present them for payment according to their tenor, and shall 1202

collect the moneys payable thereon. The moneys so collected 1203
shall be treated as public moneys subject to sections 135.01 to 1204
135.21 of the Revised Code. 1205

(M) (1) All investments, except for investments in 1206
securities described in divisions (B) (5) and (6) of this section 1207
and for investments by a municipal corporation in the issues of 1208
such municipal corporation, shall be made only through a member 1209
of the financial industry regulatory authority (FINRA), through 1210
a bank, savings bank, or savings and loan association regulated 1211
by the superintendent of financial institutions, or through an 1212
institution regulated by the comptroller of the currency, 1213
federal deposit insurance corporation, or board of governors of 1214
the federal reserve system. 1215

(2) Payment for investments shall be made only upon the 1216
delivery of securities representing such investments to the 1217
treasurer, governing board, or qualified trustee. If the 1218
securities transferred are not represented by a certificate, 1219
payment shall be made only upon receipt of confirmation of 1220
transfer from the custodian by the treasurer, governing board, 1221
or qualified trustee. 1222

(N) In making investments authorized by this section, a 1223
treasurer or governing board may retain the services of an 1224
investment advisor, provided the advisor is licensed by the 1225
division of securities under section 1707.141 of the Revised 1226
Code or is registered with the securities and exchange 1227
commission, and possesses experience in public funds investment 1228
management, specifically in the area of state and local 1229
government investment portfolios, or the advisor is an eligible 1230
institution mentioned in section 135.03 of the Revised Code. 1231

(O) (1) Except as otherwise provided in divisions (O) (2) 1232

and (3) of this section, no treasurer or governing board shall 1233
make an investment or deposit under this section, unless there 1234
is on file with the auditor of state a written investment policy 1235
approved by the treasurer or governing board. The policy shall 1236
require that all entities conducting investment business with 1237
the treasurer or governing board shall sign the investment 1238
policy of that subdivision. All brokers, dealers, and financial 1239
institutions, described in division (M)(1) of this section, 1240
initiating transactions with the treasurer or governing board by 1241
giving advice or making investment recommendations shall sign 1242
the treasurer's or governing board's investment policy thereby 1243
acknowledging their agreement to abide by the policy's contents. 1244
All brokers, dealers, and financial institutions, described in 1245
division (M)(1) of this section, executing transactions 1246
initiated by the treasurer or governing board, having read the 1247
policy's contents, shall sign the investment policy thereby 1248
acknowledging their comprehension and receipt. 1249

(2) If a written investment policy described in division 1250
(O)(1) of this section is not filed on behalf of the subdivision 1251
with the auditor of state, the treasurer or governing board of 1252
that subdivision shall invest the subdivision's interim moneys 1253
only in interim deposits pursuant to division (B)(3) of this 1254
section or interim deposits pursuant to section 135.145 of the 1255
Revised Code and approved by the treasurer of state, no-load 1256
money market mutual funds pursuant to division (B)(5) of this 1257
section, or the Ohio subdivision's fund pursuant to division (B) 1258
(6) of this section. 1259

(3) Divisions (O)(1) and (2) of this section do not apply 1260
to a treasurer or governing board of a subdivision whose average 1261
annual portfolio of investments held pursuant to this section is 1262
one hundred thousand dollars or less, provided that the 1263

treasurer or governing board certifies, on a form prescribed by 1264
the auditor of state, that the treasurer or governing board will 1265
comply and is in compliance with the provisions of sections 1266
135.01 to 135.21 of the Revised Code. 1267

(P) A treasurer or governing board may enter into a 1268
written investment or deposit agreement that includes a 1269
provision under which the parties agree to submit to nonbinding 1270
arbitration to settle any controversy that may arise out of the 1271
agreement, including any controversy pertaining to losses of 1272
public moneys resulting from investment or deposit. The 1273
arbitration provision shall be set forth entirely in the 1274
agreement, and the agreement shall include a conspicuous notice 1275
to the parties that any party to the arbitration may apply to 1276
the court of common pleas of the county in which the arbitration 1277
was held for an order to vacate, modify, or correct the award. 1278
Any such party may also apply to the court for an order to 1279
change venue to a court of common pleas located more than one 1280
hundred miles from the county in which the treasurer or 1281
governing board is located. 1282

For purposes of this division, "investment or deposit 1283
agreement" means any agreement between a treasurer or governing 1284
board and a person, under which agreement the person agrees to 1285
invest, deposit, or otherwise manage a subdivision's interim 1286
moneys on behalf of the treasurer or governing board, or agrees 1287
to provide investment advice to the treasurer or governing 1288
board. 1289

(Q) An investment made by the treasurer or governing board 1290
pursuant to this section prior to September 27, 1996, that was a 1291
legal investment under the law as it existed before September 1292
27, 1996, may be held until maturity. 1293

Sec. 135.143. (A) The treasurer of state may invest or 1294
execute transactions for any part or all of the interim funds of 1295
the state in the following classifications of obligations: 1296

(1) United States treasury bills, notes, bonds, or any 1297
other obligations or securities issued by the United States 1298
treasury or any other obligation guaranteed as to principal and 1299
interest by the United States; 1300

(2) Bonds, notes, debentures, or any other obligations or 1301
securities issued by any federal government agency or 1302
instrumentality; 1303

(3) (a) Bonds, notes, and other obligations of the state of 1304
Ohio, including, but not limited to, any obligations issued by 1305
the treasurer of state, the Ohio public facilities commission, 1306
the Ohio housing finance agency, the Ohio water development 1307
authority, the Ohio turnpike infrastructure commission, the Ohio 1308
higher educational facility commission, and state institutions 1309
of higher education as defined in section 3345.011 of the 1310
Revised Code; 1311

(b) Bonds, notes, and other obligations of any state or 1312
political subdivision thereof rated in the three highest 1313
categories by at least one nationally recognized statistical 1314
rating organization and purchased through a registered 1315
securities broker or dealer, provided the treasurer of state is 1316
not the sole purchaser of the bonds, notes, or other obligations 1317
at original issuance. 1318

(4) (a) Written repurchase agreements with any eligible 1319
Ohio financial institution that is a member of the federal 1320
reserve system or federal home loan bank, any registered United 1321
States government securities dealer, or any counterparty rated 1322

in one of the three highest categories by at least one 1323
nationally recognized statistical rating organization or 1324
otherwise determined by the treasurer of state to have adequate 1325
capital and liquidity, under the terms of which agreement the 1326
treasurer of state purchases and the eligible financial 1327
institution, dealer, or counterparty agrees unconditionally to 1328
repurchase any of the securities that are listed in division (A) 1329
(1), (2), (3), (6), or (11) of this section. The market value of 1330
securities subject to these transactions must exceed the 1331
principal value of the repurchase agreement by an amount 1332
specified by the treasurer of state, and the securities must be 1333
delivered into the custody of the treasurer of state or the 1334
qualified trustee or agent designated by the treasurer of state. 1335
The agreement shall contain the requirement that for each 1336
transaction pursuant to the agreement, the participating 1337
institution, dealer, or counterparty shall provide all of the 1338
following information: 1339

(i) The par value of the securities; 1340
(ii) The type, rate, and maturity date of the securities; 1341
(iii) A numerical identifier generally accepted in the 1342
securities industry that designates the securities. 1343

(b) The treasurer of state also may sell any securities, 1344
listed in division (A)(1), (2), (6), or (11) of this section, 1345
regardless of maturity or time of redemption of the securities, 1346
under the same terms and conditions for repurchase, provided 1347
that the securities have been fully paid for and are owned by 1348
the treasurer of state at the time of the sale. 1349

(c) For purposes of division (A)(4) of this section, the 1350
treasurer of state shall only buy or sell securities listed in 1351

division (A) (11) of this section issued by entities that are 1352
organized under the laws of this state, any other state, or the 1353
United States. 1354

(5) Securities lending agreements with any eligible 1355
financial institution that is a member of the federal reserve 1356
system or federal home loan bank or any recognized United States 1357
government securities dealer, under the terms of which 1358
agreements the treasurer of state lends securities and the 1359
eligible financial institution or dealer agrees to 1360
simultaneously exchange similar securities or cash, equal value 1361
for equal value. 1362

Securities and cash received as collateral for a 1363
securities lending agreement are not interim funds of the state. 1364
The investment of cash collateral received pursuant to a 1365
securities lending agreement may be invested only in such 1366
instruments specified by the treasurer of state in accordance 1367
with a written investment policy. 1368

(6) Various forms of commercial paper issued by any entity 1369
that is organized under the laws of the United States or a 1370
state, which notes are rated in the two highest categories by 1371
two nationally recognized statistical rating organizations, 1372
provided that the total amount invested under this section in 1373
any commercial paper at any time shall not exceed forty per cent 1374
of the state's total average portfolio, as determined and 1375
calculated by the treasurer of state; 1376

(7) Bankers acceptances, maturing in two hundred seventy 1377
days or less, provided that the total amount invested in bankers 1378
acceptances at any time shall not exceed ten per cent of the 1379
state's total average portfolio, as determined and calculated by 1380
the treasurer of state; 1381

(8) Certificates of deposit, savings accounts, or deposit 1382
accounts in eligible institutions applying for interim moneys as 1383
provided in section 135.08 of the Revised Code, including linked 1384
deposits as authorized under section 135.61 of the Revised Code. 1385
For interim funds invested in accordance with division (A) (8) of 1386
this section, the pledging requirements described in section 1387
135.18, 135.181, or 135.182 of the Revised Code may be reduced 1388
by up to ten per cent in accordance with rules adopted by the 1389
treasurer of state. 1390

(9) Negotiable certificates of deposit denominated in 1391
United States dollars issued by a nationally or state-chartered 1392
bank, a savings association or a federal savings association, a 1393
state or federal credit union, or a federally licensed or state- 1394
licensed branch of a foreign bank, which are rated in the two 1395
highest categories by two nationally recognized statistical 1396
rating organizations, provided that the total amount invested 1397
under this section in negotiable certificates of deposit at any 1398
time shall not exceed twenty-five per cent of the state's total 1399
average portfolio, as determined and calculated by the treasurer 1400
of state. Interim funds invested in accordance with division (A) 1401
(9) of this section are not limited to institutions applying for 1402
interim moneys under section 135.08 of the Revised Code, nor are 1403
they subject to any pledging requirements described in sections 1404
135.18, 135.181, or 135.182 of the Revised Code. 1405

(10) The state treasurer's investment pool authorized 1406
under section ~~135.45~~113.07 of the Revised Code; 1407

(11) Debt interests, other than commercial paper described 1408
in division (A) (6) of this section, rated in the four highest 1409
categories by two nationally recognized statistical rating 1410
organizations and issued by entities that are organized under 1411

the laws of the United States or a state, or issued by foreign 1412
nations diplomatically recognized by the United States 1413
government, or any instrument based on, derived from, or related 1414
to such interests, provided that: 1415

(a) The investments in debt interests other than 1416
commercial paper, when added to the investment in written 1417
repurchase agreements for securities listed in division (A) (3) 1418
or (11) of this section, shall not exceed in the aggregate 1419
twenty-five per cent of the state's portfolio. 1420

(b) The investments in debt interests rated in the fourth 1421
highest category shall not exceed in the aggregate ten per cent 1422
of the state's portfolio. 1423

(c) The investments in debt interests issued by foreign 1424
nations shall not exceed in the aggregate two per cent of the 1425
state's portfolio. 1426

The treasurer of state shall invest under division (A) (11) 1427
of this section in a debt interest issued by a foreign nation 1428
only if the debt interest is backed by the full faith and credit 1429
of that foreign nation, and provided that all interest and 1430
principal shall be denominated and payable in United States 1431
funds. 1432

(d) When added to the investment in commercial paper and 1433
negotiable certificates of deposit, the investments in the debt 1434
interests of a single issuer shall not exceed in the aggregate 1435
five per cent of the state's portfolio. 1436

(e) For purposes of division (A) (11) of this section, a 1437
debt interest is rated in the four highest categories by two 1438
nationally recognized statistical rating organizations if either 1439
the debt interest itself or the issuer of the debt interest is 1440

rated, or is implicitly rated, in the four highest categories by 1441
two nationally recognized statistical rating organizations. 1442

(f) For purposes of division (A)(11) of this section, the 1443
"state's portfolio" means the state's total average portfolio, 1444
as determined and calculated by the treasurer of state. 1445

(12) No-load money market mutual funds rated in the 1446
highest category by one nationally recognized statistical rating 1447
organization or consisting exclusively of obligations described 1448
in division (A)(1), (2), or (6) of this section and repurchase 1449
agreements secured by such obligations; 1450

(13) Obligations issued by, or on behalf of, an Ohio 1451
political subdivision under Chapter 133. of the Revised Code or 1452
Section 12 of Article XVIII, Ohio Constitution, and identified 1453
in an agreement described in division (G) of this section; 1454

(14) Obligations issued by the state of Ohio, any 1455
political subdivision thereof, or by or on behalf of any 1456
nonprofit corporation or association doing business in this 1457
state rated in the four highest categories by at least one 1458
nationally recognized statistical rating organization and 1459
identified in an agreement described in division (K) of this 1460
section. 1461

(B)(1) On or before the tenth day of each month, the 1462
treasurer of state shall notify the state board of deposit that 1463
the following reports pertaining to the immediately preceding 1464
month have been posted to the web site maintained by the 1465
treasurer of state: 1466

(a) The daily ledger report of state funds prepared in 1467
accordance with section 113.13 of the Revised Code; 1468

(b) The monthly portfolio report detailing the current 1469

inventory of all investments and deposits held within the 1470
classification of interim moneys; 1471

(c) The monthly activity report within the classification 1472
of interim moneys summarized by type of investment or deposit. 1473

(2) In the event the state board of deposit does not 1474
concur in such classification or in the investments or deposits 1475
made under this section, subject to division (B) (3) of this 1476
section, the board may order the treasurer of state to sell or 1477
liquidate any of the investments or deposits, and any such order 1478
shall specifically describe the investments or deposits and fix 1479
the date upon which they are to be sold or liquidated. 1480
Investments or deposits so ordered to be sold or liquidated 1481
shall be sold or liquidated for cash by the treasurer of state 1482
on the date fixed in such order at the then current market 1483
price. Neither the treasurer of state nor the members of the 1484
state board of deposit shall be held accountable for any loss 1485
occasioned by sales or liquidations of investments or deposits 1486
at prices lower than their cost. Any loss or expense incurred in 1487
making these sales or liquidations is payable as other expenses 1488
of the treasurer's office. 1489

(3) Unless expressly authorized by the laws of this state, 1490
the state board of deposit shall not order the treasurer of 1491
state to sell or liquidate investments or deposits with the 1492
primary purpose of influencing any environmental, social, 1493
personal, or ideological policy. 1494

(C) If any securities or obligations invested in by the 1495
treasurer of state pursuant to this section are registrable 1496
either as to principal or interest, or both, such securities or 1497
obligations shall be registered in the name of the treasurer of 1498
state. 1499

(D) The treasurer of state is responsible for the 1500
safekeeping of all securities or obligations under this section. 1501
Any such securities or obligations may be deposited for 1502
safekeeping as provided in section 113.05 of the Revised Code. 1503

(E) Interest earned on any investments or deposits 1504
authorized by this section shall be collected by the treasurer 1505
of state and credited by the treasurer of state to the proper 1506
fund of the state. 1507

(F) Whenever investments or deposits acquired under this 1508
section mature and become due and payable, the treasurer of 1509
state shall present them for payment according to their tenor, 1510
and shall collect the moneys payable thereon. The moneys so 1511
collected shall be treated as public moneys subject to sections 1512
135.01 to 135.21 of the Revised Code. 1513

(G) The treasurer of state and any entity issuing 1514
obligations referred to in division (A)(13) of this section, 1515
which obligations mature within ~~one year~~ two years from the 1516
original date of issuance, may enter into an agreement providing 1517
for: 1518

(1) The purchase of those obligations by the treasurer of 1519
state on terms and subject to conditions set forth in the 1520
agreement; 1521

(2) The payment to the treasurer of state of a reasonable 1522
fee as consideration for the agreement of the treasurer of state 1523
to purchase those obligations; provided, however, that the 1524
treasurer of state shall not be authorized to enter into any 1525
such agreement with a board of education of a school district 1526
that has an outstanding obligation with respect to a loan 1527
received under authority of section 3313.483 of the Revised 1528

Code. 1529

(H) For purposes of division (G) of this section, a fee 1530
shall not be considered reasonable unless it is set to recover 1531
only the direct costs, a reasonable estimate of the indirect 1532
costs associated with the purchasing of obligations under 1533
division (G) of this section and any reselling of the 1534
obligations or any interest in the obligations, including 1535
interests in a fund comprised of the obligations, and the 1536
administration thereof. No money from the general revenue fund 1537
shall be used to subsidize the purchase or resale of these 1538
obligations. 1539

(I) All money collected by the treasurer of state from the 1540
fee imposed by division (G) of this section shall be deposited 1541
to the credit of the state political subdivision obligations 1542
fund, which is hereby created in the state treasury. Money 1543
credited to the fund shall be used solely to pay the treasurer 1544
of state's direct and indirect costs associated with purchasing 1545
and reselling obligations under division (G) of this section. 1546

(J) As used in this section, "political subdivision" means 1547
a county, township, municipal corporation, school district, or 1548
other body corporate and politic responsible for governmental 1549
activities in a geographic area smaller than that of the state. 1550

(K) (1) The treasurer of state and any entity issuing 1551
obligations referred to in division (A) (14) of this section, 1552
which obligations require a conditional liquidity requirement, 1553
may enter into an agreement providing for the following: 1554

(a) The purchase of the obligations by the treasurer of 1555
state on terms and subject to conditions set forth in the 1556
agreement; 1557

(b) Payment to the treasurer of state of a fee as 1558
consideration for the agreement of the treasurer of state to 1559
purchase the obligations. 1560

(2) The treasurer of state shall not enter into agreements 1561
under division (K) (1) of this section for obligations that, in 1562
the aggregate, exceed ten per cent of the state's total average 1563
portfolio, as determined and calculated by the treasurer of 1564
state. 1565

(3) For purposes of division (A) (14) of this section, an 1566
obligation is rated in the four highest categories by at least 1567
one nationally recognized statistical rating organization if 1568
either the debt interest itself or the obligor of the debt 1569
interest is rated in the four highest categories by at least one 1570
nationally recognized statistical rating organization. 1571

(4) All money collected by the treasurer of state from the 1572
fee imposed by division (K) of this section shall be deposited 1573
to the credit of the state securities tender program fund, which 1574
is hereby created in the state treasury. The amount of income 1575
from the state securities tender program credited to the state 1576
securities tender program fund shall not exceed one per cent of 1577
the average par value of obligations subject to agreements under 1578
division (K) (1) of this section. All other such income shall be 1579
credited to the general revenue fund. The treasurer of state may 1580
use the state securities tender program fund solely for 1581
operations of the office of the treasurer of state. 1582

(L) (1) The treasurer of state and a state university or 1583
college issuing obligations under section 3345.12 of the Revised 1584
Code may enter into an agreement providing for the following: 1585

(a) The purchase of those obligations by the treasurer of 1586

state pursuant to division (A) (3) (a) of this section on terms 1587
and subject to conditions set forth in the agreement; 1588

(b) The department of higher education to withhold, in the 1589
event the state university or college does not pay bond service 1590
charges on the obligations when due, appropriated funds 1591
allocated to the state university or college in an amount 1592
sufficient to pay bond service charges on the obligations, less 1593
any amounts deposited for that purpose under the bond 1594
proceedings. Upon the request of the treasurer of state, the 1595
department of higher education shall promptly pay to the 1596
treasurer of state the amounts withheld. 1597

(2) For purposes of division (L) (1) of this section, 1598
"obligations," "state university or college," "bond service 1599
charges," and "bond proceedings" have the same meanings as in 1600
section 3345.12 of the Revised Code. 1601

(M) Unless expressly authorized by the laws of this state, 1602
the treasurer of state shall not do either of the following: 1603

(1) Make an investment decision with the primary purpose 1604
of influencing any environmental, social, personal, or 1605
ideological policy; 1606

(2) Permit any person or entity to which the treasurer of 1607
state delegates the management of the investment of state money 1608
to make investment decisions with state money with the primary 1609
purpose of influencing any environmental, social, personal, or 1610
ideological policy. 1611

Sec. 135.22. (A) For purposes of this section: 1612

(1) "Treasurer" has the same meaning as in section 135.01 1613
of the Revised Code, but does not include a county treasurer or 1614
the treasurer of state. "Treasurer" includes any person whose 1615

duties include making investment decisions with respect to the 1616
investment or deposit of interim moneys. 1617

(2) "Subdivision" has the same meaning as in section 1618
135.01 of the Revised Code. 1619

(B) To enhance the background and working knowledge of 1620
treasurers in investments, cash management, the collection of 1621
taxes, ethics, and in any other subject area that the treasurer 1622
of state determines is reasonably related to the duties of a 1623
treasurer, the treasurer of state shall provide annual 1624
continuing education programs for treasurers. A treasurer 1625
annually shall complete the continuing education ~~programs~~ 1626
requirements described in this section, unless the treasurer 1627
annually ~~provides a notice of~~ qualifies for the exemption 1628
described in division (E) of this section. 1629

(C) The treasurer of state shall ~~determine~~ adopt rules 1630
governing the manner, content, and length of the continuing 1631
education ~~programs~~ requirements after consultation with 1632
appropriate statewide organizations of local government 1633
officials. 1634

(D) Upon successful completion of ~~a~~ any continuing 1635
education ~~program~~ credit hours required by this section, the 1636
treasurer of state ~~a subdivision~~ shall ~~issue a certificate~~ 1637
~~indicating that the treasurer has successfully completed the~~ 1638
~~continuing education program prescribed by the treasurer of~~ 1639
~~state~~ retain proof of attendance. ~~The treasurer of state shall~~ 1640
~~forward to the auditor of state any certificates issued pursuant~~ 1641
~~to this division by the treasurer of state. The auditor of state~~ 1642
~~shall maintain in the auditor's records any certificates~~ 1643
~~forwarded by the treasurer of state pursuant to this division.~~ 1644
As part of the auditor of state's audit of the subdivision 1645

conducted in accordance with section 117.11 of the Revised Code, 1646
the auditor of state shall report whether the treasurer is in 1647
compliance with this section of the Revised Code. 1648

(E) Division (B) of this section does not apply to any 1649
treasurer of a subdivision who ~~annually provides a notice of~~ 1650
~~exemption to the auditor of state. The notice shall be certified~~ 1651
~~by the treasurer of state and shall provide that the treasurer~~ 1652
~~is not subject to the continuing education requirements set~~ 1653
~~forth in division (B) of this section, because the treasurer~~ 1654
exclusively utilizes active deposits or who invests or deposits 1655
public moneys in the following investments only: 1656

(1) Interim deposits pursuant to division (B) (3) of 1657
section 135.14 or section ~~135.145~~ 113.07 of the Revised Code; 1658

(2) No-load money market mutual funds pursuant to division 1659
(B) (5) of section 135.14 of the Revised Code; 1660

(3) The Ohio subdivision's fund pursuant to division (B) 1661
(6) of section 135.14 of the Revised Code. 1662

(F) In carrying out the duties required by this section, 1663
the treasurer of state may charge the subdivision served by the 1664
treasurer a registration or annual fee that will meet actual and 1665
necessary expenses in connection with the training of the 1666
treasurer, including instruction fees, site acquisition costs, 1667
~~and the cost of course materials, and other costs of~~ 1668
administering the continuing education program. Any necessary 1669
personal expenses of a treasurer incurred as a result of 1670
attending the continuing education courses shall be borne by the 1671
subdivision represented by the treasurer. 1672

(G) The treasurer of state may allow any other interested 1673
person to attend any of the continuing education programs that 1674

are held pursuant to this section, provided that before 1675
attending any such continuing education program, the interested 1676
person has paid to the treasurer of state the full registration 1677
or annual fee set for the continuing education program. 1678

(H) All funds collected pursuant to this section shall be 1679
paid into the county treasurer education fund created pursuant 1680
to section 321.46 of the Revised Code, and the actual and 1681
necessary expenses of the treasurer of state in conducting the 1682
continuing education programs required by this section shall be 1683
paid from this fund. 1684

(I) The treasurer of state ~~may~~shall adopt reasonable 1685
rules not inconsistent with this section for the implementation 1686
of this section. 1687

Sec. 135.35. (A) The investing authority shall deposit or 1688
invest any part or all of the county's inactive moneys and shall 1689
invest all of the money in the county public library fund when 1690
required by section 135.352 of the Revised Code. The following 1691
classifications of securities and obligations are eligible for 1692
such deposit or investment: 1693

(1) United States treasury bills, notes, bonds, or any 1694
other obligation or security issued by the United States 1695
treasury, any other obligation guaranteed as to principal or 1696
interest by the United States, or any book entry, zero-coupon 1697
United States treasury security that is a direct obligation of 1698
the United States. 1699

Nothing in the classification of eligible securities and 1700
obligations set forth in divisions (A) (2) to (10) of this 1701
section shall be construed to authorize any investment in 1702
stripped principal or interest obligations of such eligible 1703

securities and obligations. 1704

(2) Bonds, notes, debentures, or any other obligations or 1705
securities issued by any federal government agency or 1706
instrumentality, including, but not limited to, the federal 1707
national mortgage association, federal home loan bank, federal 1708
farm credit bank, federal home loan mortgage corporation, and 1709
government national mortgage association. All federal agency 1710
securities shall be direct issuances of federal government 1711
agencies or instrumentalities. 1712

(3) Time certificates of deposit or savings or deposit 1713
accounts, including, but not limited to, passbook accounts, in 1714
any eligible institution mentioned in section 135.32 of the 1715
Revised Code; 1716

(4) Bonds and other obligations of this state or the 1717
political subdivisions of this state, provided the bonds or 1718
other obligations of political subdivisions mature within ten 1719
years from the date of settlement; 1720

(5) No-load money market mutual funds rated in the highest 1721
category at the time of purchase by at least one nationally 1722
recognized statistical rating organization or consisting 1723
exclusively of obligations described in division (A)(1), (2), or 1724
(6) of section 135.143 of the Revised Code and repurchase 1725
agreements secured by such obligations, provided that 1726
investments in securities described in this division are made 1727
only through eligible institutions mentioned in section 135.32 1728
of the Revised Code; 1729

(6) The Ohio subdivision's fund as provided in section 1730
~~135.45~~113.07 of the Revised Code; 1731

(7) Securities lending agreements with any eligible 1732

institution mentioned in section 135.32 of the Revised Code that 1733
is a member of the federal reserve system or federal home loan 1734
bank or with any recognized United States government securities 1735
dealer meeting the description in division (J) (1) of this 1736
section, under the terms of which agreements the investing 1737
authority lends securities and the eligible institution or 1738
dealer agrees to simultaneously exchange similar securities or 1739
cash, equal value for equal value. 1740

Securities and cash received as collateral for a 1741
securities lending agreement are not inactive moneys of the 1742
county or moneys of a county public library fund. The investment 1743
of cash collateral received pursuant to a securities lending 1744
agreement may be invested only in instruments specified by the 1745
investing authority in the written investment policy described 1746
in division (K) of this section. 1747

(8) Up to forty per cent of the county's total average 1748
portfolio in either of the following investments: 1749

(a) Commercial paper notes issued by an entity that is 1750
defined in ~~division (K) of~~ section 1706.01 of the Revised Code 1751
and that has assets exceeding five hundred million dollars, to 1752
which notes all of the following apply: 1753

(i) The notes are rated at the time of purchase in the 1754
highest classification established by at least two nationally 1755
recognized statistical rating organizations. 1756

(ii) The aggregate value of the notes does not exceed ten 1757
per cent of the aggregate value of the outstanding commercial 1758
paper of the issuing corporation. 1759

(iii) The notes mature not later than two hundred seventy 1760
days after purchase. 1761

(iv) The investment in commercial paper notes of a single 1762
issuer shall not exceed in the aggregate five per cent of 1763
interim moneys available for investment at the time of purchase. 1764

(b) Bankers acceptances of banks that are insured by the 1765
federal deposit insurance corporation and that mature not later 1766
than one hundred eighty days after purchase. 1767

No investment shall be made pursuant to division (A) (8) of 1768
this section unless the investing authority has completed 1769
additional training for making the investments authorized by 1770
division (A) (8) of this section. The type and amount of 1771
additional training shall be approved by the treasurer of state 1772
and may be conducted by or provided under the supervision of the 1773
treasurer of state. 1774

(9) Up to fifteen per cent of the county's total average 1775
portfolio in notes issued by corporations that are incorporated 1776
under the laws of the United States and that are operating 1777
within the United States, or by depository institutions that are 1778
doing business under authority granted by the United States or 1779
any state and that are operating within the United States, 1780
provided both of the following apply: 1781

(a) The notes are rated in the three highest categories by 1782
at least two nationally recognized statistical rating 1783
organizations at the time of purchase. 1784

(b) The notes mature not later than three years after 1785
purchase. 1786

(10) Debt interests rated at the time of purchase in the 1787
three highest categories by two nationally recognized 1788
statistical rating organizations and issued by foreign nations 1789
diplomatically recognized by the United States government. All 1790

interest and principal shall be denominated and payable in 1791
United States funds. The investments made under division (A) (10) 1792
of this section shall not exceed in the aggregate two per cent 1793
of a county's total average portfolio. 1794

The investing authority shall invest under division (A) 1795
(10) of this section in a debt interest issued by a foreign 1796
nation only if the debt interest is backed by the full faith and 1797
credit of that foreign nation, there is no prior history of 1798
default, and the debt interest matures not later than five years 1799
after purchase. For purposes of division (A) (10) of this 1800
section, a debt interest is rated in the three highest 1801
categories by two nationally recognized statistical rating 1802
organizations if either the debt interest itself or the issuer 1803
of the debt interest is rated, or is implicitly rated, at the 1804
time of purchase in the three highest categories by two 1805
nationally recognized statistical rating organizations. 1806

(11) A current unpaid or delinquent tax line of credit 1807
authorized under division (G) of section 135.341 of the Revised 1808
Code, provided that all of the conditions for entering into such 1809
a line of credit under that division are satisfied, or bonds and 1810
other obligations of a county land reutilization corporation 1811
organized under Chapter 1724. of the Revised Code, if the county 1812
land reutilization corporation is located wholly or partly 1813
within the same county as the investing authority. 1814

(B) Nothing in the classifications of eligible obligations 1815
and securities set forth in divisions (A) (1) to (10) of this 1816
section shall be construed to authorize investment in a 1817
derivative, and no investing authority shall invest any county 1818
inactive moneys or any moneys in a county public library fund in 1819
a derivative. For purposes of this division, "derivative" means 1820

a financial instrument or contract or obligation whose value or
return is based upon or linked to another asset or index, or
both, separate from the financial instrument, contract, or
obligation itself. Any security, obligation, trust account, or
other instrument that is created from an issue of the United
States treasury or is created from an obligation of a federal
agency or instrumentality or is created from both is considered
a derivative instrument. An eligible investment described in
this section with a variable interest rate payment, based upon a
single interest payment or single index comprised of other
eligible investments provided for in division (A) (1) or (2) of
this section, is not a derivative, provided that such variable
rate investment has a maximum maturity of two years. A treasury
inflation-protected security shall not be considered a
derivative, provided the security matures not later than five
years after purchase.

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

(D) The investing authority may also enter into a written
repurchase agreement with any eligible institution mentioned in
section 135.32 of the Revised Code or any eligible securities
dealer pursuant to division (J) of this section, under the terms
of which agreement the investing authority purchases and the
eligible institution or dealer agrees unconditionally to
repurchase any of the securities listed in divisions (D) (1) to
(5), except letters of credit described in division (D) (2), of

section 135.18 of the Revised Code. The market value of 1852
securities subject to an overnight written repurchase agreement 1853
must exceed the principal value of the overnight written 1854
repurchase agreement by at least two per cent. A written 1855
repurchase agreement must exceed the principal value of the 1856
overnight written repurchase agreement, by at least two per 1857
cent. A written repurchase agreement shall not exceed thirty 1858
days, and the market value of securities subject to a written 1859
repurchase agreement must exceed the principal value of the 1860
written repurchase agreement by at least two per cent and be 1861
marked to market daily. All securities purchased pursuant to 1862
this division shall be delivered into the custody of the 1863
investing authority or the qualified custodian of the investing 1864
authority or an agent designated by the investing authority. A 1865
written repurchase agreement with an eligible securities dealer 1866
shall be transacted on a delivery versus payment basis. The 1867
agreement shall contain the requirement that for each 1868
transaction pursuant to the agreement the participating 1869
institution shall provide all of the following information: 1870

- (1) The par value of the securities; 1871
- (2) The type, rate, and maturity date of the securities; 1872
- (3) A numerical identifier generally accepted in the 1873
securities industry that designates the securities. 1874

No investing authority shall enter into a written 1875
repurchase agreement under the terms of which the investing 1876
authority agrees to sell securities owned by the county to a 1877
purchaser and agrees with that purchaser to unconditionally 1878
repurchase those securities. 1879

(E) No investing authority shall make an investment under 1880

this section, unless the investing authority, at the time of 1881
making the investment, reasonably expects that the investment 1882
can be held until its maturity. The investing authority's 1883
written investment policy shall specify the conditions under 1884
which an investment may be redeemed or sold prior to maturity. 1885

(F) No investing authority shall pay a county's inactive 1886
moneys or moneys of a county public library fund into a fund 1887
established by another subdivision, treasurer, governing board, 1888
or investing authority, if that fund was established by the 1889
subdivision, treasurer, governing board, or investing authority 1890
for the purpose of investing or depositing the public moneys of 1891
other subdivisions. This division does not apply to the payment 1892
of public moneys into either of the following: 1893

(1) The Ohio subdivision's fund pursuant to division (A) 1894
(6) of this section; 1895

(2) A fund created solely for the purpose of acquiring, 1896
constructing, owning, leasing, or operating municipal utilities 1897
pursuant to the authority provided under section 715.02 of the 1898
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 1899

For purposes of division (F) of this section, 1900
"subdivision" includes a county. 1901

(G) The use of leverage, in which the county uses its 1902
current investment assets as collateral for the purpose of 1903
purchasing other assets, is prohibited. The issuance of taxable 1904
notes for the purpose of arbitrage is prohibited. Contracting to 1905
sell securities not owned by the county, for the purpose of 1906
purchasing such securities on the speculation that bond prices 1907
will decline, is prohibited. 1908

(H) Any securities, certificates of deposit, deposit 1909

accounts, or any other documents evidencing deposits or 1910
investments made under authority of this section shall be issued 1911
in the name of the county with the county treasurer or investing 1912
authority as the designated payee. If any such deposits or 1913
investments are registrable either as to principal or interest, 1914
or both, they shall be registered in the name of the treasurer. 1915

(I) The investing authority shall be responsible for the 1916
safekeeping of all documents evidencing a deposit or investment 1917
acquired under this section, including, but not limited to, 1918
safekeeping receipts evidencing securities deposited with a 1919
qualified trustee, as provided in section 135.37 of the Revised 1920
Code, and documents confirming the purchase of securities under 1921
any repurchase agreement under this section shall be deposited 1922
with a qualified trustee, provided, however, that the qualified 1923
trustee shall be required to report to the investing authority, 1924
auditor of state, or an authorized outside auditor at any time 1925
upon request as to the identity, market value, and location of 1926
the document evidencing each security, and that if the 1927
participating institution is a designated depository of the 1928
county for the current period of designation, the securities 1929
that are the subject of the repurchase agreement may be 1930
delivered to the treasurer or held in trust by the participating 1931
institution on behalf of the investing authority. 1932

Upon the expiration of the term of office of an investing 1933
authority or in the event of a vacancy in the office for any 1934
reason, the officer or the officer's legal representative shall 1935
transfer and deliver to the officer's successor all documents 1936
mentioned in this division for which the officer has been 1937
responsible for safekeeping. For all such documents transferred 1938
and delivered, the officer shall be credited with, and the 1939
officer's successor shall be charged with, the amount of moneys 1940

evidenced by such documents. 1941

(J) (1) All investments, except for investments in 1942
securities described in divisions (A) (5), (6), and (11) of this 1943
section, shall be made only through a member of the financial 1944
industry regulatory authority (FINRA), through a bank, savings 1945
bank, or savings and loan association regulated by the 1946
superintendent of financial institutions, or through an 1947
institution regulated by the comptroller of the currency, 1948
federal deposit insurance corporation, or board of governors of 1949
the federal reserve system. 1950

(2) Payment for investments shall be made only upon the 1951
delivery of securities representing such investments to the 1952
treasurer, investing authority, or qualified trustee. If the 1953
securities transferred are not represented by a certificate, 1954
payment shall be made only upon receipt of confirmation of 1955
transfer from the custodian by the treasurer, governing board, 1956
or qualified trustee. 1957

(K) (1) Except as otherwise provided in division (K) (2) of 1958
this section, no investing authority shall make an investment or 1959
deposit under this section, unless there is on file with the 1960
auditor of state a written investment policy approved by the 1961
investing authority. The policy shall require that all entities 1962
conducting investment business with the investing authority 1963
shall sign the investment policy of that investing authority. 1964
All brokers, dealers, and financial institutions, described in 1965
division (J) (1) of this section, initiating transactions with 1966
the investing authority by giving advice or making investment 1967
recommendations shall sign the investing authority's investment 1968
policy thereby acknowledging their agreement to abide by the 1969
policy's contents. All brokers, dealers, and financial 1970

institutions, described in division (J)(1) of this section, 1971
executing transactions initiated by the investing authority, 1972
having read the policy's contents, shall sign the investment 1973
policy thereby acknowledging their comprehension and receipt. 1974

(2) If a written investment policy described in division 1975
(K)(1) of this section is not filed on behalf of the county with 1976
the auditor of state, the investing authority of that county 1977
shall invest the county's inactive moneys and moneys of the 1978
county public library fund only in time certificates of deposits 1979
or savings or deposit accounts pursuant to division (A)(3) of 1980
this section, no-load money market mutual funds pursuant to 1981
division (A)(5) of this section, or the Ohio subdivision's fund 1982
pursuant to division (A)(6) of this section. 1983

(L)(1) The investing authority shall establish and 1984
maintain an inventory of all obligations and securities acquired 1985
by the investing authority pursuant to this section. The 1986
inventory shall include a description of each obligation or 1987
security, including type, cost, par value, maturity date, 1988
settlement date, and any coupon rate. 1989

(2) The investing authority shall also keep a complete 1990
record of all purchases and sales of the obligations and 1991
securities made pursuant to this section. 1992

(3) The investing authority shall maintain a monthly 1993
portfolio report and issue a copy of the monthly portfolio 1994
report describing such investments to the county investment 1995
advisory committee, detailing the current inventory of all 1996
obligations and securities, all transactions during the month 1997
that affected the inventory, any income received from the 1998
obligations and securities, and any investment expenses paid, 1999
and stating the names of any persons effecting transactions on 2000

behalf of the investing authority. 2001

(4) The monthly portfolio report shall be a public record 2002
and available for inspection under section 149.43 of the Revised 2003
Code. 2004

(5) The inventory and the monthly portfolio report shall 2005
be filed with the board of county commissioners. ~~The monthly~~ 2006
~~portfolio report also shall be filed with the treasurer of~~ 2007
~~state.~~ 2008

(M) An investing authority may enter into a written 2009
investment or deposit agreement that includes a provision under 2010
which the parties agree to submit to nonbinding arbitration to 2011
settle any controversy that may arise out of the agreement, 2012
including any controversy pertaining to losses of public moneys 2013
resulting from investment or deposit. The arbitration provision 2014
shall be set forth entirely in the agreement, and the agreement 2015
shall include a conspicuous notice to the parties that any party 2016
to the arbitration may apply to the court of common pleas of the 2017
county in which the arbitration was held for an order to vacate, 2018
modify, or correct the award. Any such party may also apply to 2019
the court for an order to change venue to a court of common 2020
pleas located more than one hundred miles from the county in 2021
which the investing authority is located. 2022

For purposes of this division, "investment or deposit 2023
agreement" means any agreement between an investing authority 2024
and a person, under which agreement the person agrees to invest, 2025
deposit, or otherwise manage, on behalf of the investing 2026
authority, a county's inactive moneys or moneys in a county 2027
public library fund, or agrees to provide investment advice to 2028
the investing authority. 2029

(N) (1) An investment held in the county portfolio on 2030
September 27, 1996, that was a legal investment under the law as 2031
it existed before September 27, 1996, may be held until 2032
maturity. 2033

(2) An investment held in the county portfolio on 2034
September 10, 2012, that was a legal investment under the law as 2035
it existed before September 10, 2012, may be held until 2036
maturity. 2037

(O) Unless expressly authorized by the laws of this state, 2038
an investing authority shall not do either of the following: 2039

(1) Make an investment decision with the primary purpose 2040
of influencing any environmental, social, personal, or 2041
ideological policy; 2042

(2) Permit any person or entity to which the investing 2043
authority delegates the management of the investment of public 2044
money to make investment decisions with public money with the 2045
primary purpose of influencing any environmental, social, 2046
personal, or ideological policy. 2047

Sec. 135.451. The Ohio history connection and the capitol 2048
square review and advisory board shall be eligible to pay any of 2049
their moneys into the Ohio subdivision's fund, to be invested by 2050
the treasurer of state in the same manner and subject to the 2051
same terms and conditions as public moneys of subdivisions paid 2052
into the fund under section ~~135.45~~ 113.07 of the Revised Code. 2053

Sec. 151.01. (A) As used in sections 151.01 to 151.11 and 2054
151.40 of the Revised Code and in the applicable bond 2055
proceedings unless otherwise provided: 2056

(1) "Bond proceedings" means the resolutions, orders, 2057
agreements, and credit enhancement facilities, and amendments 2058

and supplements to them, or any one or more or combination of 2059
them, authorizing, awarding, or providing for the terms and 2060
conditions applicable to or providing for the security or 2061
liquidity of, the particular obligations, and the provisions 2062
contained in those obligations. 2063

(2) "Bond service fund" means the respective bond service 2064
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 2065
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, 2066
and any accounts in that fund, including all moneys and 2067
investments, and earnings from investments, credited and to be 2068
credited to that fund and accounts as and to the extent provided 2069
in the applicable bond proceedings. 2070

(3) "Capital facilities" means capital facilities or 2071
projects as referred to in section 151.03, 151.04, 151.05, 2072
151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 of the 2073
Revised Code. 2074

(4) "Costs of capital facilities" means the costs of 2075
acquiring, constructing, reconstructing, rehabilitating, 2076
remodeling, renovating, enlarging, improving, equipping, or 2077
furnishing capital facilities, and of the financing of those 2078
costs. "Costs of capital facilities" includes, without 2079
limitation, and in addition to costs referred to in section 2080
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 2081
151.11, or 151.40 of the Revised Code, the cost of clearance and 2082
preparation of the site and of any land to be used in connection 2083
with capital facilities, the cost of any indemnity and surety 2084
bonds and premiums on insurance, all related direct 2085
administrative expenses and allocable portions of direct costs 2086
of the issuing authority, costs of engineering and architectural 2087
services, designs, plans, specifications, surveys, and estimates 2088

of cost, financing costs, interest on obligations, including but 2089
not limited to, interest from the date of their issuance to the 2090
time when interest is to be paid from sources other than 2091
proceeds of obligations, amounts necessary to establish any 2092
reserves as required by the bond proceedings, the reimbursement 2093
of all moneys advanced or applied by or borrowed from any person 2094
or governmental agency or entity for the payment of any item of 2095
costs of capital facilities, and all other expenses necessary or 2096
incident to planning or determining feasibility or 2097
practicability with respect to capital facilities, and such 2098
other expenses as may be necessary or incident to the 2099
acquisition, construction, reconstruction, rehabilitation, 2100
remodeling, renovation, enlargement, improvement, equipment, and 2101
furnishing of capital facilities, the financing of those costs, 2102
and the placing of the capital facilities in use and operation, 2103
including any one, part of, or combination of those classes of 2104
costs and expenses. For purposes of sections 122.085 to 122.0820 2105
of the Revised Code, "costs of capital facilities" includes 2106
"allowable costs" as defined in section 122.085 of the Revised 2107
Code. 2108

(5) "Credit enhancement facilities," "financing costs," 2109
and "interest" or "interest equivalent" have the same meanings 2110
as in section 133.01 of the Revised Code. 2111

(6) "Debt service" means principal, including any 2112
mandatory sinking fund or redemption requirements for retirement 2113
of obligations, interest and other accreted amounts, interest 2114
equivalent, and any redemption premium, payable on obligations. 2115
If not prohibited by the applicable bond proceedings, debt 2116
service may include costs relating to credit enhancement 2117
facilities that are related to and represent, or are intended to 2118
provide a source of payment of or limitation on, other debt 2119

service. 2120

(7) "Issuing authority" means the Ohio public facilities 2121
commission created in section 151.02 of the Revised Code for 2122
obligations issued under section 151.03, 151.04, 151.05, 151.07, 2123
151.08, 151.09, 151.10, or 151.11 of the Revised Code, or the 2124
treasurer of state, or the officer who by law performs the 2125
functions of that office, for obligations issued under section 2126
151.06 or 151.40 of the Revised Code. 2127

(8) "Net proceeds" means amounts received from the sale of 2128
obligations, excluding amounts used to refund or retire 2129
outstanding obligations, amounts required to be deposited into 2130
special funds pursuant to the applicable bond proceedings, and 2131
amounts to be used to pay financing costs. 2132

(9) "Obligations" means bonds, notes, or other evidences 2133
of obligation of the state, including any appertaining interest 2134
coupons, issued under Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 2135
15 of Article VIII, Ohio Constitution, and pursuant to sections 2136
151.01 to 151.11 or 151.40 of the Revised Code or other general 2137
assembly authorization. 2138

(10) "Principal amount" means the aggregate of the amount 2139
as stated or provided for in the applicable bond proceedings as 2140
the amount on which interest or interest equivalent on 2141
particular obligations is initially calculated. Principal amount 2142
does not include any premium paid to the state by the initial 2143
purchaser of the obligations. "Principal amount" of a capital 2144
appreciation bond, as defined in division (C) of section 3334.01 2145
of the Revised Code, means its face amount, and "principal 2146
amount" of a zero coupon bond, as defined in division (J) of 2147
section 3334.01 of the Revised Code, means the discounted 2148
offering price at which the bond is initially sold to the 2149

public, disregarding any purchase price discount to the original 2150
purchaser, if provided for pursuant to the bond proceedings. 2151

(11) "Special funds" or "funds," unless the context 2152
indicates otherwise, means the bond service fund, and any other 2153
funds, including any reserve funds, created under the bond 2154
proceedings and stated to be special funds in those proceedings, 2155
including moneys and investments, and earnings from investments, 2156
credited and to be credited to the particular fund. Special 2157
funds do not include the school building program assistance fund 2158
created by section 3318.25 of the Revised Code, the higher 2159
education improvement fund created by division (F) of section 2160
154.21 of the Revised Code, the higher education improvement 2161
taxable fund created by division (G) of section 154.21 of the 2162
Revised Code, the highway capital improvement bond fund created 2163
by section 5528.53 of the Revised Code, the state parks and 2164
natural resources fund created by section 1557.02 of the Revised 2165
Code, the coal research and development fund created by section 2166
1555.15 of the Revised Code, the clean Ohio conservation fund 2167
created by section 164.27 of the Revised Code, the job ready 2168
site development fund created by section 122.0820 of the Revised 2169
Code, the third frontier research and development fund created 2170
by section 184.19 of the Revised Code, the third frontier 2171
research and development taxable bond fund created by section 2172
184.191 of the Revised Code, or other funds created by the bond 2173
proceedings that are not stated by those proceedings to be 2174
special funds. 2175

(B) Subject to Section 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15, 2176
and Section 17, of Article VIII, Ohio Constitution, the state, 2177
by the issuing authority, is authorized to issue and sell, as 2178
provided in sections 151.03 to 151.11 or 151.40 of the Revised 2179
Code, and in respective aggregate principal amounts as from time 2180

to time provided or authorized by the general assembly, general 2181
obligations of this state for the purpose of paying costs of 2182
capital facilities or projects identified by or pursuant to 2183
general assembly action. 2184

(C) Each issue of obligations shall be authorized by 2185
resolution or order of the issuing authority. The bond 2186
proceedings shall provide for or authorize the manner for 2187
determining the principal amount or maximum principal amount of 2188
obligations of an issue, the principal maturity or maturities, 2189
the interest rate or rates, the date of and the dates of payment 2190
of interest on the obligations, their denominations, and the 2191
place or places of payment of debt service which may be within 2192
or outside the state. Unless otherwise provided by law, the 2193
latest principal maturity may not be later than the earlier of 2194
the thirty-first day of December of the twenty-fifth calendar 2195
year after the year of issuance of the particular obligations or 2196
of the twenty-fifth calendar year after the year in which the 2197
original obligation to pay was issued or entered into. Sections 2198
9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to 2199
obligations. The purpose of the obligations may be stated in the 2200
bond proceedings in general terms, such as, as applicable, 2201
"financing or assisting in the financing of projects as provided 2202
in Section 21 of Article VIII, Ohio Constitution," "financing or 2203
assisting in the financing of highway capital improvement 2204
projects as provided in Section 2m of Article VIII, Ohio 2205
Constitution," "paying costs of capital facilities for a system 2206
of common schools throughout the state as authorized by Section 2207
2n of Article VIII, Ohio Constitution," "paying costs of capital 2208
facilities for state-supported and state-assisted institutions 2209
of higher education as authorized by Section 2n of Article VIII, 2210
Ohio Constitution," "paying costs of coal research and 2211

development as authorized by Section 15 of Article VIII, Ohio 2212
Constitution," "financing or assisting in the financing of local 2213
subdivision capital improvement projects as authorized by 2214
Section 2m, 2p, and 2s of Article VIII, Ohio Constitution," 2215
"paying costs of conservation projects as authorized by Sections 2216
2o and 2q of Article VIII, Ohio Constitution," "paying costs of 2217
revitalization projects as authorized by Sections 2o and 2q of 2218
Article VIII, Ohio Constitution," "paying costs of preparing 2219
sites for industry, commerce, distribution, or research and 2220
development as authorized by Section 2p of Article VIII, Ohio 2221
Constitution," or "paying costs of research and development as 2222
authorized by Section 2p of Article VIII, Ohio Constitution." 2223

(D) The issuing authority may appoint or provide for the 2224
appointment of paying agents, bond registrars, securities 2225
depositories, clearing corporations, and transfer agents, and 2226
may without need for any other approval retain or contract for 2227
the services of underwriters, investment bankers, financial 2228
advisers, accounting experts, marketing, remarketing, indexing, 2229
and administrative agents, other consultants, and independent 2230
contractors, including printing services, as are necessary in 2231
the judgment of the issuing authority to carry out the issuing 2232
authority's functions under this chapter. When the issuing 2233
authority is the Ohio public facilities commission, the issuing 2234
authority also may without need for any other approval retain or 2235
contract for the services of attorneys and other professionals 2236
for that purpose. Financing costs are payable, as may be 2237
provided in the bond proceedings, from the proceeds of the 2238
obligations, from special funds, or from other moneys available 2239
for the purpose. 2240

(E) The bond proceedings may contain additional provisions 2241
customary or appropriate to the financing or to the obligations 2242

or to particular obligations including, but not limited to, 2243
provisions for: 2244

(1) The redemption of obligations prior to maturity at the 2245
option of the state or of the holder or upon the occurrence of 2246
certain conditions, and at particular price or prices and under 2247
particular terms and conditions; 2248

(2) The form of and other terms of the obligations; 2249

(3) The establishment, deposit, investment, and 2250
application of special funds, and the safeguarding of moneys on 2251
hand or on deposit, in lieu of the applicability of provisions 2252
of Chapter 131. or 135. of the Revised Code, but subject to any 2253
special provisions of sections 151.01 to 151.11 or 151.40 of the 2254
Revised Code with respect to the application of particular funds 2255
or moneys. Any financial institution that acts as a depository 2256
of any moneys in special funds or other funds under the bond 2257
proceedings may furnish indemnifying bonds or pledge securities 2258
as required by the issuing authority. 2259

(4) Any or every provision of the bond proceedings being 2260
binding upon the issuing authority and upon such governmental 2261
agency or entity, officer, board, commission, authority, agency, 2262
department, institution, district, or other person or body as 2263
may from time to time be authorized to take actions as may be 2264
necessary to perform all or any part of the duty required by the 2265
provision; 2266

(5) The maintenance of each pledge or instrument 2267
comprising part of the bond proceedings until the state has 2268
fully paid or provided for the payment of the debt service on 2269
the obligations or met other stated conditions; 2270

(6) In the event of default in any payments required to be 2271

made by the bond proceedings, or by any other agreement of the 2272
issuing authority made as part of a contract under which the 2273
obligations were issued or secured, including a credit 2274
enhancement facility, the enforcement of those payments by 2275
mandamus, a suit in equity, an action at law, or any combination 2276
of those remedial actions; 2277

(7) The rights and remedies of the holders or owners of 2278
obligations or of book-entry interests in them, and of third 2279
parties under any credit enhancement facility, and provisions 2280
for protecting and enforcing those rights and remedies, 2281
including limitations on rights of individual holders or owners; 2282

(8) The replacement of mutilated, destroyed, lost, or 2283
stolen obligations; 2284

(9) The funding, refunding, or advance refunding, or other 2285
provision for payment, of obligations that will then no longer 2286
be outstanding for purposes of this section or of the applicable 2287
bond proceedings; 2288

(10) Amendment of the bond proceedings; 2289

(11) Any other or additional agreements with the owners of 2290
obligations, and such other provisions as the issuing authority 2291
determines, including limitations, conditions, or 2292
qualifications, relating to any of the foregoing. 2293

(F) The great seal of the state or a facsimile of it may 2294
be affixed to or printed on the obligations. The obligations 2295
requiring execution by or for the issuing authority shall be 2296
signed as provided in the bond proceedings. Any obligations may 2297
be signed by the individual who on the date of execution is the 2298
authorized signer although on the date of these obligations that 2299
individual is not an authorized signer. In case the individual 2300

whose signature or facsimile signature appears on any obligation 2301
ceases to be an authorized signer before delivery of the 2302
obligation, that signature or facsimile is nevertheless valid 2303
and sufficient for all purposes as if that individual had 2304
remained the authorized signer until delivery. 2305

(G) Obligations are investment securities under Chapter 2306
1308. of the Revised Code. Obligations may be issued in bearer 2307
or in registered form, registrable as to principal alone or as 2308
to both principal and interest, or both, or in certificated or 2309
uncertificated form, as the issuing authority determines. 2310
Provision may be made for the exchange, conversion, or transfer 2311
of obligations and for reasonable charges for registration, 2312
exchange, conversion, and transfer. Pending preparation of final 2313
obligations, the issuing authority may provide for the issuance 2314
of interim instruments to be exchanged for the final 2315
obligations. 2316

(H) Obligations may be sold at public sale or at private 2317
sale, in such manner, and at such price at, above or below par, 2318
all as determined by and provided by the issuing authority in 2319
the bond proceedings. 2320

(I) Except to the extent that rights are restricted by the 2321
bond proceedings, any owner of obligations or provider of a 2322
credit enhancement facility may by any suitable form of legal 2323
proceedings protect and enforce any rights relating to 2324
obligations or that facility under the laws of this state or 2325
granted by the bond proceedings. Those rights include the right 2326
to compel the performance of all applicable duties of the 2327
issuing authority and the state. Each duty of the issuing 2328
authority and that authority's officers, staff, and employees, 2329
and of each state entity or agency, or using district or using 2330

institution, and its officers, members, staff, or employees, 2331
undertaken pursuant to the bond proceedings, is hereby 2332
established as a duty of the entity or individual having 2333
authority to perform that duty, specifically enjoined by law and 2334
resulting from an office, trust, or station within the meaning 2335
of section 2731.01 of the Revised Code. The individuals who are 2336
from time to time the issuing authority, members or officers of 2337
the issuing authority, or those members' designees acting 2338
pursuant to section 151.02 of the Revised Code, or the issuing 2339
authority's officers, staff, or employees, are not liable in 2340
their personal capacities on any obligations or otherwise under 2341
the bond proceedings. 2342

(J) (1) Subject to Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, 2343
or 15, and Section 17, of Article VIII, Ohio Constitution and 2344
sections 151.01 to 151.11 or 151.40 of the Revised Code, the 2345
issuing authority may, in addition to the authority referred to 2346
in division (B) of this section, authorize and provide for the 2347
issuance of: 2348

(a) Obligations in the form of bond anticipation notes, 2349
and may provide for the renewal of those notes from time to time 2350
by the issuance of new notes. The holders of notes or 2351
appertaining interest coupons have the right to have debt 2352
service on those notes paid solely from the moneys and special 2353
funds that are or may be pledged to that payment, including the 2354
proceeds of bonds or renewal notes or both, as the issuing 2355
authority provides in the bond proceedings authorizing the 2356
notes. Notes may be additionally secured by covenants of the 2357
issuing authority to the effect that the issuing authority and 2358
the state will do all things necessary for the issuance of bonds 2359
or renewal notes in such principal amount and upon such terms as 2360
may be necessary to provide moneys to pay when due the debt 2361

service on the notes, and apply their proceeds to the extent 2362
necessary, to make full and timely payment of debt service on 2363
the notes as provided in the applicable bond proceedings. In the 2364
bond proceedings authorizing the issuance of bond anticipation 2365
notes the issuing authority shall set forth for the bonds 2366
anticipated an estimated schedule of annual principal payments 2367
the latest of which shall be no later than provided in division 2368
(C) of this section. While the notes are outstanding there shall 2369
be deposited, as shall be provided in the bond proceedings for 2370
those notes, from the sources authorized for payment of debt 2371
service on the bonds, amounts sufficient to pay the principal of 2372
the bonds anticipated as set forth in that estimated schedule 2373
during the time the notes are outstanding, which amounts shall 2374
be used solely to pay the principal of those notes or of the 2375
bonds anticipated. 2376

(b) Obligations for the refunding, including funding and 2377
retirement, and advance refunding with or without payment or 2378
redemption prior to maturity, of any obligations previously 2379
issued. Refunding obligations may be issued in amounts 2380
sufficient to pay or to provide for repayment of the principal 2381
amount, including principal amounts maturing prior to the 2382
redemption of the remaining prior obligations, any redemption 2383
premium, and interest accrued or to accrue to the maturity or 2384
redemption date or dates, payable on the prior obligations, and 2385
related financing costs and any expenses incurred or to be 2386
incurred in connection with that issuance and refunding. Subject 2387
to the applicable bond proceedings, the portion of the proceeds 2388
of the sale of refunding obligations issued under division (J) 2389
(1)(b) of this section to be applied to debt service on the 2390
prior obligations shall be credited to an appropriate separate 2391
account in the bond service fund and held in trust for the 2392

purpose by the issuing authority or by a corporate trustee. 2393
Obligations authorized under this division shall be considered 2394
to be issued for those purposes for which the prior obligations 2395
were issued. 2396

(2) Except as otherwise provided in sections 151.01 to 2397
151.11 or 151.40 of the Revised Code, bonds or notes authorized 2398
pursuant to division (J) of this section are subject to the 2399
provisions of those sections pertaining to obligations 2400
generally. 2401

(3) The principal amount of refunding or renewal 2402
obligations issued pursuant to division (J) of this section 2403
shall be in addition to the amount authorized by the general 2404
assembly as referred to in division (B) of the following 2405
sections: section 151.03, 151.04, 151.05, 151.06, 151.07, 2406
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 2407

(K) Obligations are lawful investments for banks, savings 2408
and loan associations, credit union share guaranty corporations, 2409
trust companies, trustees, fiduciaries, insurance companies, 2410
including domestic for life and domestic not for life, trustees 2411
or other officers having charge of sinking and bond retirement 2412
or other special funds of the state and political subdivisions 2413
and taxing districts of this state, the sinking fund, the 2414
administrator of workers' compensation subject to the approval 2415
of the workers' compensation board, the state teachers 2416
retirement system, the public employees retirement system, the 2417
school employees retirement system, and the Ohio police and fire 2418
pension fund, notwithstanding any other provisions of the 2419
Revised Code or rules adopted pursuant to those provisions by 2420
any state agency with respect to investments by them, and are 2421
also acceptable as security for the repayment of the deposit of 2422

public moneys. The exemptions from taxation in Ohio as provided 2423
for in particular sections of the Ohio Constitution and section 2424
5709.76 of the Revised Code apply to the obligations. 2425

(L) (1) Unless otherwise provided or provided for in any 2426
applicable bond proceedings, moneys to the credit of or in a 2427
special fund shall be disbursed on the order of the issuing 2428
authority. No such order is required for the payment, from the 2429
bond service fund or other special fund, when due of debt 2430
service or required payments under credit enhancement 2431
facilities. 2432

(2) Payments received by the state under interest rate 2433
hedges entered into as credit enhancement facilities under this 2434
chapter shall be deposited to the credit of the bond service 2435
fund for the obligations to which those credit enhancement 2436
facilities relate. 2437

(M) The full faith and credit, revenue, and taxing power 2438
of the state are and shall be pledged to the timely payment of 2439
debt service on outstanding obligations as it comes due, all in 2440
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15 of 2441
Article VIII, Ohio Constitution, and section 151.03, 151.04, 2442
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, or 151.11 of the 2443
Revised Code. Moneys referred to in Section 5a of Article XII, 2444
Ohio Constitution, may not be pledged or used for the payment of 2445
debt service except on obligations referred to in section 151.06 2446
of the Revised Code. Net state lottery proceeds, as provided for 2447
and referred to in section 3770.06 of the Revised Code, may not 2448
be pledged or used for the payment of debt service except on 2449
obligations referred to in section 151.03 of the Revised Code. 2450
The state covenants, and that covenant shall be controlling 2451
notwithstanding any other provision of law, that the state and 2452

the applicable officers and agencies of the state, including the 2453
general assembly, shall, so long as any obligations are 2454
outstanding in accordance with their terms, maintain statutory 2455
authority for and cause to be levied, collected and applied 2456
sufficient pledged excises, taxes, and revenues of the state so 2457
that the revenues shall be sufficient in amounts to pay debt 2458
service when due, to establish and maintain any reserves and 2459
other requirements, and to pay financing costs, including costs 2460
of or relating to credit enhancement facilities, all as provided 2461
for in the bond proceedings. Those excises, taxes, and revenues 2462
are and shall be deemed to be levied and collected, in addition 2463
to the purposes otherwise provided for by law, to provide for 2464
the payment of debt service and financing costs in accordance 2465
with sections 151.01 to 151.11 of the Revised Code and the bond 2466
proceedings. 2467

(N) The general assembly may from time to time repeal or 2468
reduce any excise, tax, or other source of revenue pledged to 2469
the payment of the debt service pursuant to Section 2k, 2l, 2m, 2470
2n, 2o, 2p, 2q, 2s, or 15 of Article VIII, Ohio Constitution, 2471
and sections 151.01 to 151.11 or 151.40 of the Revised Code, and 2472
may levy, collect and apply any new or increased excise, tax, or 2473
revenue to meet the pledge, to the payment of debt service on 2474
outstanding obligations, of the state's full faith and credit, 2475
revenue and taxing power, or of designated revenues and 2476
receipts, except fees, excises or taxes referred to in Section 2477
5a of Article XII, Ohio Constitution, for other than obligations 2478
referred to in section 151.06 of the Revised Code and except net 2479
state lottery proceeds for other than obligations referred to in 2480
section 151.03 of the Revised Code. Nothing in division (N) of 2481
this section authorizes any impairment of the obligation of this 2482
state to levy and collect sufficient excises, taxes, and 2483

revenues to pay debt service on obligations outstanding in 2484
accordance with their terms. 2485

(O) Each bond service fund is a trust fund and is hereby 2486
pledged to the payment of debt service on the applicable 2487
obligations. Payment of that debt service shall be made or 2488
provided for by the issuing authority in accordance with the 2489
bond proceedings without necessity for any act of appropriation. 2490
The bond proceedings may provide for the establishment of 2491
separate accounts in the bond service fund and for the 2492
application of those accounts only to debt service on specific 2493
obligations, and for other accounts in the bond service fund 2494
within the general purposes of that fund. 2495

(P) Subject to the bond proceedings pertaining to any 2496
obligations then outstanding in accordance with their terms, the 2497
issuing authority may in the bond proceedings pledge all, or 2498
such portion as the issuing authority determines, of the moneys 2499
in the bond service fund to the payment of debt service on 2500
particular obligations, and for the establishment and 2501
maintenance of any reserves for payment of particular debt 2502
service. 2503

(Q) The issuing authority shall by the fifteenth day of 2504
July of each fiscal year, certify or cause to be certified to 2505
the office of budget and management the total amount of moneys 2506
required during the current fiscal year to meet in full all debt 2507
service on the respective obligations and any related financing 2508
costs payable from the applicable bond service fund and not from 2509
the proceeds of refunding or renewal obligations. The issuing 2510
authority shall make or cause to be made supplemental 2511
certifications to the office of budget and management for each 2512
debt service payment date and at such other times during each 2513

fiscal year as may be provided in the bond proceedings or 2514
requested by that office. Debt service, costs of credit 2515
enhancement facilities, and other financing costs shall be set 2516
forth separately in each certification. If and so long as the 2517
moneys to the credit of the bond service fund, together with any 2518
other moneys available for the purpose, are insufficient to meet 2519
in full all payments when due of the amount required as stated 2520
in the certificate or otherwise, the office of budget and 2521
management shall at the times as provided in the bond 2522
proceedings, and consistent with any particular provisions in 2523
sections 151.03 to 151.11 and 151.40 of the Revised Code, 2524
transfer a sufficient amount to the bond service fund from the 2525
pledged revenues in the case of obligations issued pursuant to 2526
section 151.40 of the Revised Code, and in the case of other 2527
obligations from the revenues derived from excises, taxes, and 2528
other revenues, including net state lottery proceeds in the case 2529
of obligations referred to in section 151.03 of the Revised 2530
Code. 2531

(R) Unless otherwise provided in any applicable bond 2532
proceedings, moneys to the credit of special funds may be 2533
invested by or on behalf of the state only in one or more of the 2534
following: 2535

(1) Notes, bonds, or other direct obligations of the 2536
United States or of any agency or instrumentality of the United 2537
States, or in no-front-end-load money market mutual funds 2538
consisting exclusively of those obligations, or in repurchase 2539
agreements, including those issued by any fiduciary, secured by 2540
those obligations, or in collective investment funds consisting 2541
exclusively of those obligations; 2542

(2) Obligations of this state or any political subdivision 2543

of this state; 2544

(3) Certificates of deposit of any national bank located 2545
in this state and any bank, as defined in section 1101.01 of the 2546
Revised Code, subject to inspection by the superintendent of 2547
financial institutions; 2548

(4) The treasurer of state's pooled investment program 2549
under section ~~135.45~~113.07 of the Revised Code. 2550

The income from investments referred to in division (R) of 2551
this section shall, unless otherwise provided in sections 151.01 2552
to 151.11 or 151.40 of the Revised Code, be credited to special 2553
funds or otherwise as the issuing authority determines in the 2554
bond proceedings. Those investments may be sold or exchanged at 2555
times as the issuing authority determines, provides for, or 2556
authorizes. 2557

(S) The treasurer of state shall have responsibility for 2558
keeping records, making reports, and making payments, relating 2559
to any arbitrage rebate requirements under the applicable bond 2560
proceedings. 2561

Sec. 164.09. (A) The issuer is authorized to issue and 2562
sell, as provided in this section and in amounts from time to 2563
time authorized by the general assembly, general obligations of 2564
this state for the purpose of financing or assisting in the 2565
financing of the costs of public infrastructure capital 2566
improvements for local subdivisions. The full faith and credit, 2567
revenues, and taxing power of the state are and shall be pledged 2568
to the timely payment of bond service charges on outstanding 2569
obligations, all in accordance with Section 2k or 2m of Article 2570
VIII, Ohio Constitution and sections 164.09 to 164.12 of the 2571
Revised Code, excluding from that pledge fees, excises, or taxes 2572

relating to the registration, operation, or use of vehicles on 2573
the public highways, or to fuels used for propelling those 2574
vehicles, and so long as such obligations are outstanding there 2575
shall be levied and collected excises and taxes, excluding those 2576
excepted above, in amounts sufficient to pay the bond service 2577
charges on such obligations and costs relating to credit 2578
facilities. 2579

(B) (1) The total principal amount of obligations issued 2580
pursuant to Section 2k of Article VIII, Ohio Constitution shall 2581
not exceed one billion two hundred million dollars, and not more 2582
than one hundred twenty million dollars in principal amount of 2583
obligations may be issued in any calendar year, all determined 2584
as provided in sections 164.09 to 164.12 of the Revised Code. 2585

(2) The total principal amount of obligations issued for 2586
the purposes of this section pursuant to Section 2m of Article 2587
VIII, Ohio Constitution, shall not exceed one billion two 2588
hundred million dollars. Not more than one hundred twenty 2589
million dollars in principal amount of such obligations, plus 2590
the principal amount of such obligations that in any prior 2591
fiscal years could have been but were not issued within the one- 2592
hundred-twenty-million-dollar fiscal year limit, may be issued 2593
in any fiscal year. No obligations shall be issued for the 2594
purposes of this section pursuant to Section 2m of Article VIII, 2595
Ohio Constitution, until at least one billion one hundred 2596
ninety-nine million five hundred thousand dollars aggregate 2597
principal amount of obligations have been issued pursuant to 2598
Section 2k of Article VIII, Ohio Constitution. The amounts 2599
specified under division (B) (2) of this section shall be 2600
determined as provided in sections 164.09 to 164.12 of the 2601
Revised Code. 2602

(C) Each issue of obligations shall be authorized by order 2603
of the issuer. The bond proceedings shall provide for the 2604
principal amount or maximum principal amount of obligations of 2605
an issue, and shall provide for or authorize the manner or 2606
agency for determining the principal maturity or maturities, not 2607
exceeding the earlier of thirty years from the date of issuance 2608
of the particular obligations or thirty years from the date the 2609
debt represented by the particular obligations was originally 2610
contracted, the interest rate or rates, the date of and the 2611
dates of payment of interest on the obligations, their 2612
denominations, and the establishment within or without the state 2613
of a place or places of payment of bond service charges. 2614
Sections 9.96 and 9.98 to 9.983 of the Revised Code are 2615
applicable to the obligations. The purpose of the obligations 2616
may be stated in the bond proceedings as "financing or assisting 2617
in the financing of local subdivisions capital improvement 2618
projects." 2619

(D) The proceeds of the obligations, except for any 2620
portion to be deposited in special funds, or in escrow funds for 2621
the purpose of refunding outstanding obligations, all as may be 2622
provided in the bond proceedings, shall be deposited to the 2623
state capital improvements fund established by section 164.08 of 2624
the Revised Code. 2625

(E) The issuer may appoint paying agents, bond registrars, 2626
securities depositories, and transfer agents, and may retain the 2627
services of financial advisers and accounting experts, and 2628
retain or contract for the services of marketing, remarketing, 2629
indexing, and administrative agents, other consultants, and 2630
independent contractors, including printing services, as are 2631
necessary in the issuer's judgment to carry out sections 164.01 2632
to 164.12 of the Revised Code. Financing costs are payable, as 2633

provided in the bond proceedings, from the proceeds of the 2634
obligations, from special funds, or from other moneys available 2635
for the purpose. 2636

(F) The bond proceedings, including any trust agreement, 2637
may contain additional provisions customary or appropriate to 2638
the financing or to the obligations or to particular 2639
obligations, including but not limited to: 2640

(1) The redemption of obligations prior to maturity at the 2641
option of the state or of the holder or upon the occurrence of 2642
certain conditions at such price or prices and under such terms 2643
and conditions as are provided in the bond proceedings; 2644

(2) The form of and other terms of the obligations; 2645

(3) The establishment, deposit, investment, and 2646
application of special funds, and the safeguarding of moneys on 2647
hand or on deposit, without regard to Chapter 131. or 135. of 2648
the Revised Code, but subject to any special provisions of this 2649
section with respect to particular funds or moneys, and provided 2650
that any bank or trust company that acts as a depository of any 2651
moneys in special funds may furnish such indemnifying bonds or 2652
may pledge such securities as required by the issuer; 2653

(4) Any or every provision of the bond proceedings binding 2654
upon the issuer and such state agency or local subdivision, 2655
officer, board, commission, authority, agency, department, or 2656
other person or body as may from time to time have the authority 2657
under law to take such actions as may be necessary to perform 2658
all or any part of the duty required by such provision; 2659

(5) The maintenance of each pledge, any trust agreement, 2660
or other instrument comprising part of the bond proceedings 2661
until the state has fully paid or provided for the payment of 2662

the bond service charges on the obligations or met other stated 2663
conditions; 2664

(6) In the event of default in any payments required to be 2665
made by the bond proceedings, or any other agreement of the 2666
issuer made as a part of a contract under which the obligations 2667
were issued or secured, the enforcement of such payments or 2668
agreements by mandamus, suit in equity, action at law, or any 2669
combination of the foregoing; 2670

(7) The rights and remedies of the holders of obligations 2671
and of the trustee under any trust agreement, and provisions for 2672
protecting and enforcing them, including limitations on rights 2673
of individual holders of obligations; 2674

(8) The replacement of any obligations that become 2675
mutilated or are destroyed, lost, or stolen; 2676

(9) Provision for the funding, refunding, or advance 2677
refunding or other provision for payment of obligations which 2678
will then no longer be outstanding for purposes of this section 2679
or of the bond proceedings; 2680

(10) Any provision that may be made in bond proceedings or 2681
a trust agreement, including provision for amendment of the bond 2682
proceedings; 2683

(11) Such other provisions as the issuer determines, 2684
including limitations, conditions, or qualifications relating to 2685
any of the foregoing; 2686

(12) Any other or additional agreements with the holders 2687
of the obligations relating to the obligations or the security 2688
for the obligations. 2689

(G) The great seal of the state or a facsimile of that 2690

seal may be affixed to or printed on the obligations. The 2691
obligations requiring signature by the issuer shall be signed by 2692
or bear the facsimile signature of the issuer as provided in the 2693
bond proceedings. Any obligations may be signed by the person 2694
who, on the date of execution, is the authorized signer although 2695
on the date of such obligations such person was not the issuer. 2696
In case the person whose signature or a facsimile of whose 2697
signature appears on any obligation ceases to be the issuer 2698
before delivery of the obligation, such signature or facsimile 2699
is nevertheless valid and sufficient for all purposes as if the 2700
person had remained the member until such delivery, and in case 2701
the seal to be affixed to or printed on obligations has been 2702
changed after the seal has been affixed to or a facsimile of the 2703
seal has been printed on the obligations, that seal or facsimile 2704
seal shall continue to be sufficient as to those obligations and 2705
obligations issued in substitution or exchange therefor. 2706

(H) The obligations are negotiable instruments and 2707
securities under Chapter 1308. of the Revised Code, subject to 2708
the provisions of the bond proceedings as to registration. 2709
Obligations may be issued in coupon or in fully registered form, 2710
or both, as the issuer determines. Provision may be made for the 2711
registration of any obligations with coupons attached as to 2712
principal alone or as to both principal and interest, their 2713
exchange for obligations so registered, and for the conversion 2714
or reconversion into obligations with coupons attached of any 2715
obligations registered as to both principal and interest, and 2716
for reasonable charges for such registration, exchange, 2717
conversion, and reconversion. Pending preparation of definitive 2718
obligations, the issuer may issue interim receipts or 2719
certificates which shall be exchanged for such definitive 2720
obligations. 2721

(I) Obligations may be sold at public sale or at private 2722
sale, and at such price at, above, or below par, as determined 2723
by the issuer in the bond proceedings. 2724

(J) In the discretion of the issuer, obligations may be 2725
secured additionally by a trust agreement between the state and 2726
a corporate trustee which may be any trust company or bank 2727
having a place of business within the state. Any trust agreement 2728
may contain the order authorizing the issuance of the 2729
obligations, any provisions that may be contained in the bond 2730
proceedings, and other provisions that are customary or 2731
appropriate in an agreement of the type. 2732

(K) Except to the extent that their rights are restricted 2733
by the bond proceedings, any holder of obligations, or a trustee 2734
under the bond proceedings, may by any suitable form of legal 2735
proceedings protect and enforce any rights under the laws of 2736
this state or granted by the bond proceedings. Such rights 2737
include the right to compel the performance of all duties of the 2738
issuer and the state. Each duty of the issuer and the issuer's 2739
employees, and of each state agency and local public entity and 2740
its officers, members, or employees, undertaken pursuant to the 2741
bond proceedings, is hereby established as a duty of the issuer, 2742
and of each such agency, local subdivision, officer, member, or 2743
employee having authority to perform such duty, specifically 2744
enjoined by the law and resulting from an office, trust, or 2745
station within the meaning of section 2731.01 of the Revised 2746
Code. The persons who are at the time the issuer, or the 2747
issuer's employees, are not liable in their personal capacities 2748
on any obligations or any agreements of or with the issuer 2749
relating to obligations or under the bond proceedings. 2750

(L) Obligations are lawful investments for banks, 2751

societies for savings, savings and loan associations, deposit 2752
guarantee associations, trust companies, trustees, fiduciaries, 2753
insurance companies, including domestic for life and domestic 2754
not for life, trustees or other officers having charge of 2755
sinking and bond retirement or other special funds of political 2756
subdivisions and taxing districts of this state, the 2757
commissioners of the sinking fund, the administrator of workers' 2758
compensation, the state teachers retirement system, the public 2759
employees retirement system, the school employees retirement 2760
system, and the Ohio police and fire pension fund, 2761
notwithstanding any other provisions of the Revised Code or 2762
rules adopted pursuant thereto by any state agency with respect 2763
to investments by them, and are also acceptable as security for 2764
the deposit of public moneys. 2765

(M) Unless otherwise provided in any applicable bond 2766
proceedings, moneys to the credit of or in the special funds 2767
established by or pursuant to this section may be invested by or 2768
on behalf of the issuer only in notes, bonds, or other direct 2769
obligations of the United States or of any agency or 2770
instrumentality of the United States, in obligations of this 2771
state or any political subdivision of this state, in 2772
certificates of deposit of any national bank located in this 2773
state and any bank, as defined in section 1101.01 of the Revised 2774
Code, subject to inspection by the superintendent of financial 2775
institutions, in the Ohio subdivision's fund established 2776
pursuant to section ~~135.45~~ 113.07 of the Revised Code, in no- 2777
front-end-load money market mutual funds consisting exclusively 2778
of direct obligations of the United States or of an agency or 2779
instrumentality of the United States, and in repurchase 2780
agreements, including those issued by any fiduciary, secured by 2781
direct obligations of the United States or an agency or 2782

instrumentality of the United States, and in collective 2783
investment funds established in accordance with section 1111.14 2784
of the Revised Code and consisting exclusively of direct 2785
obligations of the United States or of an agency or 2786
instrumentality of the United States, notwithstanding division 2787
(A) (1) (c) of that section. The income from investments shall be 2788
credited to such special funds or otherwise as the issuer 2789
determines in the bond proceedings, and the investments may be 2790
sold or exchanged at such times as the issuer determines or 2791
authorizes. 2792

(N) Unless otherwise provided in any applicable bond 2793
proceedings, moneys to the credit of or in a special fund shall 2794
be disbursed on the order of the issuer, provided that no such 2795
order is required for the payment from the bond service fund or 2796
other special fund when due of bond service charges or required 2797
payments under credit facilities. 2798

(O) The issuer may covenant in the bond proceedings, and 2799
any such covenants shall be controlling notwithstanding any 2800
other provision of law, that the state and the applicable 2801
officers and agencies of the state, including the general 2802
assembly, so long as any obligations are outstanding in 2803
accordance with their terms, shall maintain statutory authority 2804
for and cause to be charged and collected taxes, excises, and 2805
other receipts of the state so that the receipts to the bond 2806
service fund shall be sufficient in amounts to meet bond service 2807
charges and for the establishment and maintenance of any 2808
reserves and other requirements, including payment of financing 2809
costs, provided for in the bond proceedings. 2810

(P) The obligations, and the transfer of, and the interest 2811
and other income from, including any profit made on the sale, 2812

transfer, or other disposition of, the obligations shall at all 2813
times be free from taxation, direct or indirect, within the 2814
state. 2815

(Q) Unless a judicial action or proceeding challenging the 2816
validity of obligations is commenced by personal service on the 2817
treasurer of state prior to the initial delivery of an issue of 2818
the obligations, the obligations of that issue and the bond 2819
proceedings pertaining to that issue are incontestable and those 2820
obligations shall be conclusively considered to be and to have 2821
been issued, secured, payable, sold, executed, and delivered, 2822
and the bond proceedings relating to them taken, in conformity 2823
with law if all of the following apply to the obligations: 2824

(1) They state that they are issued under the provisions 2825
of this section and comply on their face with those provisions; 2826

(2) They are issued within the limitations prescribed by 2827
this section; 2828

(3) Their purchase price has been paid in full; 2829

(4) They state that all the bond proceedings were held in 2830
compliance with law, which statement creates a conclusive 2831
presumption that the bond proceedings were held in compliance 2832
with all laws, including section 121.22 of the Revised Code, 2833
where applicable, and rules. 2834

(R) This section applies only with respect to obligations 2835
issued and delivered before September 30, 2000. 2836

Sec. 183.51. (A) As used in this section and in the 2837
applicable bond proceedings unless otherwise provided: 2838

(1) "Bond proceedings" means the resolutions, orders, 2839
indentures, purchase and sale and trust and other agreements 2840

including any amendments or supplements to them, and credit 2841
enhancement facilities, and amendments and supplements to them, 2842
or any one or more or combination of them, authorizing, 2843
awarding, or providing for the terms and conditions applicable 2844
to or providing for the security or liquidity of, the particular 2845
obligations, and the provisions contained in those obligations. 2846

(2) "Bond service fund" means the bond service fund 2847
created in the bond proceedings for the obligations. 2848

(3) "Capital facilities" means, as applicable, capital 2849
facilities or projects as referred to in section 151.03 or 2850
151.04 of the Revised Code. 2851

(4) "Consent decree" means the consent decree and final 2852
judgment entered November 25, 1998, in the court of common pleas 2853
of Franklin county, Ohio, as the same may be amended or 2854
supplemented from time to time. 2855

(5) "Cost of capital facilities" has the same meaning as 2856
in section 151.01 of the Revised Code, as applicable. 2857

(6) "Credit enhancement facilities," "financing costs," 2858
and "interest" or "interest equivalent" have the same meanings 2859
as in section 133.01 of the Revised Code. 2860

(7) "Debt service" means principal, including any 2861
mandatory sinking fund or redemption requirements for retirement 2862
of obligations, interest and other accreted amounts, interest 2863
equivalent, and any redemption premium, payable on obligations. 2864
If not prohibited by the applicable bond proceedings, "debt 2865
service" may include costs relating to credit enhancement 2866
facilities that are related to and represent, or are intended to 2867
provide a source of payment of or limitation on, other debt 2868
service. 2869

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

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

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

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

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

(a) Pledged tobacco settlement receipts;

(b) Accrued interest received from the sale of obligations;

(c) Income from the investment of the special funds;

(d) Additional or any other specific revenues or receipts 2899
lawfully available to be pledged, and pledged, pursuant to the 2900
bond proceedings, including but not limited to amounts received 2901
under credit enhancement facilities, to the payment of debt 2902
service. 2903

(13) "Pledged tobacco settlement receipts" means all 2904
amounts received by the issuing authority pursuant to division 2905
(B) of this section. 2906

(14) "Principal amount" means the aggregate of the amount 2907
as stated or provided for in the applicable bond proceedings as 2908
the amount on which interest or interest equivalent on 2909
particular obligations is initially calculated. "Principal 2910
amount" does not include any premium paid to the issuing 2911
authority by the initial purchaser of the obligations. 2912
"Principal amount" of a capital appreciation bond, as defined in 2913
division (C) of section 3334.01 of the Revised Code, means its 2914
original face amount and not its accreted value, and "principal 2915
amount" of a zero coupon bond, as defined in division (J) of 2916
section 3334.01 of the Revised Code, means the discounted 2917
offering price at which the bond is initially sold to the 2918
public, disregarding any purchase price discount to the original 2919
purchaser, if provided in or for pursuant to the bond 2920
proceedings. 2921

(15) "Special funds" or "funds," unless the context 2922
indicates otherwise, means the bond service fund, and any other 2923
funds, including any reserve funds, created under the bond 2924
proceedings and stated to be special funds in those proceedings, 2925
including moneys and investments, and earnings from investments, 2926
credited and to be credited to the particular fund. "Special 2927
funds" does not include any improvement fund or investment 2928

earnings on amounts in any improvement fund, or other funds 2929
created by the bond proceedings that are not stated by those 2930
proceedings to be special funds. 2931

(B) The state may assign and sell to the issuing 2932
authority, and the issuing authority may accept and purchase, 2933
all or a portion of the amounts to be received by the state 2934
under the tobacco master settlement agreement for a purchase 2935
price payable by the issuing authority to the state consisting 2936
of the net proceeds of obligations and any residual interest, if 2937
any. Any such assignment and sale shall be irrevocable in 2938
accordance with its terms during the period any obligations 2939
secured by amounts so assigned and sold are outstanding under 2940
the applicable bond proceedings, and shall constitute a 2941
contractual obligation to the holders or owners of those 2942
obligations. Any such assignment and sale shall also be treated 2943
as an absolute transfer and true sale for all purposes, and not 2944
as a pledge or other security interest. The characterization of 2945
any such assignment and sale as a true sale and absolute 2946
transfer shall not be negated or adversely affected by only a 2947
portion of the amounts to be received under the tobacco master 2948
settlement agreement being transferred, the acquisition or 2949
retention by the state of a residual interest, the participation 2950
of any state officer or employee as a member or officer of, or 2951
providing staff support to, the issuing authority, any 2952
responsibility of an officer or employee of the state for 2953
collecting the amounts to be received under the tobacco master 2954
settlement agreement or otherwise enforcing that agreement or 2955
retaining any legal title to or interest in any portion of the 2956
amounts to be received under that agreement for the purpose of 2957
these collection activities, any characterization of the issuing 2958
authority or its obligations for purposes of accounting, 2959

taxation, or securities regulation, or by any other factors 2960
whatsoever. A true sale shall exist under this section 2961
regardless of whether the issuing authority has any recourse 2962
against the state or any other term of the bond proceedings or 2963
the treatment or characterization of the transfer as a financing 2964
for any purpose. Upon and following the assignment and sale, the 2965
state shall not have any right, title, or interest in the 2966
portion of the receipts under the tobacco master settlement 2967
agreement so assigned and sold, other than any residual interest 2968
that may be described in the applicable bond proceedings for 2969
those obligations, and that portion, if any, shall be the 2970
property of the issuing authority and not of the state, and 2971
shall be paid directly to the issuing authority, and shall be 2972
owned, received, held, and disbursed by the issuing authority 2973
and not by the state. 2974

The state may covenant, pledge, and agree in the bond 2975
proceedings, with and for the benefit of the issuing authority, 2976
the holders and owners of obligations, and providers of any 2977
credit enhancement facilities, that it shall: (1) maintain 2978
statutory authority for, and cause to be collected and paid 2979
directly to the issuing authority or its assignee, the pledged 2980
receipts, (2) enforce the rights of the issuing authority to 2981
receive the receipts under the tobacco master settlement 2982
agreement assigned and sold to the issuing authority, (3) not 2983
materially impair the rights of the issuing authority to fulfill 2984
the terms of its agreements with the holders or owners of 2985
outstanding obligations under the bond proceedings, (4) not 2986
materially impair the rights and remedies of the holders or 2987
owners of outstanding obligations or materially impair the 2988
security for those outstanding obligations, and (5) enforce 2989
Chapter 1346. of the Revised Code, the tobacco master settlement 2990

agreement, and the consent decree to effectuate the collection 2991
of the pledged tobacco settlement receipts. The bond proceedings 2992
may provide or authorize the manner for determining material 2993
impairment of the security for any outstanding obligations, 2994
including by assessing and evaluating the pledged receipts in 2995
the aggregate. 2996

As further provided for in division (H) of this section, 2997
the bond proceedings may also include such other covenants, 2998
pledges, and agreements by the state to protect and safeguard 2999
the security and rights of the holders and owners of the 3000
obligations, and of the providers of any credit enhancement 3001
facilities, including, without limiting the generality of the 3002
foregoing, any covenant, pledge, or agreement customary in 3003
transactions involving the issuance of securities the debt 3004
service on which is payable from or secured by amounts received 3005
under the tobacco master settlement agreement. Notwithstanding 3006
any other provision of law, any covenant, pledge, and agreement 3007
of the state, if and when made in the bond proceedings, shall be 3008
controlling and binding upon, and enforceable against the state 3009
in accordance with its terms for so long as any obligations are 3010
outstanding under the applicable bond proceedings. The bond 3011
proceedings may also include limitations on the remedies 3012
available to the issuing authority, the holders and owners of 3013
the obligations, and the providers of any credit enhancement 3014
facilities, including, without limiting the generality of the 3015
foregoing, a provision that those remedies may be limited to 3016
injunctive relief in circumstances where there has been no prior 3017
determination by a court of competent jurisdiction that the 3018
state has not enforced Chapter 1346. of the Revised Code, the 3019
tobacco master settlement agreement, or the consent decree as 3020
may have been covenanted or agreed in the bond proceedings under 3021

division (B) (5) of this section. 3022

Nothing in this section or the bond proceedings shall 3023
preclude or limit, or be construed to preclude or limit, the 3024
state from regulating or authorizing or permitting the 3025
regulation of smoking or from taxing and regulating the sale of 3026
cigarettes or other tobacco products, or from defending or 3027
prosecuting cases or other actions relating to the sale or use 3028
of cigarettes or other tobacco products. Except as otherwise may 3029
be agreed in writing by the attorney general, nothing in this 3030
section or the bond proceedings shall modify or limit, or be 3031
construed to modify or limit, the responsibility, power, 3032
judgment, and discretion of the attorney general to protect and 3033
discharge the duties, rights, and obligations of the state under 3034
the tobacco master settlement agreement, the consent decree, or 3035
Chapter 1346. of the Revised Code. 3036

The governor and the director of budget and management, in 3037
consultation with the attorney general, on behalf of the state, 3038
and any member or officer of the issuing authority as authorized 3039
by that issuing authority, on behalf of the issuing authority, 3040
may take any action and execute any documents, including any 3041
purchase and sale agreements, necessary to effect the assignment 3042
and sale and the acceptance of the assignment and title to the 3043
receipts including, providing irrevocable direction to the 3044
escrow agent acting under the tobacco master settlement 3045
agreement to transfer directly to the issuing authority the 3046
amounts to be received under that agreement that are subject to 3047
such assignment and sale. Any purchase and sale agreement or 3048
other bond proceedings may contain the terms and conditions 3049
established by the state and the issuing authority to carry out 3050
and effectuate the purposes of this section, including, without 3051
limitation, covenants binding the state in favor of the issuing 3052

authority and its assignees and the owners of the obligations. 3053
Any such purchase and sale agreement shall be sufficient to 3054
effectuate such purchase and sale without regard to any other 3055
laws governing other property sales or financial transactions by 3056
the state. 3057

Not later than two years following the date on which there 3058
are no longer any obligations outstanding under the bond 3059
proceedings, all assets of the issuing authority shall vest in 3060
the state, the issuing authority shall execute any necessary 3061
assignments or instruments, including any assignment of any 3062
right, title, or ownership to the state for receipt of amounts 3063
under the tobacco master settlement agreement, and the issuing 3064
authority shall be dissolved. 3065

(C) The issuing authority is authorized to issue and to 3066
sell obligations as provided in this section. The aggregate 3067
principal amount of obligations issued under this section shall 3068
not exceed six billion dollars, exclusive of obligations issued 3069
under division (M) (1) of this section to refund, renew, or 3070
advance refund other obligations issued or incurred. At least 3071
seventy-five per cent of the aggregate net proceeds of the 3072
obligations issued under the authority of this section, 3073
exclusive of obligations issued to refund, renew, or advance 3074
refund other obligations, shall be paid to the state for deposit 3075
into the school building program assistance fund created in 3076
section 3318.25 of the Revised Code. 3077

(D) Each issue of obligations shall be authorized by 3078
resolution or order of the issuing authority. The bond 3079
proceedings shall provide for or authorize the manner for 3080
determining the principal amount or maximum principal amount of 3081
obligations of an issue, the principal maturity or maturities, 3082

the interest rate or rates, the date of and the dates of payment 3083
of interest on the obligations, their denominations, and the 3084
place or places of payment of debt service which may be within 3085
or outside the state. Unless otherwise provided by law, the 3086
latest principal maturity may not be later than the earlier of 3087
the thirty-first day of December of the fiftieth calendar year 3088
after the year of issuance of the particular obligations or of 3089
the fiftieth calendar year after the year in which the original 3090
obligation to pay was issued or entered into. Sections 9.96, 3091
9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to the 3092
obligations. 3093

The purpose of the obligations may be stated in the bond 3094
proceedings in general terms, such as, as applicable, "paying 3095
costs of capital facilities for a system of common schools" and 3096
"paying costs of facilities for state-supported and state- 3097
assisted institutions of higher education." Unless otherwise 3098
provided in the bond proceedings or in division (C) of this 3099
section, the net proceeds from the issuance of the obligations 3100
shall be paid to the state for deposit into the applicable 3101
improvement fund. In addition to the investments authorized in 3102
Chapter 135. of the Revised Code, the net proceeds held in an 3103
improvement fund may be invested by the treasurer of state in 3104
guaranteed investment contracts with providers rated at the time 3105
of any investment in the three highest rating categories by two 3106
nationally recognized rating agencies, all subject to the terms 3107
and conditions set forth in those agreements or the bond 3108
proceedings. Notwithstanding anything to the contrary in Chapter 3109
3318. of the Revised Code, net proceeds of obligations deposited 3110
into the school building program assistance fund created in 3111
section 3318.25 of the Revised Code may be used to pay basic 3112
project costs under that chapter at the times determined by the 3113

Ohio facilities construction commission without regard to 3114
whether those expenditures are in proportion to the state's and 3115
the school district's respective shares of that basic project 3116
cost; provided that this shall not result in any change in the 3117
state or school district shares of the basic project costs as 3118
determined under that chapter. As used in the preceding 3119
sentence, "Ohio facilities construction commission" and "basic 3120
project costs" have the same meanings as in section 3318.01 of 3121
the Revised Code. 3122

(E) The issuing authority may, without need for any other 3123
approval, appoint or provide for the appointment of paying 3124
agents, bond registrars, securities depositories, credit 3125
enhancement providers or counterparties, clearing corporations, 3126
and transfer agents, and retain or contract for the services of 3127
underwriters, investment bankers, financial advisers, accounting 3128
experts, marketing, remarketing, indexing, and administrative 3129
agents, other consultants, and independent contractors, 3130
including printing services, as are necessary in the judgment of 3131
the issuing authority to carry out the issuing authority's 3132
functions under this section and section 183.52 of the Revised 3133
Code. The attorney general as counsel to the issuing authority 3134
shall represent the authority in the execution of its powers and 3135
duties, and shall institute and prosecute all actions on its 3136
behalf. The issuing authority, in consultation with the attorney 3137
general, shall select counsel, and the attorney general shall 3138
appoint the counsel selected, for the purposes of carrying out 3139
the functions under this section and related sections of the 3140
Revised Code. Financing costs are payable, as may be provided in 3141
the bond proceedings, from the proceeds of the obligations, from 3142
special funds, or from other moneys available for the purpose, 3143
including as to future financing costs, from the pledged 3144

receipts. 3145

(F) The issuing authority may irrevocably pledge and 3146
assign all, or such portion as the issuing authority determines, 3147
of the pledged receipts to the payment of the debt service 3148
charges on obligations issued under this section, and for the 3149
establishment and maintenance of any reserves, as provided in 3150
the bond proceedings, and make other provisions in the bond 3151
proceedings with respect to pledged receipts as authorized by 3152
this section, which provisions are controlling notwithstanding 3153
any other provisions of law pertaining to them. Any and all 3154
pledged receipts received by the issuing authority and required 3155
by the bond proceedings, consistent with this section, to be 3156
deposited, transferred, or credited to the bond service fund, 3157
and all other money transferred or allocated to or received for 3158
the purposes of that fund, shall be deposited and credited to 3159
the bond service fund created in the bond proceedings for the 3160
obligations, subject to any applicable provisions of those bond 3161
proceedings, but without necessity for any act of appropriation. 3162
Those pledged receipts shall immediately be subject to the lien 3163
of that pledge without any physical delivery thereof or further 3164
act, and shall not be subject to other court judgments. The lien 3165
of the pledge of those pledged receipts shall be valid and 3166
binding against all parties having claims of any kind against 3167
the issuing authority, irrespective of whether those parties 3168
have notice thereof. The pledge shall create a perfected 3169
security interest for all purposes of Chapter 1309. of the 3170
Revised Code and a perfected lien for purposes of any other 3171
interest, all without the necessity for separation or delivery 3172
of funds or for the filing or recording of the applicable bond 3173
proceedings by which that pledge is created or any certificate, 3174
statement, or other document with respect thereto. The pledge of 3175

the pledged receipts shall be effective and the money therefrom 3176
and thereof may be applied to the purposes for which pledged. 3177

(G) Obligations may be further secured, as determined by 3178
the issuing authority, by an indenture or a trust agreement 3179
between the issuing authority and a corporate trustee, which may 3180
be any trust company or bank having a place of business within 3181
the state. Any indenture or trust agreement may contain the 3182
resolution or order authorizing the issuance of the obligations, 3183
any provisions that may be contained in any bond proceedings, 3184
and other provisions that are customary or appropriate in an 3185
agreement of that type, including, but not limited to: 3186

(1) Maintenance of each pledge, indenture, trust 3187
agreement, or other instrument comprising part of the bond 3188
proceedings until the issuing authority has fully paid or 3189
provided for the payment of debt service on the obligations 3190
secured by it; 3191

(2) In the event of default in any payments required to be 3192
made by the bond proceedings, enforcement of those payments or 3193
agreements by mandamus, the appointment of a receiver, suit in 3194
equity, action at law, or any combination of them; 3195

(3) The rights and remedies of the holders or owners of 3196
obligations and of the trustee and provisions for protecting and 3197
enforcing them, including limitations on rights of individual 3198
holders and owners. 3199

(H) The bond proceedings may contain additional provisions 3200
customary or appropriate to the financing or to the obligations 3201
or to particular obligations including, but not limited to, 3202
provisions for: 3203

(1) The redemption of obligations prior to maturity at the 3204

option of the issuing authority or of the holder or upon the 3205
occurrence of certain conditions, and at a particular price or 3206
prices and under particular terms and conditions; 3207

(2) The form of and other terms of the obligations; 3208

(3) The establishment, deposit, investment, and 3209
application of special funds, and the safeguarding of moneys on 3210
hand or on deposit, in lieu of the applicability of provisions 3211
of Chapter 131. or 135. of the Revised Code, but subject to any 3212
special provisions of this section with respect to the 3213
application of particular funds or moneys. Any financial 3214
institution that acts as a depository of any moneys in special 3215
funds or other funds under the bond proceedings may furnish 3216
indemnifying bonds or pledge securities as required by the 3217
issuing authority. 3218

(4) Any or every provision of the bond proceedings being 3219
binding upon the issuing authority and upon such governmental 3220
agency or entity, officer, board, authority, agency, department, 3221
institution, district, or other person or body as may from time 3222
to time be authorized to take actions as may be necessary to 3223
perform all or any part of the duty required by the provision; 3224

(5) The maintenance of each pledge or instrument 3225
comprising part of the bond proceedings until the issuing 3226
authority has fully paid or provided for the payment of the debt 3227
service on the obligations or met other stated conditions; 3228

(6) In the event of default in any payments required to be 3229
made by the bond proceedings, or by any other agreement of the 3230
issuing authority made as part of a contract under which the 3231
obligations were issued or secured, including a credit 3232
enhancement facility, the enforcement of those payments by 3233

mandamus, a suit in equity, an action at law, or any combination 3234
of those remedial actions; 3235

(7) The rights and remedies of the holders or owners of 3236
obligations or of book-entry interests in them, and of third 3237
parties under any credit enhancement facility, and provisions 3238
for protecting and enforcing those rights and remedies, 3239
including limitations on rights of individual holders or owners; 3240

(8) The replacement of mutilated, destroyed, lost, or 3241
stolen obligations; 3242

(9) The funding, refunding, or advance refunding, or other 3243
provision for payment, of obligations that will then no longer 3244
be outstanding for purposes of this section or of the applicable 3245
bond proceedings; 3246

(10) Amendment of the bond proceedings; 3247

(11) Any other or additional agreements with the owners of 3248
obligations, and such other provisions as the issuing authority 3249
determines, including limitations, conditions, or 3250
qualifications, relating to any of the foregoing or the 3251
activities of the issuing authority in connection therewith. 3252

The bond proceedings shall make provision for the payment 3253
of the expenses of the enforcement activity of the attorney 3254
general referred to in division (B) of this section from the 3255
amounts from the tobacco master settlement agreement assigned 3256
and sold to the issuing authority under that division or from 3257
the proceeds of obligations, or a combination thereof, which may 3258
include provision for both annual payments and a special fund 3259
providing reserve amounts for the payment of those expenses. 3260

The issuing authority shall not, and shall covenant in the 3261
bond proceedings that it shall not, be authorized to and shall 3262

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

(I) The obligations requiring execution by or for the issuing authority shall be signed as provided in the bond proceedings, and may bear the official seal of the issuing authority or a facsimile thereof. Any obligation may be signed by the individual who, on the date of execution, is the authorized signer even though, on the date of the obligations, that individual is not an authorized signer. In case the individual whose signature or facsimile signature appears on any obligation ceases to be an authorized signer before delivery of the obligation, that signature or facsimile is nevertheless valid and sufficient for all purposes as if that individual had remained the authorized signer until delivery.

(J) Obligations are investment securities under Chapter 3294
1308. of the Revised Code. Obligations may be issued in bearer 3295
or in registered form, registrable as to principal alone or as 3296
to both principal and interest, or both, or in certificated or 3297
uncertificated form, as the issuing authority determines. 3298
Provision may be made for the exchange, conversion, or transfer 3299
of obligations and for reasonable charges for registration, 3300
exchange, conversion, and transfer. Pending preparation of final 3301
obligations, the issuing authority may provide for the issuance 3302
of interim instruments to be exchanged for the final 3303
obligations. 3304

(K) Obligations may be sold at public sale or at private 3305
sale, in such manner, and at such price at, above, or below par, 3306
all as determined by and provided by the issuing authority in 3307
the bond proceedings. 3308

(L) Except to the extent that rights are restricted by the 3309
bond proceedings, any owner of obligations or provider of or 3310
counterparty to a credit enhancement facility may by any 3311
suitable form of legal proceedings protect and enforce any 3312
rights relating to obligations or that facility under the laws 3313
of this state or granted by the bond proceedings. Those rights 3314
include the right to compel the performance of all applicable 3315
duties of the issuing authority and the state. Each duty of the 3316
issuing authority and that issuing authority's officers, staff, 3317
and employees, and of each state entity or agency, or using 3318
district or using institution, and its officers, members, staff, 3319
or employees, undertaken pursuant to the bond proceedings, is 3320
hereby established as a duty of the entity or individual having 3321
authority to perform that duty, specifically enjoined by law and 3322
resulting from an office, trust, or station within the meaning 3323
of section 2731.01 of the Revised Code. The individuals who are 3324

from time to time members of the issuing authority, or their 3325
designees acting pursuant to section 183.52 of the Revised Code, 3326
or the issuing authority's officers, staff, agents, or 3327
employees, when acting within the scope of their employment or 3328
agency, shall not be liable in their personal capacities on any 3329
obligations or otherwise under the bond proceedings, or for 3330
otherwise exercising or carrying out any purposes or powers of 3331
the issuing authority. 3332

(M) (1) Subject to any applicable limitations in division 3333
(C) of this section, the issuing authority may also authorize 3334
and provide for the issuance of: 3335

(a) Obligations in the form of bond anticipation notes, 3336
and may authorize and provide for the renewal of those notes 3337
from time to time by the issuance of new notes. The holders of 3338
notes or appertaining interest coupons have the right to have 3339
debt service on those notes paid solely from the moneys and 3340
special funds, and all or any portion of the pledged receipts, 3341
that are or may be pledged to that payment, including the 3342
proceeds of bonds or renewal notes or both, as the issuing 3343
authority provides in the bond proceedings authorizing the 3344
notes. Notes may be additionally secured by covenants of the 3345
issuing authority to the effect that the issuing authority will 3346
do all things necessary for the issuance of bonds or renewal 3347
notes in such principal amount and upon such terms as may be 3348
necessary to provide moneys to pay when due the debt service on 3349
the notes, and apply their proceeds to the extent necessary, to 3350
make full and timely payment of debt service on the notes as 3351
provided in the applicable bond proceedings. In the bond 3352
proceedings authorizing the issuance of bond anticipation notes 3353
the issuing authority shall set forth for the bonds anticipated 3354
an estimated schedule of annual principal payments the latest of 3355

which shall be no later than provided in division (D) of this 3356
section. While the notes are outstanding there shall be 3357
deposited, as shall be provided in the bond proceedings for 3358
those notes, from the sources authorized for payment of debt 3359
service on the bonds, amounts sufficient to pay the principal of 3360
the bonds anticipated as set forth in that estimated schedule 3361
during the time the notes are outstanding, which amounts shall 3362
be used solely to pay the principal of those notes or of the 3363
bonds anticipated. 3364

(b) Obligations for the refunding, including funding and 3365
retirement, and advance refunding, with or without payment or 3366
redemption prior to maturity, of any obligations previously 3367
issued under this section and any bonds or notes previously 3368
issued for the purpose of paying costs of capital facilities 3369
for: (i) state-supported or state-assisted institutions of 3370
higher education as authorized by sections 151.01 and 151.04 of 3371
the Revised Code, pursuant to Sections 2i and 2n of Article 3372
VIII, Ohio Constitution, and (ii) housing branches and agencies 3373
of state government limited to facilities for a system of common 3374
schools throughout the state as authorized by sections 151.01 3375
and 151.03 of the Revised Code, pursuant to Sections 2i and 2n 3376
of Article VIII, Ohio Constitution. Refunding obligations may be 3377
issued in amounts sufficient to pay or to provide for repayment 3378
of the principal amount, including principal amounts maturing 3379
prior to the redemption of the remaining prior obligations or 3380
bonds or notes, any redemption premium, and interest accrued or 3381
to accrue to the maturity or redemption date or dates, payable 3382
on the prior obligations or bonds or notes, and related 3383
financing costs and any expenses incurred or to be incurred in 3384
connection with that issuance and refunding. Subject to the 3385
applicable bond proceedings, the portion of the proceeds of the 3386

sale of refunding obligations issued under division (M) (1) (b) of 3387
this section to be applied to debt service on the prior 3388
obligations or bonds or notes shall be credited to an 3389
appropriate separate account in the bond service fund and held 3390
in trust for the purpose by the issuing authority or by a 3391
corporate trustee, and may be invested as provided in the bond 3392
proceedings. Obligations authorized under this division shall be 3393
considered to be issued for those purposes for which the prior 3394
obligations or bonds or notes were issued. 3395

(2) The principal amount of refunding, advance refunding, 3396
or renewal obligations issued pursuant to division (M) of this 3397
section shall be in addition to the amount authorized in 3398
division (C) of this section. 3399

(N) Obligations are lawful investments for banks, savings 3400
and loan associations, credit union share guaranty corporations, 3401
trust companies, trustees, fiduciaries, insurance companies, 3402
including domestic for life and domestic not for life, trustees 3403
or other officers having charge of sinking and bond retirement 3404
or other special funds of the state and political subdivisions 3405
and taxing districts of this state, notwithstanding any other 3406
provisions of the Revised Code or rules adopted pursuant to 3407
those provisions by any state agency with respect to investments 3408
by them, and are also acceptable as security for the repayment 3409
of the deposit of public moneys. The exemptions from taxation in 3410
Ohio as provided for in particular sections of the Ohio 3411
Constitution and section 5709.76 of the Revised Code apply to 3412
the obligations. 3413

(O) (1) Unless otherwise provided or provided for in any 3414
applicable bond proceedings, moneys to the credit of or in a 3415
special fund shall be disbursed on the order of the issuing 3416

authority. No such order is required for the payment, from the 3417
bond service fund or other special fund, when due of debt 3418
service or required payments under credit enhancement 3419
facilities. 3420

(2) Payments received by the issuing authority under 3421
interest rate hedges entered into as credit enhancement 3422
facilities under this section shall be deposited as provided in 3423
the applicable bond proceedings. 3424

(P) The obligations shall not be general obligations of 3425
the state and the full faith and credit, revenue, and taxing 3426
power of the state shall not be pledged to the payment of debt 3427
service on them or to any guarantee of the payment of that debt 3428
service. The holders or owners of the obligations shall have no 3429
right to have any moneys obligated or pledged for the payment of 3430
debt service except as provided in this section and in the 3431
applicable bond proceedings. The rights of the holders and 3432
owners to payment of debt service are limited to all or that 3433
portion of the pledged receipts, and those special funds, 3434
pledged to the payment of debt service pursuant to the bond 3435
proceedings in accordance with this section, and each obligation 3436
shall bear on its face a statement to that effect. 3437

(Q) Each bond service fund is a trust fund and is hereby 3438
pledged to the payment of debt service on the applicable 3439
obligations. Payment of that debt service shall be made or 3440
provided for by the issuing authority in accordance with the 3441
bond proceedings without necessity for any act of appropriation. 3442
The bond proceedings may provide for the establishment of 3443
separate accounts in the bond service fund and for the 3444
application of those accounts only to debt service on specific 3445
obligations, and for other accounts in the bond service fund 3446

within the general purposes of that fund. 3447

(R) Subject to the bond proceedings pertaining to any 3448
obligations then outstanding in accordance with their terms, the 3449
issuing authority may in the bond proceedings pledge all, or 3450
such portion as the issuing authority determines, of the moneys 3451
in the bond service fund to the payment of debt service on 3452
particular obligations, and for the establishment and 3453
maintenance of any reserves for payment of particular debt 3454
service. 3455

(S) (1) Unless otherwise provided in any applicable bond 3456
proceedings, moneys to the credit of special funds may be 3457
invested by or on behalf of the issuing authority only in one or 3458
more of the following: 3459

(a) Notes, bonds, or other direct obligations of the 3460
United States or of any agency or instrumentality of the United 3461
States, or in no-front-end-load money market mutual funds 3462
consisting exclusively of those obligations, or in repurchase 3463
agreements, including those issued by any fiduciary, secured by 3464
those obligations, or in collective investment funds consisting 3465
exclusively of those obligations; 3466

(b) Obligations of this state or any political subdivision 3467
of this state; 3468

(c) Certificates of deposit of any national bank located 3469
in this state and any bank, as defined in section 1101.01 of the 3470
Revised Code, subject to inspection by the superintendent of 3471
financial institutions; 3472

(d) The treasurer of state's pooled investment program 3473
under section ~~135.45~~ 113.07 of the Revised Code; 3474

(e) Other investment agreements or repurchase agreements 3475

that are consistent with the ratings on the obligations. 3476

(2) The income from investments referred to in division 3477
(S) (1) of this section shall be credited to special funds or 3478
otherwise as the issuing authority determines in the bond 3479
proceedings. Those investments may be sold or exchanged at times 3480
as the issuing authority determines, provides for, or 3481
authorizes. 3482

(T) The treasurer of state shall have responsibility for 3483
keeping records, making reports, and making payments, relating 3484
to any arbitrage rebate requirements under the applicable bond 3485
proceedings. 3486

(U) The issuing authority shall make quarterly reports to 3487
the general assembly of the amounts in, and activities of, each 3488
improvement fund, including amounts and activities on the 3489
subfund level. Each report shall include a detailed description 3490
and analysis of the amount of proceeds remaining in each fund 3491
from the sale of obligations pursuant to this section, and any 3492
other deposits, credits, interest earnings, disbursements, 3493
expenses, transfers, or activities of each fund. 3494

(V) The costs of the annual audit of the authority 3495
conducted pursuant to section 117.112 of the Revised Code are 3496
payable, as may be provided in the bond proceedings, from the 3497
proceeds of the obligations, from special funds, or from other 3498
moneys available for the purpose, including as to future 3499
financing costs, from the pledged receipts. 3500

Sec. 317.36. (A) The county recorder shall collect the 3501
low- and moderate-income housing trust fund fee as specified in 3502
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 3503
4509.60, 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 5733.22, 3504

6101.09, and 6115.09 of the Revised Code. The amount of any 3505
housing trust fund fee the recorder is authorized to collect is 3506
equal to the amount of any base fee the recorder is authorized 3507
to collect for services. The housing trust fund fee shall be 3508
collected in addition to the base fee. 3509

(B) The recorder shall certify the amounts collected as 3510
housing trust fund fees pursuant to division (A) of this section 3511
into the county treasury as housing trust fund fees to be paid 3512
to the ~~treasurer of state~~ department of development pursuant to 3513
section 319.63 of the Revised Code. 3514

(C) The document preservation surcharge collected under 3515
section 317.32 of the Revised Code is not a base fee under this 3516
section. 3517

Sec. 319.63. (A) During the first thirty days of each 3518
calendar quarter, the county auditor shall pay to the ~~treasurer-~~ 3519
~~of state~~ department of development all amounts that the county 3520
recorder collected as housing trust fund fees pursuant to 3521
section 317.36 of the Revised Code during the previous calendar 3522
quarter. If payment is made to the ~~treasurer of state~~ department 3523
of development within the first thirty days of the quarter, the 3524
county auditor may retain an administrative fee of one per cent 3525
of the amount of the trust fund fees collected during the 3526
previous calendar quarter. 3527

(B) The ~~treasurer of state~~ department of development shall 3528
deposit the housing trust fund fees received each year pursuant 3529
to this section into the low- and moderate-income housing trust 3530
fund created under section 174.02 of the Revised Code. 3531

(C) The county auditor shall deposit the administrative 3532
fee that the auditor is permitted to retain pursuant to division 3533

(A) of this section into the county general fund for the county 3534
recorder to use in administering the trust fund fee. 3535

Sec. 321.46. (A) To enhance the background and working 3536
knowledge of county treasurers ~~in governmental accounting,~~ 3537
~~portfolio reporting and compliance, investments, cybersecurity,~~ 3538
~~and cash management, the auditor of state and the treasurer of~~ 3539
state shall conduct education programs for persons elected for 3540
the first time to the office of county treasurer and shall hold 3541
~~biennial annual~~ continuing education ~~courses programs~~ for 3542
persons who continue to hold the office of county treasurer. 3543

~~Initial education programs for newly~~ (B) (1) (a) Newly 3544
~~elected or appointed~~ county treasurers shall ~~be held between the~~ 3545
~~first day of December and the first Monday of September next~~ 3546
~~following that person's election to the~~ complete at least 3547
thirteen hours of initial education within one hundred twenty 3548
days of taking the oath of office of county treasurer. Similar 3549
~~initial Initial~~ education programs may also be provided to any 3550
~~county treasurer who is appointed to fill a vacancy or who is~~ 3551
~~elected at a special election~~ hours earned under division (B) (1) 3552
(a) of this section may be completed up to one year prior to 3553
taking the oath of office. 3554

~~(B) (1) The auditor of state shall determine the manner and~~ 3555
~~content of the initial education programs in the subject areas~~ 3556
~~of governmental accounting and portfolio reporting and~~ 3557
~~compliance. In those areas, newly elected~~ (b) A county 3558
~~treasurers shall take at least~~ treasurer that accumulates more 3559
than thirteen hours of initial education before taking office may 3560
credit up to five education hours in excess of the thirteen 3561
hours to the next calendar year for application to continuing 3562
education requirements described in division (B) (3) (a) of this 3563

section. 3564

(c) A county treasurer who participates in a training 3565
program or seminar established under section 109.43 of the 3566
Revised Code may apply up to three hours of training to initial 3567
education requirements. 3568

(2) The treasurer of state shall ~~determine~~ adopt rules 3569
consistent with this section governing the implementation of 3570
this section including the manner and content of the initial 3571
education programs in the subject areas of investments and cash- 3572
management. In those areas, newly elected county treasurers- 3573
shall take at least thirteen hours of education before taking- 3574
office. The treasurer of state shall determine specific subject 3575
areas for content that are reasonably related to the duties of 3576
the office of county treasurer. 3577

(3) (a) ~~After completing one year in office, a~~ A county 3578
treasurer shall ~~take not less than twenty-four~~ complete at least 3579
ten hours of continuing education during each ~~biennial-~~ 3580
~~cycle~~ calendar year that begins more than one hundred twenty days 3581
after the county treasurer takes the oath of office. ~~For-~~ 3582
~~purposes of division (B) (3) (a) of this section, a biennial cycle~~ 3583
~~for continuing education shall be every two calendar years after~~ 3584
~~the treasurer's first year in office. The treasurer of state-~~ 3585
~~shall determine the manner and content of the continuing~~ 3586
~~education courses in the subject areas of investments, cash-~~ 3587
~~management, the collection of taxes, ethics, and any other-~~ 3588
~~subject area that the treasurer of state determines is-~~ 3589
~~reasonably related to the duties of the office of the county-~~ 3590
~~treasurer. The auditor of state shall determine the manner and-~~ 3591
~~content of the continuing education courses in the subject areas~~ 3592
~~of governmental accounting, portfolio reporting and compliance,-~~ 3593

~~office management, cybersecurity, and any other subject area~~ 3594
~~that the auditor of state determines is reasonably related to~~ 3595
~~the duties of the office of the county treasurer~~ requirements of 3596
this section do not apply to county treasurers who provide a 3597
notice of exemption under division (A) of section 321.47 of the 3598
Revised Code. 3599

(b) A county treasurer who accumulates more than ~~twenty-~~ 3600
~~four-ten~~ hours of continuing education in a ~~biennial cycle-~~ 3601
~~described calendar year in division (B) (3) (a) of this section-~~ 3602
may credit ~~the~~ up to five education hours in excess of ~~twenty-~~ 3603
~~four-ten~~ continuing education hours to the next biennial cycle. 3604
~~However, regardless of the total number of hours earned, no more~~ 3605
~~than six hours in continuing education determined by the~~ 3606
~~treasurer of state pursuant to~~ calendar year requirements 3607
outlined in division (B) (3) (a) of this section ~~and six hours in-~~ 3608
~~continuing education determined by the auditor of state pursuant~~ 3609
~~to that division shall be carried over to the next biennial-~~ 3610
~~cycle.~~ 3611

(c) A county treasurer who participates in a training 3612
program or seminar established under section 109.43 of the 3613
Revised Code may apply ~~the three-~~ up to one and one-half hours of 3614
training to the ~~twenty-four-ten~~ hours of continuing education 3615
required in a ~~biennial cycle under division (B) (3) (a) of this-~~ 3616
~~section~~ calendar year. 3617

(C) ~~The auditor of state and the treasurer of state may~~ 3618
~~each~~ charge counties a registration or annual fee that will meet 3619
actual and necessary expenses of the training of county 3620
treasurers, including instructor fees, site acquisition costs, 3621
~~and the cost of course materials,~~ and any other expense directly 3622
related to the training provided pursuant to this section. The 3623

necessary personal expenses of county treasurers as a result of 3624
attending the initial education programs and continuing 3625
education courses shall be borne by the counties the treasurers 3626
represent. 3627

(D) The ~~auditor of state and the treasurer of state~~ may 3628
allow any other interested person to attend any of the initial 3629
education programs or continuing education courses held pursuant 3630
to this section, provided that before attending any such program 3631
or course, the interested person shall pay ~~to either the auditor~~ 3632
~~of state or the treasurer of state, as appropriate,~~ the full 3633
registration fee set for the program or course. An interested 3634
person shall not be charged a registration fee if the person has 3635
paid the annual fee pursuant to section 135.22 of the Revised 3636
Code for the calendar year in which the program or course is 3637
offered. 3638

(E) (1) If a county treasurer fails to complete the initial 3639
education programs required by this section ~~before~~ within one 3640
hundred twenty days after taking the oath of office, the 3641
treasurer's authority to invest county funds and to manage the 3642
county portfolio immediately is suspended, and this authority is 3643
transferred to the county's investment advisory committee until 3644
full compliance with the initial education programs is 3645
determined by the treasurer of state. 3646

(2) If a county treasurer fails to complete continuing 3647
education as required by this section, the county treasurer is 3648
subject to ~~divisions (B) to (E) of~~ section 321.47 of the Revised 3649
Code, including possible suspension of the treasurer's authority 3650
to invest county funds and to manage the county portfolio and 3651
transfer of this authority to the county's investment advisory 3652
committee. 3653

(F) (1) Notwithstanding divisions (B) and (E) of this 3654
section, a county treasurer who fails to complete the initial 3655
education programs or continuing education required by this 3656
section shall invest only in the Ohio subdivisions fund pursuant 3657
to division (A) (6) of section 135.35 of the Revised Code, in no 3658
load money market mutual funds pursuant to division (A) (5) of 3659
section 135.35 of the Revised Code, or in time certificates of 3660
deposit or savings or deposit accounts pursuant to division (A) 3661
(3) of section 135.35 of the Revised Code. 3662

(2) A county treasurer who has failed to complete the 3663
initial education programs required by this section and invests 3664
in other than the investments permitted by division (F) (1) of 3665
this section immediately shall have the county treasurer's 3666
authority to invest county funds and to manage the county 3667
portfolio suspended, and this authority shall be transferred to 3668
the county's investment advisory committee until full compliance 3669
with the initial education programs is determined by the 3670
treasurer of state. 3671

(3) If a county treasurer fails to complete continuing 3672
education required by this section and invests in other than the 3673
investments permitted by division (F) (1) of this section, the 3674
county treasurer is subject to ~~divisions (B) to (E) of~~ section 3675
321.47 of the Revised Code, including possible suspension of the 3676
treasurer's authority to invest county funds and to manage the 3677
county portfolio and transfer of this authority to the county's 3678
investment advisory committee. 3679

~~(G) (1)~~ (G) There is hereby created in the state treasury 3680
the county treasurer education fund, to be used by the treasurer 3681
of state for actual and necessary expenses of initial education 3682
programs and continuing education held pursuant to this section 3683

and section 135.22 of the Revised Code. All registration fees 3684
collected by the treasurer of state under this section and 3685
section 135.22 of the Revised Code shall be paid into that fund. 3686

~~(2) All registration fees collected by the auditor of~~ 3687
~~state under this section shall be paid into the auditor of state~~ 3688
~~training program fund established under section 117.44 of the~~ 3689
~~Revised Code.~~ 3690

~~(H) The treasurer of state, with the advice and consent of~~ 3691
~~the auditor of state, may adopt reasonable rules not~~ 3692
~~inconsistent with this section for the implementation of this~~ 3693
~~section.~~ 3694

Sec. 321.47. (A) By the ~~fifteenth~~ thirty-first day of 3695
January ~~following completion of each biennial cycle described in~~ 3696
~~division (B) (3) (a) of section 321.46 of the Revised Code, each~~ 3697
county treasurer shall submit to the auditor treasurer of state 3698
~~shall notify the treasurer of state a complete listing of the~~ 3699
continuing education hours completed ~~under the auditor of~~ 3700
~~state's supervision by each county treasurer for that biennial~~ 3701
~~cycle the preceding calendar year pursuant to section 321.46 of~~ 3702
the Revised Code. 3703

If the county treasurer makes no investments or invests 3704
only in those investments permitted by division (F) (2) of 3705
section 321.46 of the Revised Code, the county treasurer is not 3706
subject to the continuing education requirements and shall 3707
provide a notice of exemption to the treasurer of state. 3708

~~(B) By the thirty-first day of January following~~ 3709
~~completion of each biennial cycle described in division (B) (3)~~ 3710
~~(a) of section 321.46 of the Revised Code, the~~ The treasurer of 3711
state shall determine whether any county treasurer has failed to 3712

comply with the county treasurer's continuing education 3713
requirements pursuant to section 321.46 of the Revised Code and, 3714
by certified mail, shall notify any county treasurer who has not 3715
complied with the requirements. The notice shall contain all of 3716
the following: 3717

(1) Notification that the county treasurer is deficient in 3718
continuing education hours; 3719

(2) Notification that if the county treasurer believes the 3720
treasurer of state's records are in error, the county treasurer 3721
has one month to submit proof to the treasurer of state that the 3722
county treasurer is in compliance with the continuing education 3723
requirements; 3724

(3) Notification that completion of the continuing 3725
education requirements also may be obtained by attending courses 3726
approved by the auditor of state or the treasurer of state, but 3727
that the county treasurer must comply fully with the continuing 3728
education requirements and that the treasurer of state must have 3729
proof of full compliance by the last day of April ~~following~~ 3730
~~completion of each biennial cycle;~~ 3731

(4) Notification that if the county treasurer has failed 3732
to comply fully with the continuing education requirements by 3733
the last day of April ~~following completion of each biennial~~ 3734
~~cycle,~~ the treasurer of state will notify the prosecuting 3735
attorney of that treasurer's county of that fact immediately. 3736

(C) (1) Upon receipt of the notice described in division 3737
(B) (4) of this section, the prosecuting attorney shall petition 3738
the court of common pleas of that county for an order suspending 3739
the county treasurer's authority to invest county funds and to 3740
manage the county investment portfolio. The petition shall 3741

contain a brief statement of the facts and shall show that the
county treasurer has failed to comply with the continuing
education requirements of section 321.46 of the Revised Code.
Before or simultaneously with the filing of the petition, the
prosecuting attorney shall serve a copy of the petition upon the
county treasurer personally or by certified mail, together with
a copy of this section. Upon the filing of the petition, the
court, on the motion of the prosecuting attorney, shall enter an
order fixing a date for hearing not later than two weeks after
the date of filing and shall require that a copy of the order be
given to the county treasurer in the manner in which a summons
is required to be served or substituted service is required to
be made in other cases.

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

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

(D) Upon receiving proof of completion of continuing

education requirements for the preceding ~~biennial cycle~~ 3772
~~described in division (B) (3) (a) of section 321.46 of the Revised~~ 3773
~~Code~~ calendar year, the treasurer of state shall notify the 3774
prosecuting attorney that the county treasurer has complied 3775
fully with the continuing education requirements. The 3776
prosecuting attorney shall submit this information to the court, 3777
and the court shall enter an order terminating the authority of 3778
the county's investment advisory committee to invest county 3779
funds and to manage the county portfolio and restoring such 3780
authority to the county treasurer. 3781

(E) The proceedings described in divisions (C) and (D) of 3782
this section are special proceedings, and final orders in the 3783
proceedings may be reviewed and affirmed, modified, or reversed 3784
on appeal pursuant to the Rules of Appellate Procedure and, to 3785
the extent not in conflict with those rules, pursuant to Chapter 3786
2505. of the Revised Code. 3787

Sec. 1557.03. (A) (1) The commissioners of the sinking fund 3788
are authorized to issue and sell, as provided in this section 3789
and in amounts from time to time authorized by the general 3790
assembly, general obligations of this state for the purpose of 3791
financing or assisting in the financing of the costs of 3792
projects. The full faith and credit, revenues, and taxing power 3793
of the state are and shall be pledged to the timely payment of 3794
debt charges on outstanding obligations, all in accordance with 3795
Section 21 of Article VIII, Ohio Constitution, and Chapter 1557. 3796
of the Revised Code, excluding from that pledge fees, excises, 3797
or taxes relating to the registration, operation, or use of 3798
vehicles on the public highways, or to fuels used for propelling 3799
those vehicles, and so long as such obligations are outstanding 3800
there shall be levied and collected excises and taxes, excluding 3801
those excepted above, in amount sufficient to pay the debt 3802

charges on such obligations and financing costs relating to 3803
credit enhancement facilities. 3804

(2) For meetings of the commissioners of the sinking fund 3805
pertaining to the obligations under this chapter, each of the 3806
commissioners may designate an employee or officer of that 3807
commissioner's office to attend meetings when that commissioner 3808
is absent for any reason, and such designee, when present, shall 3809
be counted in determining whether a quorum is present at any 3810
meeting and may vote and participate in all proceedings and 3811
actions of the commissioners at that meeting pertaining to the 3812
obligations, provided, that such designee shall not execute or 3813
cause a facsimile of the designee's signature to be placed on 3814
any obligation, or execute any trust agreement or indenture of 3815
the commissioners. Such designation shall be in writing, 3816
executed by the designating member, and shall be filed with the 3817
secretary of the commissioners and such designation may be 3818
changed from time to time by a similar written designation. 3819

(B) The total principal amount of obligations outstanding 3820
at any one time shall not exceed two hundred million dollars, 3821
and not more than fifty million dollars in principal amount of 3822
obligations to pay costs of projects may be issued in any fiscal 3823
year, all determined as provided in Chapter 1557. of the Revised 3824
Code. 3825

(C) The state may participate by grants or contributions 3826
in financing projects under this section made by local 3827
government entities. Of the proceeds of the first two hundred 3828
million dollars principal amount in obligations issued under 3829
this section to pay costs of projects, at least twenty per cent 3830
shall be allocated in accordance with section 1557.06 of the 3831
Revised Code to grants or contributions to local government 3832

entities. The director of budget and management shall establish 3833
and maintain records in such manner as to show that the proceeds 3834
credited to the Ohio parks and natural resources fund have been 3835
expended for the purposes and in accordance with the limitations 3836
set forth herein. 3837

(D) Each issue of obligations shall be authorized by 3838
resolution of the commissioners of the sinking fund. The bond 3839
proceedings shall provide for the principal amount or maximum 3840
principal amount of obligations of an issue, and shall provide 3841
for or authorize the manner or agency for determining the 3842
principal maturity or maturities, not exceeding the earlier of 3843
twenty-five years from the date the debt represented by the 3844
particular obligations was originally contracted, the interest 3845
rate or rates, the date of and the dates of payment of interest 3846
on the obligations, their denominations, and the establishment 3847
within or without the state of a place or places of payment of 3848
debt charges. Sections 9.96 and 9.98 to 9.983 of the Revised 3849
Code are applicable to the obligations. The purpose of the 3850
obligations may be stated in the bond proceedings as "financing 3851
or assisting in the financing of projects as provided in Section 3852
21 of Article VIII, Ohio Constitution." 3853

(E) The proceeds of the obligations, except for any 3854
portion to be deposited in special funds, or in escrow funds for 3855
the purpose of refunding outstanding obligations, all as may be 3856
provided in the bond proceedings, shall be deposited in the Ohio 3857
parks and natural resources fund established by section 1557.02 3858
of the Revised Code. 3859

(F) The commissioners of the sinking fund may appoint 3860
paying agents, bond registrars, securities depositories, and 3861
transfer agents, and may retain the services of financial 3862

advisers and accounting experts, and retain or contract for the 3863
services of marketing, remarketing, indexing, and administrative 3864
agents, other consultants, and independent contractors, 3865
including printing services, as are necessary in the judgment of 3866
the commissioners to carry out this chapter of the Revised Code. 3867
Financing costs are payable, as provided in the bond 3868
proceedings, from the proceeds of the obligations, from special 3869
funds, or from other moneys available for the purpose. 3870

(G) The bond proceedings, including any trust agreement, 3871
may contain additional provisions customary or appropriate to 3872
the financing or to the obligations or to particular 3873
obligations, including, but not limited to: 3874

(1) The redemption of obligations prior to maturity at the 3875
option of the state or of the holder or upon the occurrence of 3876
certain conditions at such price or prices and under such terms 3877
and conditions as are provided in the bond proceedings; 3878

(2) The form of and other terms of the obligations; 3879

(3) The establishment, deposit, investment, and 3880
application of special funds, and the safeguarding of moneys on 3881
hand or on deposit, without regard to Chapter 131. or 135. of 3882
the Revised Code, provided that any bank or trust company that 3883
acts as a depository of any moneys in special funds may furnish 3884
such indemnifying bonds or may pledge such securities as 3885
required by the commissioners of the sinking fund; 3886

(4) Any or every provision of the bond proceedings binding 3887
upon the commissioners of the sinking fund and such state agency 3888
or local government entities, officer, board, commission, 3889
authority, agency, department, or other person or body as may 3890
from time to time have the authority under law to take such 3891

actions as may be necessary to perform all or any part of the 3892
duty required by such provision; 3893

(5) The maintenance of each pledge, any trust agreement, 3894
or other instrument composing part of the bond proceedings until 3895
the state has fully paid or provided for the payment of the debt 3896
charges on the obligations or met other stated conditions; 3897

(6) In the event of default in any payments required to be 3898
made by the bond proceedings, or any other agreement of the 3899
commissioners of the sinking fund made as part of a contract 3900
under which the obligations were issued or secured, the 3901
enforcement of such payments or agreements by mandamus, suit in 3902
equity, action at law, or any combination of the foregoing; 3903

(7) The rights and remedies of the holders of obligations 3904
and of the trustee under any trust agreement, and provisions for 3905
protecting and enforcing them, including limitations on rights 3906
of individual holders of obligations; 3907

(8) The replacement of any obligations that become 3908
mutilated or are destroyed, lost, or stolen; 3909

(9) Provision for the funding, refunding, or advance 3910
refunding or other provision for payment of obligations which 3911
will then no longer be or be deemed to be outstanding for 3912
purposes of this section or of the bond proceedings; 3913

(10) Any provision that may be made in bond proceedings or 3914
a trust agreement, including provision for amendment of the bond 3915
proceedings; 3916

(11) Such other provisions as the commissioners of the 3917
sinking fund determine, including limitations, conditions, or 3918
qualifications relating to any of the foregoing; 3919

(12) Any other or additional agreements with the holders 3920
of the obligations relating to the obligations or the security 3921
for the obligations. 3922

(H) The great seal of the state or a facsimile of that 3923
seal may be affixed to or printed on the obligations. The 3924
obligations shall be signed by or bear the facsimile signatures 3925
of two or more of the commissioners of the sinking fund as 3926
provided in the bond proceedings. Any obligations may be signed 3927
by the person who, on the date of execution, is the authorized 3928
signer although on the date of such obligations such person was 3929
not a commissioner. In case the individual whose signature or a 3930
facsimile of whose signature appears on any obligation ceases to 3931
be a commissioner before delivery of the obligation, such 3932
signature or facsimile is nevertheless valid and sufficient for 3933
all purposes as if the individual had remained the member until 3934
such delivery, and in case the seal to be affixed to or printed 3935
on obligations has been changed after the seal has been affixed 3936
to or a facsimile of the seal has been printed on the 3937
obligations, that seal or facsimile seal shall continue to be 3938
sufficient as to those obligations and obligations issued in 3939
substitution or exchange therefor. 3940

(I) Obligations may be issued in coupon or in fully 3941
registered form, or both, as the commissioners of the sinking 3942
fund determine. Provision may be made for the registration of 3943
any obligations with coupons attached as to principal alone or 3944
as to both principal and interest, their exchange for 3945
obligations so registered, and for the conversion or 3946
reconversion into obligations with coupons attached of any 3947
obligations registered as to both principal and interest, and 3948
for reasonable charges for such registration, exchange, 3949
conversion, and reconversion. Pending preparation of definitive 3950

obligations, the commissioners of the sinking fund may issue 3951
interim receipts or certificates which shall be exchanged for 3952
such definitive obligations. 3953

(J) Obligations may be sold at public sale or at private 3954
sale, and at such price at, above, or below par, as determined 3955
by the commissioners of the sinking fund in the bond 3956
proceedings. 3957

(K) In the discretion of the commissioners of the sinking 3958
fund, obligations may be secured additionally by a trust 3959
agreement between the state and a corporate trustee which may be 3960
any trust company or bank having a place of business within the 3961
state. Any trust agreement may contain the resolution 3962
authorizing the issuance of the obligations, any provisions that 3963
may be contained in the bond proceedings, and other provisions 3964
that are customary or appropriate in an agreement of the type. 3965

(L) Except to the extent that their rights are restricted 3966
by the bond proceedings, any holder of obligations, or a trustee 3967
under the bond proceedings, may by any suitable form of legal 3968
proceedings protect and enforce any rights under the laws of 3969
this state or granted by the bond proceedings. Such rights 3970
include the right to compel the performance of all duties of the 3971
commissioners and the state. Each duty of the commissioners and 3972
employees of the commissioners, and of each state agency and 3973
local public entity and its officers, members, or employees, 3974
undertaken pursuant to the bond proceedings, is hereby 3975
established as a duty of the commissioners, and of each such 3976
agency, local government entity, officer, member, or employee 3977
having authority to perform such duty, specifically enjoined by 3978
the law and resulting from an office, trust, or station within 3979
the meaning of section 2731.01 of the Revised Code. The persons 3980

who are at the time the commissioners, or employees of the 3981
commissioners, are not liable in their personal capacities on 3982
any obligations or any agreements of or with the commissioners 3983
relating to obligations or under the bond proceedings. 3984

(M) Obligations are lawful investments for banks, 3985
societies for savings, savings and loan associations, deposit 3986
guarantee associations, trust companies, trustees, fiduciaries, 3987
insurance companies, including domestic for life and domestic 3988
not for life, trustees or other officers having charge of 3989
sinking and bond retirement or other special funds of political 3990
subdivisions and taxing districts of this state, the 3991
commissioners of the sinking fund, the administrator of workers' 3992
compensation, the state teachers retirement system, the public 3993
employees retirement system, the school employees retirement 3994
system, and the Ohio police and fire pension fund, 3995
notwithstanding any other provisions of the Revised Code or 3996
rules adopted pursuant thereto by any state agency with respect 3997
to investments by them, and are also acceptable as security for 3998
the deposit of public moneys. 3999

(N) Unless otherwise provided in any applicable bond 4000
proceedings, moneys to the credit of or in the special funds 4001
established by or pursuant to this section may be invested by or 4002
on behalf of the commissioners of the sinking fund only in 4003
notes, bonds, or other direct obligations of the United States 4004
or of any agency or instrumentality of the United States, in 4005
obligations of this state or any political subdivision of this 4006
state, in certificates of deposit of any national bank located 4007
in this state and any bank, as defined in section 1101.01 of the 4008
Revised Code, subject to inspection by the superintendent of 4009
financial institutions, in the Ohio subdivision's fund 4010
established pursuant to section ~~135.45~~113.07 of the Revised 4011

Code, in no-front-end-load money market mutual funds consisting 4012
exclusively of direct obligations of the United States or of an 4013
agency or instrumentality of the United States, and in 4014
repurchase agreements, including those issued by any fiduciary, 4015
secured by direct obligations of the United States or an agency 4016
or instrumentality of the United States, and in collective 4017
investment funds established in accordance with section 1111.14 4018
of the Revised Code and consisting exclusively of direct 4019
obligations of the United States or of an agency or 4020
instrumentality of the United States, notwithstanding division 4021
(A) (1) (c) of that section. The income from investments shall be 4022
credited to such special funds or otherwise as the commissioners 4023
of the sinking fund determine in the bond proceedings, and the 4024
investments may be sold or exchanged at such times as the 4025
commissioners determine or authorize. 4026

(O) Unless otherwise provided in any applicable bond 4027
proceedings, moneys to the credit of or in a special fund shall 4028
be disbursed on the order of the commissioners of the sinking 4029
fund, provided that no such order is required for the payment 4030
from the bond service fund or other special fund when due of 4031
debt charges or required payments under credit enhancement 4032
facilities. 4033

(P) The commissioners of the sinking fund may covenant in 4034
the bond proceedings, and any such covenants shall be 4035
controlling notwithstanding any other provision of law, that the 4036
state and the applicable officers and agencies of the state, 4037
including the general assembly, so long as any obligations are 4038
outstanding in accordance with their terms, shall maintain 4039
statutory authority for and cause to be charged and collected 4040
taxes, excises, and other receipts of the state so that the 4041
receipts to the bond service fund shall be sufficient in amounts 4042

to meet debt charges and for the establishment and maintenance 4043
of any reserves and other requirements, including payment of the 4044
costs of credit enhancement facilities, provided for in the bond 4045
proceedings. 4046

(Q) The obligations, the transfer thereof, and the 4047
interest, other accreted amounts, and other income therefrom, 4048
including any profit made on the sale thereof, at all times 4049
shall be free from taxation, direct or indirect, within the 4050
state. 4051

(R) This section applies only with respect to obligations 4052
issued and delivered before September 30, 2000. 4053

Sec. 3307.12. The treasurer of state shall be the 4054
custodian ~~of the funds~~ of the state teachers retirement system_ 4055
funds created under section 3307.14 of the Revised Code, and all 4056
disbursements therefrom shall be paid by ~~him~~ the treasurer of 4057
state only upon instruments duly authorized by the state 4058
teachers retirement board and bearing the signatures of the 4059
~~chairman~~ chairperson and secretary of the board. Such signatures 4060
may be affixed through the use of a mechanical check signing 4061
device. 4062

The treasurer of state shall give a separate and 4063
additional bond in such amount as is fixed by the governor and 4064
with sureties selected by the board and approved by the 4065
governor, conditioned for the faithful performance of the duties 4066
of the treasurer of state as custodian of the funds of the 4067
system. Such bond shall be deposited with the secretary of state 4068
and kept in ~~his~~ the secretary of state's office. The governor 4069
may require the treasurer of state to give additional bonds, as 4070
the funds of the system increase, in such amounts and at such 4071
times as are fixed by the governor, which additional bonds shall 4072

be conditioned, filed, and obtained as is provided for the 4073
original bond of the treasurer of state covering the funds of 4074
the system. The premium on all bonds shall be paid by the board. 4075

The money held in the depository accounts of any entity 4076
established directly or indirectly to facilitate the investment 4077
of funds pursuant to section 3307.15 of the Revised Code are not 4078
public moneys or public deposits for the purposes of Chapters 4079
113. and 135. of the Revised Code and shall not be considered to 4080
be in the custody of the treasurer of state~~shall deposit any~~ 4081
~~portion of the funds of the .~~ The state teachers retirement 4082
~~system not needed for immediate use in the same manner as state~~ 4083
~~funds are deposited, and subject to all law with respect to the~~ 4084
~~deposit of state funds, by the treasurer of state, and all~~ 4085
~~interest earned by such portion of the retirement funds as is~~ 4086
~~deposited by the treasurer of state shall be collected by him and~~ 4087
~~placed to the credit of the board~~shall have sole responsibility 4088
for such depository accounts. 4089

Sec. 3334.08. (A) Subject to division (B) of this section, 4090
in addition to any other powers conferred by this chapter, the 4091
Ohio tuition trust authority may do any of the following: 4092

(1) Impose reasonable residency requirements for 4093
beneficiaries of tuition units; 4094

(2) Impose reasonable limits on the number of tuition unit 4095
participants; 4096

(3) Impose and collect administrative fees and charges in 4097
connection with any transaction under this chapter; 4098

(4) Purchase insurance from insurers licensed to do 4099
business in this state providing for coverage against any loss 4100
in connection with the authority's property, assets, or 4101

activities or to further ensure the value of tuition units; 4102

(5) Indemnify or purchase policies of insurance on behalf 4103
of members, officers, and employees of the authority from 4104
insurers licensed to do business in this state providing for 4105
coverage for any liability incurred in connection with any civil 4106
action, demand, or claim against a director, officer, or 4107
employee by reason of an act or omission by the director, 4108
officer, or employee that was not manifestly outside the scope 4109
of the employment or official duties of the director, officer, 4110
or employee or with malicious purpose, in bad faith, or in a 4111
wanton or reckless manner; 4112

(6) Make, execute, and deliver contracts, conveyances, and 4113
other instruments necessary to the exercise and discharge of the 4114
powers and duties of the authority; 4115

(7) Promote, advertise, and publicize the Ohio college 4116
savings program and the variable college savings program; 4117

(8) Adopt rules under section 111.15 of the Revised Code 4118
for the implementation of the Ohio college savings program; 4119

(9) Contract, for the provision of all or part of the 4120
services necessary for the management and operation of the Ohio 4121
college savings program and the variable college savings 4122
program, with a bank, trust company, savings and loan 4123
association, insurance company, or licensed dealer in securities 4124
if the bank, company, association, or dealer is authorized to do 4125
business in this state and information about the contract is 4126
filed with the controlling board pursuant to division (D) (6) of 4127
section 127.16 of the Revised Code; provided, however, that any 4128
funds of the Ohio college savings program and the variable 4129
college savings program that are not needed for immediate use 4130

shall be deposited by the treasurer of state in the same manner 4131
provided under Chapter 135. of the Revised Code for public 4132
moneys of the state. All interest earned on those deposits shall 4133
be credited to the Ohio college savings program or the variable 4134
college savings program, as applicable. 4135

(10) Contract for other services, or for goods, needed by 4136
the authority in the conduct of its business, including but not 4137
limited to credit card services; 4138

(11) Employ an executive director and other personnel as 4139
necessary to carry out its responsibilities under this chapter, 4140
and fix the compensation of these persons. All employees of the 4141
authority shall be in the unclassified civil service and shall 4142
be eligible for membership in the public employees retirement 4143
system. In the hiring of the executive director, the Ohio 4144
tuition trust authority shall obtain the advice and consent of 4145
the Ohio tuition trust investment board created in section 4146
3334.03 of the Revised Code, provided that the executive 4147
director shall not be hired unless a majority of the board votes 4148
in favor of the hiring. In addition, the board may remove the 4149
executive director at any time subject to the advice and consent 4150
of the chancellor of higher education. 4151

(12) Contract with financial consultants, actuaries, 4152
auditors, and other consultants as necessary to carry out its 4153
responsibilities under this chapter; 4154

(13) Enter into agreements with any agency of the state or 4155
its political subdivisions or with private employers under which 4156
an employee may agree to have a designated amount deducted in 4157
each payroll period from the wages or salary due the employee 4158
for the purpose of purchasing tuition units pursuant to a 4159
tuition payment contract or making contributions pursuant to a 4160

variable college savings program contract; 4161

~~(14) Enter into an agreement with the treasurer of state~~ 4162
~~under which the treasurer of state will receive, and credit to~~ 4163
~~the Ohio tuition trust fund or variable college savings program~~ 4164
~~fund, from any bank or savings and loan association authorized~~ 4165
~~to do business in this state, amounts that a depositor of the~~ 4166
~~bank or association authorizes the bank or association to~~ 4167
~~withdraw periodically from the depositor's account for the~~ 4168
~~purpose of purchasing tuition units pursuant to a tuition~~ 4169
~~payment contract or making contributions pursuant to a variable~~ 4170
~~college savings program contract;~~ 4171

~~(15)~~ Solicit and accept gifts, grants, and loans from any 4172
person or governmental agency and participate in any 4173
governmental program; 4174

~~(16)~~ (15) Impose limits on the number of units which may be 4175
purchased on behalf of or assigned or awarded to any beneficiary 4176
and on the total amount of contributions that may be made on 4177
behalf of a beneficiary; 4178

~~(17)~~ (16) Impose restrictions on the substitution of 4179
another individual for the original beneficiary under the Ohio 4180
college savings program; 4181

~~(18)~~ (17) Impose a limit on the age of a beneficiary, above 4182
which tuition units may not be purchased on behalf of that 4183
beneficiary; 4184

~~(19) Enter into a cooperative agreement with the treasurer~~ 4185
~~of state to provide for the direct disbursement of payments~~ 4186
~~under tuition payment or variable college savings program~~ 4187
~~contracts;~~ 4188

~~(20)~~ (18) Terminate any tuition payment or variable college 4189

savings program contract if no purchases or contributions are 4190
made for a period of three years or more and there are fewer 4191
than a total of five tuition units or less than a dollar amount 4192
set by rule on account, provided that notice of a possible 4193
termination shall be provided in advance, explaining any options 4194
to prevent termination, and a reasonable amount of time shall be 4195
provided within which to act to prevent a termination; 4196

~~(21)~~ (19) Maintain a separate account for each tuition 4197
payment or variable college savings program contract; 4198

~~(22)~~ (20) Perform all acts necessary and proper to carry 4199
out the duties and responsibilities of the authority pursuant to 4200
this chapter. 4201

(B) The authority shall adopt rules under section 111.15 4202
of the Revised Code for the implementation and administration of 4203
the variable college savings program. The rules shall provide 4204
taxpayers with the maximum tax advantages and flexibility 4205
consistent with section 529 of the Internal Revenue Code and 4206
regulations adopted thereunder with regard to disposition of 4207
contributions and earnings, designation of beneficiaries, and 4208
rollover of account assets to other programs. 4209

(C) Except as otherwise specified in this chapter, the 4210
provisions of Chapters 123. and 4117. of the Revised Code shall 4211
not apply to the authority and Chapter 125. of the Revised Code 4212
shall not apply to contracts approved under the powers of the 4213
Ohio tuition trust authority investment board under section 4214
3334.03 of the Revised Code. 4215

Sec. 3334.11. (A) The assets of the Ohio tuition trust 4216
authority reserved for payment of the obligations of the 4217
authority pursuant to tuition payment contracts shall be placed 4218

in a fund, which is hereby created and shall be known as the 4219
Ohio tuition trust fund. The fund shall be in the custody of the 4220
treasurer of state, but shall not be part of the state treasury. 4221
That portion of payments received by the authority or the 4222
treasurer of state from persons purchasing tuition units under 4223
tuition payment contracts that the authority determines is 4224
actuarially necessary for the payment of obligations of the 4225
authority pursuant to tuition payment contracts, all interest 4226
and investment income earned by the fund, and all other receipts 4227
of the authority from any other source that the authority 4228
determines appropriate, shall be deposited in the fund. No 4229
purchaser or beneficiary of tuition units shall have any claim 4230
against the funds of any state institution of higher education. 4231
All investment fees and other costs incurred in connection with 4232
the exercise of the investment powers of the authority pursuant 4233
to divisions (D) and (E) of this section shall be paid from the 4234
assets of the fund. 4235

(B) Unless otherwise provided by the authority, the assets 4236
of the Ohio tuition trust fund shall be expended in the 4237
following order: 4238

(1) To make payments to beneficiaries, or institutions of 4239
higher education on behalf of beneficiaries, under division (B) 4240
of section 3334.09 of the Revised Code; 4241

(2) To make refunds as provided in divisions (A) and (C) 4242
of section 3334.10 of the Revised Code; 4243

(3) To pay the investment fees and other costs of 4244
administering the fund. 4245

(C) (1) ~~Except as may be provided in an agreement under~~ 4246
~~division (A) (19) of section 3334.08 of the Revised Code, all~~ All 4247

disbursements from the Ohio tuition trust fund shall be made by 4248
the treasurer of state on order of a designee of the authority. 4249

(2) The treasurer of state shall deposit any portion of 4250
the Ohio tuition trust fund not needed for immediate use in the 4251
same manner as state funds are deposited. 4252

(D) The authority is the trustee of the Ohio tuition trust 4253
fund. The authority shall have full power to invest the assets 4254
of the fund and in exercising this power shall be subject to the 4255
limitations and requirements contained in divisions (K) to (M) 4256
of this section and sections 145.112 and 145.113 of the Revised 4257
Code. The evidences of title of all investments shall be 4258
delivered to the treasurer of state or to a qualified trustee 4259
designated by the treasurer of state as provided in section 4260
135.18 of the Revised Code. Assets of the fund shall be 4261
administered by the authority in a manner designed to be 4262
actuarially sound so that the assets of the fund will be 4263
sufficient to satisfy the obligations of the authority pursuant 4264
to tuition payment contracts and defray the reasonable expenses 4265
of administering the fund. 4266

(E) The authority may enter into an agreement with any 4267
business, entity, or governmental agency to perform the 4268
investment duties of the authority as set forth in division (D) 4269
of this section. The investment powers shall be exercised by the 4270
business, entity, or governmental agency that entered into an 4271
agreement with the authority in a manner agreed upon by the 4272
authority that maximizes the return on investment and minimizes 4273
the administrative expenses. 4274

(F) (1) The authority shall maintain a separate account for 4275
each tuition payment contract entered into pursuant to division 4276
(A) of section 3334.09 of the Revised Code for the purchase of 4277

tuition units on behalf of a beneficiary or beneficiaries 4278
showing the beneficiary or beneficiaries of that contract and 4279
the number of tuition units purchased pursuant to that contract. 4280
Upon request of any beneficiary or person who has entered into a 4281
tuition payment contract, the authority shall provide a 4282
statement indicating, in the case of a beneficiary, the number 4283
of tuition units purchased on behalf of the beneficiary, or in 4284
the case of a person who has entered into a tuition payment 4285
contract, the number of tuition units purchased, used, or 4286
refunded pursuant to that contract. A beneficiary and person 4287
that have entered into a tuition payment contract each may file 4288
only one request under this division in any year. 4289

(2) The authority shall maintain an account for each 4290
scholarship program showing the number of tuition units that 4291
have been purchased for or donated to the program and the number 4292
of tuition units that have been used. Upon the request of the 4293
entity that established the scholarship program, the authority 4294
shall provide a statement indicating these numbers. 4295

(G) (1) In addition to the Ohio tuition trust fund, there 4296
is hereby established a reserve fund that shall be in the 4297
custody of the treasurer of state but shall not be part of the 4298
state treasury, and shall be known as the Ohio tuition trust 4299
reserve fund, and an operating fund that shall be part of the 4300
state treasury, and shall be known as the Ohio tuition trust 4301
operating fund. That portion of payments received by the 4302
authority or the treasurer of state from persons purchasing 4303
tuition units under tuition payment contracts that the authority 4304
determines is not actuarially necessary for the payment of 4305
obligations of the authority pursuant to tuition payment 4306
contracts, any interest and investment income earned by the 4307
reserve fund, any administrative charges and fees imposed by the 4308

authority on transactions under this chapter or on purchasers or 4309
beneficiaries of tuition units, and all other receipts from any 4310
other source that the authority determines appropriate, shall be 4311
deposited in the reserve fund to pay the operating expenses of 4312
the authority and the costs of administering the program. The 4313
assets of the reserve fund may be invested in the same manner 4314
and subject to the same limitations set forth in divisions (D), 4315
(E), and (K) to (M) of this section and sections 145.112 and 4316
145.113 of the Revised Code. All investment fees and other costs 4317
incurred in connection with the exercise of the investment 4318
powers shall be paid from the assets of the reserve fund. Except 4319
as otherwise provided for in this chapter, all operating 4320
expenses of the authority and costs of administering the program 4321
shall be paid from the operating fund. 4322

(2) The treasurer of state shall, upon request of the 4323
authority, transfer funds from the reserve fund to the operating 4324
fund as the authority determines appropriate to pay those 4325
current operating expenses of the authority and costs of 4326
administering the program as the authority designates. Any 4327
interest or investment income earned on the assets of the 4328
operating fund shall be deposited in the operating fund. 4329

(3) The treasurer of state shall, upon request by the 4330
chancellor of higher education and approval by the director of 4331
budget and management, transfer funds from the reserve fund to 4332
the strategic square footage reduction fund created under 4333
section 3333.96 of the Revised Code. 4334

(H) In January of each year the authority shall report to 4335
each person who received any payments or refunds from the 4336
authority during the preceding year information relative to the 4337
value of the payments or refunds to assist in determining that 4338

person's tax liability. 4339

(I) The authority shall report to the tax commissioner any 4340
information, and at the times, as the tax commissioner requires 4341
to determine any tax liability that a person may have incurred 4342
during the preceding year as a result of having received any 4343
payments or refunds from the authority. 4344

(J) All records of the authority indicating the identity 4345
of purchasers and beneficiaries of tuition units or college 4346
savings bonds, the number of tuition units purchased, used, or 4347
refunded under a tuition payment contract, and the number of 4348
college savings bonds purchased, held, or redeemed are not 4349
public records within the meaning of section 149.43 of the 4350
Revised Code. 4351

(K) (1) The authority and other fiduciaries shall discharge 4352
their duties with respect to the funds with care, skill, 4353
prudence, and diligence under the circumstances then prevailing 4354
that a prudent person acting in a like capacity and familiar 4355
with such matters would use in the conduct of an enterprise of a 4356
like character and with like aims; and by diversifying the 4357
investments of the assets of the funds so as to minimize the 4358
risk of large losses, unless under the circumstances it is 4359
clearly prudent not to do so. 4360

(2) To facilitate investment of the funds, the authority 4361
may establish a partnership, trust, limited liability company, 4362
corporation, including a corporation exempt from taxation under 4363
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 4364
amended, or any other legal entity authorized to transact 4365
business in this state. 4366

(L) In exercising its fiduciary responsibility with 4367

respect to the investment of the assets of the funds, it shall 4368
be the intent of the authority to give consideration to 4369
investments that enhance the general welfare of the state and 4370
its citizens where the investments offer quality, return, and 4371
safety comparable to other investments currently available to 4372
the authority. In fulfilling this intent, equal consideration 4373
shall also be given to investments otherwise qualifying under 4374
this section that involve minority owned and controlled firms 4375
and firms owned and controlled by women, either alone or in 4376
joint venture with other firms. 4377

The authority shall adopt, in regular meeting, policies, 4378
objectives, or criteria for the operation of the investment 4379
program that include asset allocation targets and ranges, risk 4380
factors, asset class benchmarks, time horizons, total return 4381
objectives, and performance evaluation guidelines. In adopting 4382
policies and criteria for the selection of agents with whom the 4383
authority may contract for the administration of the assets of 4384
the funds, the authority shall give equal consideration to 4385
minority owned and controlled firms, firms owned and controlled 4386
by women, and ventures involving minority owned and controlled 4387
firms and firms owned and controlled by women that otherwise 4388
meet the policies and criteria established by the authority. 4389
Amendments and additions to the policies and criteria shall be 4390
adopted in regular meeting. The authority shall publish its 4391
policies, objectives, and criteria under this provision no less 4392
often than annually and shall make copies available to 4393
interested parties. 4394

When reporting on the performance of investments, the 4395
authority shall comply with the performance presentation 4396
standards established by the association for investment 4397
management and research. 4398

(M) All investments shall be purchased at current market 4399
prices and the evidences of title of the investments shall be 4400
placed in the hands of the treasurer of state, who is hereby 4401
designated as custodian thereof, or in the hands of the 4402
treasurer of state's authorized agent. The treasurer of state or 4403
the agent shall collect the principal, dividends, distributions, 4404
and interest thereon as they become due and payable and place 4405
them when so collected into the custodial funds. 4406

The treasurer of state shall pay for investments purchased 4407
by the authority on receipt of written or electronic 4408
instructions from the authority or the authority's designated 4409
agent authorizing the purchase and pending receipt of the 4410
evidence of title of the investment by the treasurer of state or 4411
the treasurer of state's authorized agent. The authority may 4412
sell investments held by the authority, and the treasurer of 4413
state or the treasurer of state's authorized agent shall accept 4414
payment from the purchaser and deliver evidence of title of the 4415
investment to the purchaser on receipt of written or electronic 4416
instructions from the authority or the authority's designated 4417
agent authorizing the sale, and pending receipt of the moneys 4418
for the investments. The amount received shall be placed in the 4419
custodial funds. The authority and the treasurer of state may 4420
enter into agreements to establish procedures for the purchase 4421
and sale of investments under this division and the custody of 4422
the investments. 4423

No purchase or sale of any investment shall be made under 4424
this section except as authorized by the authority. 4425

Any statement of financial position distributed by the 4426
authority shall include fair value, as of the statement date, of 4427
all investments held by the authority under this section. 4428

Sec. 3705.242. (A) (1) The director of health, a person 4429
authorized by the director, a local commissioner of health, or a 4430
local registrar of vital statistics shall charge and collect a 4431
fee of one dollar and fifty cents for each certified copy of a 4432
birth record, each certification of birth, and each copy of a 4433
death record. The fee is in addition to the fee imposed by 4434
section 3705.24 or any other section of the Revised Code. A 4435
local commissioner of health or local registrar of vital 4436
statistics may retain an amount of each additional fee 4437
collected, not to exceed three per cent of the amount of the 4438
additional fee, to be used for costs directly related to the 4439
collection of the fee and the forwarding of the fee to the 4440
department of health. 4441

The additional fees collected by the director of health or 4442
a person authorized by the director and the additional fees 4443
collected but not retained by a local commissioner of health or 4444
a local registrar of vital statistics shall be forwarded to the 4445
department of health not later than thirty days following the 4446
end of each quarter. Not later than two days after the fees are 4447
forwarded to the department each quarter, the department shall 4448
~~pay deposit the collected fees to into the treasurer of state in~~ 4449
~~accordance with rules adopted by the treasurer of state under~~ 4450
~~section 113.08 of the Revised Code~~ treasury to the credit of the 4451
family violence prevention fund. 4452

(2) On the filing of a divorce decree under section 4453
3105.10 or a decree of dissolution under section 3105.65 of the 4454
Revised Code, a court of common pleas shall charge and collect a 4455
fee of five dollars and fifty cents. The fee is in addition to 4456
any other court costs or fees. The county clerk of courts may 4457
retain an amount of each additional fee collected, not to exceed 4458
three per cent of the amount of the additional fee, to be used 4459

for costs directly related to the collection of the fee and the 4460
forwarding of the fee to the treasurer of state. The additional 4461
fees collected, but not retained, under division (A) (2) of this 4462
section shall be forwarded to the treasurer of state not later 4463
than twenty days following the end of each month. The treasurer 4464
of state shall deposit the fees paid or forwarded under this 4465
section in the state treasury to the credit of the family 4466
violence prevention fund, which is hereby created. 4467

(B) ~~The treasurer of state shall deposit the fees paid or~~ 4468
~~forwarded under this section in the state treasury to the credit~~ 4469
~~of the family violence prevention fund, which is hereby created.~~ 4470
A person or government entity that fails to pay or forward the 4471
fees in the manner described in this section, shall send to the 4472
department of public safety a penalty equal to ten per cent of 4473
the fees. The department of public safety shall ~~forward~~ deposit 4474
all collected late fees ~~to the treasurer of state for deposit~~ 4475
~~into the family violence prevention fund in accordance with~~ 4476
~~rules adopted by the treasurer of state under section 113.08 of~~ 4477
~~the Revised Code.~~ 4478

The treasurer of state shall invest the moneys in the 4479
fund. All earnings resulting from investment of the fund shall 4480
be credited to the fund, except that actual administration costs 4481
incurred by the treasurer of state in administering the fund may 4482
be deducted from the earnings resulting from investments. The 4483
amount that may be deducted shall not exceed three per cent of 4484
the total amount of fees credited to the fund in each fiscal 4485
year. The balance of the investment earnings shall be credited 4486
to the fund. 4487

(C) The director of public safety shall use money credited 4488
to the fund to provide grants to family violence shelters in 4489

Ohio and to operate the division of criminal justice services. 4490

Sec. 3737.945. Moneys in the funds of the petroleum 4491
underground storage tank release compensation board, except as 4492
otherwise provided in any resolution authorizing the issuance of 4493
its revenue bonds or in any trust agreement securing the same, 4494
in excess of current needs, may be invested by the board in 4495
notes, bonds, or other obligations of the United States, or of 4496
any agency or instrumentality thereof, or in obligations of this 4497
state or any political subdivision thereof, or the treasurer of 4498
state's investment pool authorized under section ~~135.45~~113.07 4499
of the Revised Code. Income from all such investments of moneys 4500
in any fund shall be credited to such funds as the board 4501
determines, subject to the provisions of any resolution or trust 4502
agreement, and the investments may be sold as the board 4503
determines. 4504

Sec. 3953.231. (A) (1) Each title insurance agent or title 4505
insurance company shall establish and maintain an interest- 4506
bearing trust account for the deposit of all non-directed escrow 4507
funds that meet the requirements of sections 1349.20 to 1349.22 4508
of the Revised Code. 4509

(2) The account shall be established and maintained in any 4510
federally insured bank, savings and loan association, credit 4511
union, or savings bank that is authorized to transact business 4512
in this state. 4513

(3) The account shall be in the name of the title 4514
insurance agent or company, and shall be identified as an 4515
"interest on trust account" or "IOTA." The name of the account 4516
may contain additional identifying information to distinguish it 4517
from other accounts. 4518

(4) The title insurance agent or company establishing the 4519
account shall submit, in writing, to the superintendent of 4520
insurance the name, account number, and location of the bank, 4521
savings and loan association, credit union, or savings bank in 4522
which the trust account is maintained. 4523

(B) Each title insurance agent or company shall deposit 4524
all non-directed escrow funds that are nominal in amount or are 4525
to be held for a short period of time into the account 4526
established under division (A) of this section no later than the 4527
next business day after receipt. 4528

(C) Each account established under division (A) of this 4529
section shall comply with all of the following: 4530

(1) All funds in the account shall be subject to 4531
withdrawal or transfer upon request and without delay, or as 4532
soon as permitted by law; 4533

(2) The rate of interest payable on the account shall not 4534
be less than the rate paid by the bank, savings and loan, credit 4535
union, or savings bank to its regular depositors. The rate may 4536
be higher if there is no impairment of the right to the 4537
immediate withdrawal or transfer of the principal; 4538

(3) All interest earned on the account, net of service 4539
charges and other related charges, shall be transmitted to the 4540
~~treasurer of state~~ public defender for deposit in the legal aid 4541
fund established under section 120.52 of the Revised Code. No 4542
part of the interest earned shall be paid to the title insurance 4543
agent or company. 4544

(D) The title insurance agent or company establishing an 4545
account under division (A) of this section shall direct the 4546
bank, savings and loan association, credit union, or savings 4547

bank to do both of the following: 4548

(1) Remit interest or dividends on the average monthly 4549
balance in the account, or as otherwise computed in accordance 4550
with the standard accounting practice of the bank, savings and 4551
loan association, credit union, or savings bank, less reasonable 4552
service charges and other related charges, to the ~~treasurer of~~ 4553
state public defender at least quarterly for deposit in the 4554
legal aid fund established under section 120.52 of the Revised 4555
Code; 4556

(2) At the time of each remittance, transmit to the 4557
~~treasurer of state~~ public defender, and if requested, to the 4558
Ohio access to justice foundation, and the title insurance agent 4559
or company, a statement showing the name of the title insurance 4560
agent or company for whom the remittance is sent, the rate of 4561
interest applied, the accounting period, the net amount remitted 4562
to the ~~treasurer of state~~ public defender for each account, the 4563
total remitted, the average account balance for each month of 4564
the period for which the report is made, and the amount deducted 4565
for service charges and other related charges. 4566

(E) The statements and reports submitted by the bank, 4567
savings and loan association, credit union, or savings bank 4568
under this section, are not public records subject to section 4569
149.43 of the Revised Code and shall be used only to administer 4570
the legal aid fund. 4571

(F) No funds belonging to a title insurance agent or 4572
company shall be deposited into an account established under 4573
division (A) of this section except funds necessary to pay 4574
service charges and other related charges of the bank, savings 4575
and loan association, credit union, or savings bank that are in 4576
excess of earnings on the account. 4577

(G) No liability arising out of any negligent act or 4578
omission of any title insurance agent or company with respect to 4579
any account established under division (A) of this section shall 4580
be imputed to the bank, savings and loan association, credit 4581
union, or savings bank. 4582

(H) No liability or responsibility arising out of any 4583
negligent act or omission of any title insurance agent with 4584
respect to any account established under division (A) of this 4585
section shall be imputed to a title insurance company. 4586

(I) The superintendent may adopt, in accordance with 4587
Chapter 119. of the Revised Code, rules that pertain to the use 4588
of accounts established under division (A) of this section and 4589
to the enforcement of this section. 4590

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 4591
streetcar, or trackless trolley within this state, if, at the 4592
time of the operation, any of the following apply: 4593

(a) The person is under the influence of alcohol, a drug 4594
of abuse, or a combination of them. 4595

(b) The person has a concentration of eight-hundredths of 4596
one per cent or more but less than seventeen-hundredths of one 4597
per cent by weight per unit volume of alcohol in the person's 4598
whole blood. 4599

(c) The person has a concentration of ninety-six- 4600
thousandths of one per cent or more but less than two hundred 4601
four-thousandths of one per cent by weight per unit volume of 4602
alcohol in the person's blood serum or plasma. 4603

(d) The person has a concentration of eight-hundredths of 4604
one gram or more but less than seventeen-hundredths of one gram 4605
by weight of alcohol per two hundred ten liters of the person's 4606

breath. 4607

(e) The person has a concentration of eleven-hundredths of 4608
one gram or more but less than two hundred thirty-eight- 4609
thousandths of one gram by weight of alcohol per one hundred 4610
milliliters of the person's urine. 4611

(f) The person has a concentration of seventeen-hundredths 4612
of one per cent or more by weight per unit volume of alcohol in 4613
the person's whole blood. 4614

(g) The person has a concentration of two hundred four- 4615
thousandths of one per cent or more by weight per unit volume of 4616
alcohol in the person's blood serum or plasma. 4617

(h) The person has a concentration of seventeen-hundredths 4618
of one gram or more by weight of alcohol per two hundred ten 4619
liters of the person's breath. 4620

(i) The person has a concentration of two hundred thirty- 4621
eight-thousandths of one gram or more by weight of alcohol per 4622
one hundred milliliters of the person's urine. 4623

(j) Except as provided in division (K) of this section, 4624
the person has a concentration of any of the following 4625
controlled substances or metabolites of a controlled substance 4626
in the person's whole blood, blood serum or plasma, or urine 4627
that equals or exceeds any of the following: 4628

(i) The person has a concentration of amphetamine in the 4629
person's urine of at least five hundred nanograms of amphetamine 4630
per milliliter of the person's urine or has a concentration of 4631
amphetamine in the person's whole blood or blood serum or plasma 4632
of at least one hundred nanograms of amphetamine per milliliter 4633
of the person's whole blood or blood serum or plasma. 4634

(ii) The person has a concentration of cocaine in the 4635
person's urine of at least one hundred fifty nanograms of 4636
cocaine per milliliter of the person's urine or has a 4637
concentration of cocaine in the person's whole blood or blood 4638
serum or plasma of at least fifty nanograms of cocaine per 4639
milliliter of the person's whole blood or blood serum or plasma. 4640

(iii) The person has a concentration of cocaine metabolite 4641
in the person's urine of at least one hundred fifty nanograms of 4642
cocaine metabolite per milliliter of the person's urine or has a 4643
concentration of cocaine metabolite in the person's whole blood 4644
or blood serum or plasma of at least fifty nanograms of cocaine 4645
metabolite per milliliter of the person's whole blood or blood 4646
serum or plasma. 4647

(iv) The person has a concentration of heroin in the 4648
person's urine of at least two thousand nanograms of heroin per 4649
milliliter of the person's urine or has a concentration of 4650
heroin in the person's whole blood or blood serum or plasma of 4651
at least fifty nanograms of heroin per milliliter of the 4652
person's whole blood or blood serum or plasma. 4653

(v) The person has a concentration of heroin metabolite 4654
(6-monoacetyl morphine) in the person's urine of at least ten 4655
nanograms of heroin metabolite (6-monoacetyl morphine) per 4656
milliliter of the person's urine or has a concentration of 4657
heroin metabolite (6-monoacetyl morphine) in the person's whole 4658
blood or blood serum or plasma of at least ten nanograms of 4659
heroin metabolite (6-monoacetyl morphine) per milliliter of the 4660
person's whole blood or blood serum or plasma. 4661

(vi) The person has a concentration of L.S.D. in the 4662
person's urine of at least twenty-five nanograms of L.S.D. per 4663
milliliter of the person's urine or a concentration of L.S.D. in 4664

the person's whole blood or blood serum or plasma of at least 4665
ten nanograms of L.S.D. per milliliter of the person's whole 4666
blood or blood serum or plasma. 4667

(vii) The person has a concentration of marihuana in the 4668
person's urine of at least ten nanograms of marihuana per 4669
milliliter of the person's urine or has a concentration of 4670
marihuana in the person's whole blood or blood serum or plasma 4671
of at least two nanograms of marihuana per milliliter of the 4672
person's whole blood or blood serum or plasma. 4673

(viii) Either of the following applies: 4674

(I) The person is under the influence of alcohol, a drug 4675
of abuse, or a combination of them, and the person has a 4676
concentration of marihuana metabolite in the person's urine of 4677
at least fifteen nanograms of marihuana metabolite per 4678
milliliter of the person's urine or has a concentration of 4679
marihuana metabolite in the person's whole blood or blood serum 4680
or plasma of at least five nanograms of marihuana metabolite per 4681
milliliter of the person's whole blood or blood serum or plasma. 4682

(II) The person has a concentration of marihuana 4683
metabolite in the person's urine of at least thirty-five 4684
nanograms of marihuana metabolite per milliliter of the person's 4685
urine or has a concentration of marihuana metabolite in the 4686
person's whole blood or blood serum or plasma of at least fifty 4687
nanograms of marihuana metabolite per milliliter of the person's 4688
whole blood or blood serum or plasma. 4689

(ix) The person has a concentration of methamphetamine in 4690
the person's urine of at least five hundred nanograms of 4691
methamphetamine per milliliter of the person's urine or has a 4692
concentration of methamphetamine in the person's whole blood or 4693

blood serum or plasma of at least one hundred nanograms of 4694
methamphetamine per milliliter of the person's whole blood or 4695
blood serum or plasma. 4696

(x) The person has a concentration of phencyclidine in the 4697
person's urine of at least twenty-five nanograms of 4698
phencyclidine per milliliter of the person's urine or has a 4699
concentration of phencyclidine in the person's whole blood or 4700
blood serum or plasma of at least ten nanograms of phencyclidine 4701
per milliliter of the person's whole blood or blood serum or 4702
plasma. 4703

(xi) The state board of pharmacy has adopted a rule 4704
pursuant to section 4729.041 of the Revised Code that specifies 4705
the amount of salvia divinorum and the amount of salvinorin A 4706
that constitute concentrations of salvia divinorum and 4707
salvinorin A in a person's urine, in a person's whole blood, or 4708
in a person's blood serum or plasma at or above which the person 4709
is impaired for purposes of operating any vehicle, streetcar, or 4710
trackless trolley within this state, the rule is in effect, and 4711
the person has a concentration of salvia divinorum or salvinorin 4712
A of at least that amount so specified by rule in the person's 4713
urine, in the person's whole blood, or in the person's blood 4714
serum or plasma. 4715

(2) No person who, within twenty years of the conduct 4716
described in division (A)(2)(a) of this section, previously has 4717
been convicted of or pleaded guilty to a violation of this 4718
division, a violation of division (A)(1) of this section, or any 4719
other equivalent offense shall do both of the following: 4720

(a) Operate any vehicle, streetcar, or trackless trolley 4721
within this state while under the influence of alcohol, a drug 4722
of abuse, or a combination of them; 4723

(b) Subsequent to being arrested for operating the 4724
vehicle, streetcar, or trackless trolley as described in 4725
division (A) (2) (a) of this section, being asked by a law 4726
enforcement officer to submit to a chemical test or tests under 4727
section 4511.191 of the Revised Code, and being advised by the 4728
officer in accordance with section 4511.192 of the Revised Code 4729
of the consequences of the person's refusal or submission to the 4730
test or tests, refuse to submit to the test or tests. 4731

(B) No person under twenty-one years of age shall operate 4732
any vehicle, streetcar, or trackless trolley within this state, 4733
if, at the time of the operation, any of the following apply: 4734

(1) The person has a concentration of at least two- 4735
hundredths of one per cent but less than eight-hundredths of one 4736
per cent by weight per unit volume of alcohol in the person's 4737
whole blood. 4738

(2) The person has a concentration of at least three- 4739
hundredths of one per cent but less than ninety-six-thousandths 4740
of one per cent by weight per unit volume of alcohol in the 4741
person's blood serum or plasma. 4742

(3) The person has a concentration of at least two- 4743
hundredths of one gram but less than eight-hundredths of one 4744
gram by weight of alcohol per two hundred ten liters of the 4745
person's breath. 4746

(4) The person has a concentration of at least twenty- 4747
eight one-thousandths of one gram but less than eleven- 4748
hundredths of one gram by weight of alcohol per one hundred 4749
milliliters of the person's urine. 4750

(C) In any proceeding arising out of one incident, a 4751
person may be charged with a violation of division (A) (1) (a) or 4752

(A) (2) and a violation of division (B) (1), (2), or (3) of this 4753
section, but the person may not be convicted of more than one 4754
violation of these divisions. 4755

(D) (1) (a) In any criminal prosecution or juvenile court 4756
proceeding for a violation of division (A) (1) (a) of this section 4757
or for an equivalent offense that is vehicle-related, the result 4758
of any test of any blood, oral fluid, or urine withdrawn and 4759
analyzed at any health care provider, as defined in section 4760
2317.02 of the Revised Code, may be admitted with expert 4761
testimony to be considered with any other relevant and competent 4762
evidence in determining the guilt or innocence of the defendant. 4763

(b) In any criminal prosecution or juvenile court 4764
proceeding for a violation of division (A) or (B) of this 4765
section or for an equivalent offense that is vehicle-related, 4766
the court may admit evidence on the presence and concentration 4767
of alcohol, drugs of abuse, controlled substances, metabolites 4768
of a controlled substance, or a combination of them in the 4769
defendant's whole blood, blood serum or plasma, breath, urine, 4770
oral fluid, or other bodily substance at the time of the alleged 4771
violation as shown by chemical analysis of the substance 4772
withdrawn within three hours of the time of the alleged 4773
violation. The three-hour time limit specified in this division 4774
regarding the admission of evidence does not extend or affect 4775
the two-hour time limit specified in division (A) of section 4776
4511.192 of the Revised Code as the maximum period of time 4777
during which a person may consent to a chemical test or tests as 4778
described in that section. The court may admit evidence on the 4779
presence and concentration of alcohol, drugs of abuse, or a 4780
combination of them as described in this division when a person 4781
submits to a blood, breath, urine, oral fluid, or other bodily 4782
substance test at the request of a law enforcement officer under 4783

section 4511.191 of the Revised Code or a blood or urine sample 4784
is obtained pursuant to a search warrant. Only a physician, a 4785
registered nurse, an emergency medical technician-intermediate, 4786
an emergency medical technician-paramedic, or a qualified 4787
technician, chemist, or phlebotomist shall withdraw a blood 4788
sample for the purpose of determining the alcohol, drug, 4789
controlled substance, metabolite of a controlled substance, or 4790
combination content of the whole blood, blood serum, or blood 4791
plasma. This limitation does not apply to the taking of breath, 4792
oral fluid, or urine specimens. A person authorized to withdraw 4793
blood under this division may refuse to withdraw blood under 4794
this division, if in that person's opinion, the physical welfare 4795
of the person would be endangered by the withdrawing of blood. 4796

The bodily substance withdrawn under division (D) (1) (b) of 4797
this section shall be analyzed in accordance with methods 4798
approved by the director of health by an individual possessing a 4799
valid permit issued by the director pursuant to section 3701.143 4800
of the Revised Code. 4801

(c) As used in division (D) (1) (b) of this section, 4802
"emergency medical technician-intermediate" and "emergency 4803
medical technician-paramedic" have the same meanings as in 4804
section 4765.01 of the Revised Code. 4805

(2) In a criminal prosecution or juvenile court proceeding 4806
for a violation of division (A) of this section or for an 4807
equivalent offense that is vehicle-related, if there was at the 4808
time the bodily substance was withdrawn a concentration of less 4809
than the applicable concentration of alcohol specified in 4810
divisions (A) (1) (b), (c), (d), and (e) of this section or less 4811
than the applicable concentration of a listed controlled 4812
substance or a listed metabolite of a controlled substance 4813

specified for a violation of division (A) (1) (j) of this section, 4814
that fact may be considered with other competent evidence in 4815
determining the guilt or innocence of the defendant. This 4816
division does not limit or affect a criminal prosecution or 4817
juvenile court proceeding for a violation of division (B) of 4818
this section or for an equivalent offense that is substantially 4819
equivalent to that division. 4820

(3) Upon the request of the person who was tested, the 4821
results of the chemical test shall be made available to the 4822
person or the person's attorney, immediately upon the completion 4823
of the chemical test analysis. 4824

If the chemical test was obtained pursuant to division (D) 4825
(1) (b) of this section, the person tested may have a physician, 4826
a registered nurse, or a qualified technician, chemist, or 4827
phlebotomist of the person's own choosing administer a chemical 4828
test or tests, at the person's expense, in addition to any 4829
administered at the request of a law enforcement officer. If the 4830
person was under arrest as described in division (A) (5) of 4831
section 4511.191 of the Revised Code, the arresting officer 4832
shall advise the person at the time of the arrest that the 4833
person may have an independent chemical test taken at the 4834
person's own expense. If the person was under arrest other than 4835
described in division (A) (5) of section 4511.191 of the Revised 4836
Code, the form to be read to the person to be tested, as 4837
required under section 4511.192 of the Revised Code, shall state 4838
that the person may have an independent test performed at the 4839
person's expense. The failure or inability to obtain an 4840
additional chemical test by a person shall not preclude the 4841
admission of evidence relating to the chemical test or tests 4842
taken at the request of a law enforcement officer. 4843

(4) (a) As used in divisions (D) (4) (b) and (c) of this 4844
section, "national highway traffic safety administration" means 4845
the national highway traffic safety administration established 4846
as an administration of the United States department of 4847
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 4848

(b) In any criminal prosecution or juvenile court 4849
proceeding for a violation of division (A) or (B) of this 4850
section, of a municipal ordinance relating to operating a 4851
vehicle while under the influence of alcohol, a drug of abuse, 4852
or alcohol and a drug of abuse, or of a municipal ordinance 4853
relating to operating a vehicle with a prohibited concentration 4854
of alcohol, a controlled substance, or a metabolite of a 4855
controlled substance in the whole blood, blood serum or plasma, 4856
breath, oral fluid, or urine, if a law enforcement officer has 4857
administered a field sobriety test to the operator of the 4858
vehicle involved in the violation and if it is shown by clear 4859
and convincing evidence that the officer administered the test 4860
in substantial compliance with the testing standards for any 4861
reliable, credible, and generally accepted field sobriety tests 4862
that were in effect at the time the tests were administered, 4863
including, but not limited to, any testing standards then in 4864
effect that were set by the national highway traffic safety 4865
administration, all of the following apply: 4866

(i) The officer may testify concerning the results of the 4867
field sobriety test so administered. 4868

(ii) The prosecution may introduce the results of the 4869
field sobriety test so administered as evidence in any 4870
proceedings in the criminal prosecution or juvenile court 4871
proceeding. 4872

(iii) If testimony is presented or evidence is introduced 4873

under division (D) (4) (b) (i) or (ii) of this section and if the 4874
testimony or evidence is admissible under the Rules of Evidence, 4875
the court shall admit the testimony or evidence and the trier of 4876
fact shall give it whatever weight the trier of fact considers 4877
to be appropriate. 4878

(c) Division (D) (4) (b) of this section does not limit or 4879
preclude a court, in its determination of whether the arrest of 4880
a person was supported by probable cause or its determination of 4881
any other matter in a criminal prosecution or juvenile court 4882
proceeding of a type described in that division, from 4883
considering evidence or testimony that is not otherwise 4884
disallowed by division (D) (4) (b) of this section. 4885

(E) (1) Subject to division (E) (3) of this section, in any 4886
criminal prosecution or juvenile court proceeding for a 4887
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 4888
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 4889
an equivalent offense that is substantially equivalent to any of 4890
those divisions, a laboratory report from any laboratory 4891
personnel issued a permit by the department of health 4892
authorizing an analysis as described in this division that 4893
contains an analysis of the whole blood, blood serum or plasma, 4894
breath, urine, or other bodily substance tested and that 4895
contains all of the information specified in this division shall 4896
be admitted as prima-facie evidence of the information and 4897
statements that the report contains. The laboratory report shall 4898
contain all of the following: 4899

(a) The signature, under oath, of any person who performed 4900
the analysis; 4901

(b) Any findings as to the identity and quantity of 4902
alcohol, a drug of abuse, a controlled substance, a metabolite 4903

of a controlled substance, or a combination of them that was 4904
found; 4905

(c) A copy of a notarized statement by the laboratory 4906
director or a designee of the director that contains the name of 4907
each certified analyst or test performer involved with the 4908
report, the analyst's or test performer's employment 4909
relationship with the laboratory that issued the report, and a 4910
notation that performing an analysis of the type involved is 4911
part of the analyst's or test performer's regular duties; 4912

(d) An outline of the analyst's or test performer's 4913
education, training, and experience in performing the type of 4914
analysis involved and a certification that the laboratory 4915
satisfies appropriate quality control standards in general and, 4916
in this particular analysis, under rules of the department of 4917
health. 4918

(2) Notwithstanding any other provision of law regarding 4919
the admission of evidence, a report of the type described in 4920
division (E)(1) of this section is not admissible against the 4921
defendant to whom it pertains in any proceeding, other than a 4922
preliminary hearing or a grand jury proceeding, unless the 4923
prosecutor has served a copy of the report on the defendant's 4924
attorney or, if the defendant has no attorney, on the defendant. 4925

(3) A report of the type described in division (E)(1) of 4926
this section shall not be prima-facie evidence of the contents, 4927
identity, or amount of any substance if, within seven days after 4928
the defendant to whom the report pertains or the defendant's 4929
attorney receives a copy of the report, the defendant or the 4930
defendant's attorney demands the testimony of the person who 4931
signed the report. The judge in the case may extend the seven- 4932
day time limit in the interest of justice. 4933

(F) Except as otherwise provided in this division, any
physician, registered nurse, emergency medical technician-
intermediate, emergency medical technician-paramedic, or
qualified technician, chemist, or phlebotomist who withdraws
blood from a person pursuant to this section or section 4511.191
or 4511.192 of the Revised Code, and any hospital, first-aid
station, or clinic at which blood is withdrawn from a person
pursuant to this section or section 4511.191 or 4511.192 of the
Revised Code, is immune from criminal liability and civil
liability based upon a claim of assault and battery or any other
claim that is not a claim of malpractice, for any act performed
in withdrawing blood from the person. The immunity provided in
this division also extends to an emergency medical service
organization that employs an emergency medical technician-
intermediate or emergency medical technician-paramedic who
withdraws blood under this section. The immunity provided in
this division is not available to a person who withdraws blood
if the person engages in willful or wanton misconduct.

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), 4965
(c), (d), or (e) of this section, the offender is guilty of a 4966
misdemeanor of the first degree, and the court shall sentence 4967
the offender to all of the following: 4968

(i) If the sentence is being imposed for a violation of 4969
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 4970
a mandatory jail term of three consecutive days. As used in this 4971
division, three consecutive days means seventy-two consecutive 4972
hours. The court may sentence an offender to both an 4973
intervention program and a jail term. The court may impose a 4974
jail term in addition to the three-day mandatory jail term or 4975
intervention program. However, in no case shall the cumulative 4976
jail term imposed for the offense exceed six months. 4977

The court may suspend the execution of the three-day jail 4978
term under this division if the court, in lieu of that suspended 4979
term, places the offender under a community control sanction 4980
pursuant to section 2929.25 of the Revised Code and requires the 4981
offender to attend, for three consecutive days, a drivers' 4982
intervention program certified under section 5119.38 of the 4983
Revised Code. The court also may suspend the execution of any 4984
part of the three-day jail term under this division if it places 4985
the offender under a community control sanction pursuant to 4986
section 2929.25 of the Revised Code for part of the three days, 4987
requires the offender to attend for the suspended part of the 4988
term a drivers' intervention program so certified, and sentences 4989
the offender to a jail term equal to the remainder of the three 4990
consecutive days that the offender does not spend attending the 4991
program. The court may require the offender, as a condition of 4992
community control and in addition to the required attendance at 4993
a drivers' intervention program, to attend and satisfactorily 4994
complete any treatment or education programs that comply with 4995

the minimum standards adopted pursuant to Chapter 5119. of the 4996
Revised Code by the director of mental health and addiction 4997
services that the operators of the drivers' intervention program 4998
determine that the offender should attend and to report 4999
periodically to the court on the offender's progress in the 5000
programs. The court also may impose on the offender any other 5001
conditions of community control that it considers necessary. 5002

If the court grants unlimited driving privileges to a 5003
first-time offender under section 4510.022 of the Revised Code, 5004
all penalties imposed upon the offender by the court under 5005
division (G)(1)(a)(i) of this section for the offense apply, 5006
except that the court shall suspend any mandatory or additional 5007
jail term imposed by the court under division (G)(1)(a)(i) of 5008
this section upon granting unlimited driving privileges in 5009
accordance with section 4510.022 of the Revised Code. 5010

(ii) If the sentence is being imposed for a violation of 5011
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5012
section, except as otherwise provided in this division, a 5013
mandatory jail term of at least three consecutive days and a 5014
requirement that the offender attend, for three consecutive 5015
days, a drivers' intervention program that is certified pursuant 5016
to section 5119.38 of the Revised Code. As used in this 5017
division, three consecutive days means seventy-two consecutive 5018
hours. If the court determines that the offender is not 5019
conducive to treatment in a drivers' intervention program, if 5020
the offender refuses to attend a drivers' intervention program, 5021
or if the jail at which the offender is to serve the jail term 5022
imposed can provide a driver's intervention program, the court 5023
shall sentence the offender to a mandatory jail term of at least 5024
six consecutive days. 5025

If the court grants unlimited driving privileges to a 5026
first-time offender under section 4510.022 of the Revised Code, 5027
all penalties imposed upon the offender by the court under 5028
division (G) (1) (a) (ii) of this section for the offense apply, 5029
except that the court shall suspend any mandatory or additional 5030
jail term imposed by the court under division (G) (1) (a) (ii) of 5031
this section upon granting unlimited driving privileges in 5032
accordance with section 4510.022 of the Revised Code. 5033

The court may require the offender, under a community 5034
control sanction imposed under section 2929.25 of the Revised 5035
Code, to attend and satisfactorily complete any treatment or 5036
education programs that comply with the minimum standards 5037
adopted pursuant to Chapter 5119. of the Revised Code by the 5038
director of mental health and addiction services, in addition to 5039
the required attendance at drivers' intervention program, that 5040
the operators of the drivers' intervention program determine 5041
that the offender should attend and to report periodically to 5042
the court on the offender's progress in the programs. The court 5043
also may impose any other conditions of community control on the 5044
offender that it considers necessary. 5045

(iii) In all cases, a fine of not less than five hundred 5046
sixty-five and not more than one thousand seventy-five dollars; 5047

(iv) In all cases, a suspension of the offender's driver's 5048
or commercial driver's license or permit or nonresident 5049
operating privilege for a definite period of one to three years. 5050
The court may grant limited driving privileges relative to the 5051
suspension under sections 4510.021 and 4510.13 of the Revised 5052
Code. The court may grant unlimited driving privileges with an 5053
ignition interlock device relative to the suspension and may 5054
reduce the period of suspension as authorized under section 5055

4510.022 of the Revised Code. 5056

(b) Except as otherwise provided in division (G)(1)(e) of 5057
this section, an offender who, within ten years of the offense, 5058
previously has been convicted of or pleaded guilty to one 5059
violation of division (A) of this section or one other 5060
equivalent offense is guilty of a misdemeanor of the first 5061
degree. The court shall sentence the offender to all of the 5062
following: 5063

(i) If the sentence is being imposed for a violation of 5064
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 5065
a mandatory jail term of ten consecutive days. The court shall 5066
impose the ten-day mandatory jail term under this division 5067
unless, subject to division (G)(3) of this section, it instead 5068
imposes a sentence under that division consisting of both a jail 5069
term and a term of house arrest with electronic monitoring, with 5070
continuous alcohol monitoring, or with both electronic 5071
monitoring and continuous alcohol monitoring. The court may 5072
impose a jail term in addition to the ten-day mandatory jail 5073
term. The cumulative jail term imposed for the offense shall not 5074
exceed six months. 5075

In addition to the jail term or the term of house arrest 5076
with electronic monitoring or continuous alcohol monitoring or 5077
both types of monitoring and jail term, the court shall require 5078
the offender to be assessed by a community addiction services 5079
provider that is authorized by section 5119.21 of the Revised 5080
Code, subject to division (I) of this section, and shall order 5081
the offender to follow the treatment recommendations of the 5082
services provider. The purpose of the assessment is to determine 5083
the degree of the offender's alcohol usage and to determine 5084
whether or not treatment is warranted. Upon the request of the 5085

court, the services provider shall submit the results of the 5086
assessment to the court, including all treatment recommendations 5087
and clinical diagnoses related to alcohol use. 5088

(ii) If the sentence is being imposed for a violation of 5089
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5090
section, except as otherwise provided in this division, a 5091
mandatory jail term of twenty consecutive days. The court shall 5092
impose the twenty-day mandatory jail term under this division 5093
unless, subject to division (G)(3) of this section, it instead 5094
imposes a sentence under that division consisting of both a jail 5095
term and a term of house arrest with electronic monitoring, with 5096
continuous alcohol monitoring, or with both electronic 5097
monitoring and continuous alcohol monitoring. The court may 5098
impose a jail term in addition to the twenty-day mandatory jail 5099
term. The cumulative jail term imposed for the offense shall not 5100
exceed six months. 5101

In addition to the jail term or the term of house arrest 5102
with electronic monitoring or continuous alcohol monitoring or 5103
both types of monitoring and jail term, the court shall require 5104
the offender to be assessed by a community addiction service 5105
provider that is authorized by section 5119.21 of the Revised 5106
Code, subject to division (I) of this section, and shall order 5107
the offender to follow the treatment recommendations of the 5108
services provider. The purpose of the assessment is to determine 5109
the degree of the offender's alcohol usage and to determine 5110
whether or not treatment is warranted. Upon the request of the 5111
court, the services provider shall submit the results of the 5112
assessment to the court, including all treatment recommendations 5113
and clinical diagnoses related to alcohol use. 5114

(iii) In all cases, notwithstanding the fines set forth in 5115

Chapter 2929. of the Revised Code, a fine of not less than seven 5116
hundred fifteen and not more than one thousand six hundred 5117
twenty-five dollars; 5118

(iv) In all cases, a suspension of the offender's driver's 5119
license, commercial driver's license, temporary instruction 5120
permit, probationary license, or nonresident operating privilege 5121
for a definite period of one to seven years. The court may grant 5122
limited driving privileges relative to the suspension under 5123
sections 4510.021 and 4510.13 of the Revised Code. 5124

(v) In all cases, if the vehicle is registered in the 5125
offender's name, immobilization of the vehicle involved in the 5126
offense for ninety days in accordance with section 4503.233 of 5127
the Revised Code and impoundment of the license plates of that 5128
vehicle for ninety days. 5129

(c) Except as otherwise provided in division (G) (1) (e) of 5130
this section, an offender who, within ten years of the offense, 5131
previously has been convicted of or pleaded guilty to two 5132
violations of division (A) of this section or other equivalent 5133
offenses is guilty of a misdemeanor. The court shall sentence 5134
the offender to all of the following: 5135

(i) If the sentence is being imposed for a violation of 5136
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 5137
a mandatory jail term of thirty consecutive days. The court 5138
shall impose the thirty-day mandatory jail term under this 5139
division unless, subject to division (G) (3) of this section, it 5140
instead imposes a sentence under that division consisting of 5141
both a jail term and a term of house arrest with electronic 5142
monitoring, with continuous alcohol monitoring, or with both 5143
electronic monitoring and continuous alcohol monitoring. The 5144
court may impose a jail term in addition to the thirty-day 5145

mandatory jail term. Notwithstanding the jail terms set forth in 5146
sections 2929.21 to 2929.28 of the Revised Code, the additional 5147
jail term shall not exceed one year, and the cumulative jail 5148
term imposed for the offense shall not exceed one year. 5149

(ii) If the sentence is being imposed for a violation of 5150
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5151
section, a mandatory jail term of sixty consecutive days. The 5152
court shall impose the sixty-day mandatory jail term under this 5153
division unless, subject to division (G)(3) of this section, it 5154
instead imposes a sentence under that division consisting of 5155
both a jail term and a term of house arrest with electronic 5156
monitoring, with continuous alcohol monitoring, or with both 5157
electronic monitoring and continuous alcohol monitoring. The 5158
court may impose a jail term in addition to the sixty-day 5159
mandatory jail term. Notwithstanding the jail terms set forth in 5160
sections 2929.21 to 2929.28 of the Revised Code, the additional 5161
jail term shall not exceed one year, and the cumulative jail 5162
term imposed for the offense shall not exceed one year. 5163

(iii) In all cases, notwithstanding the fines set forth in 5164
Chapter 2929. of the Revised Code, a fine of not less than one 5165
thousand forty and not more than two thousand seven hundred 5166
fifty dollars; 5167

(iv) In all cases, a suspension of the offender's driver's 5168
license, commercial driver's license, temporary instruction 5169
permit, probationary license, or nonresident operating privilege 5170
for a definite period of two to twelve years. The court may 5171
grant limited driving privileges relative to the suspension 5172
under sections 4510.021 and 4510.13 of the Revised Code. 5173

(v) In all cases, if the vehicle is registered in the 5174
offender's name, criminal forfeiture of the vehicle involved in 5175

the offense in accordance with section 4503.234 of the Revised 5176
Code. Division (G) (6) of this section applies regarding any 5177
vehicle that is subject to an order of criminal forfeiture under 5178
this division. 5179

(vi) In all cases, the court shall order the offender to 5180
participate with a community addiction services provider 5181
authorized by section 5119.21 of the Revised Code, subject to 5182
division (I) of this section, and shall order the offender to 5183
follow the treatment recommendations of the services provider. 5184
The operator of the services provider shall determine and assess 5185
the degree of the offender's alcohol dependency and shall make 5186
recommendations for treatment. Upon the request of the court, 5187
the services provider shall submit the results of the assessment 5188
to the court, including all treatment recommendations and 5189
clinical diagnoses related to alcohol use. 5190

(d) Except as otherwise provided in division (G) (1) (e) of 5191
this section, an offender who, within ten years of the offense, 5192
previously has been convicted of or pleaded guilty to three or 5193
four violations of division (A) of this section or other 5194
equivalent offenses, an offender who, within twenty years of the 5195
offense, previously has been convicted of or pleaded guilty to 5196
five or more violations of that nature, or an offender who 5197
previously has been convicted of or pleaded guilty to a 5198
specification of the type described in section 2941.1413 of the 5199
Revised Code, is guilty of a felony of the fourth degree. The 5200
court shall sentence the offender to all of the following: 5201

(i) If the sentence is being imposed for a violation of 5202
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 5203
a mandatory prison term of one, two, three, four, or five years 5204
as required by and in accordance with division (G) (2) of section 5205

2929.13 of the Revised Code if the offender also is convicted of 5206
or also pleads guilty to a specification of the type described 5207
in section 2941.1413 of the Revised Code or, in the discretion 5208
of the court, either a mandatory term of local incarceration of 5209
sixty consecutive days in accordance with division (G) (1) of 5210
section 2929.13 of the Revised Code or a mandatory prison term 5211
of sixty consecutive days in accordance with division (G) (2) of 5212
that section if the offender is not convicted of and does not 5213
plead guilty to a specification of that type. If the court 5214
imposes a mandatory term of local incarceration, it may impose a 5215
jail term in addition to the sixty-day mandatory term, the 5216
cumulative total of the mandatory term and the jail term for the 5217
offense shall not exceed one year, and, except as provided in 5218
division (A) (1) of section 2929.13 of the Revised Code, no 5219
prison term is authorized for the offense. If the court imposes 5220
a mandatory prison term, notwithstanding division (A) (4) of 5221
section 2929.14 of the Revised Code, it also may sentence the 5222
offender to a definite prison term that shall be not less than 5223
six months and not more than thirty months and the prison terms 5224
shall be imposed as described in division (G) (2) of section 5225
2929.13 of the Revised Code. If the court imposes a mandatory 5226
prison term or mandatory prison term and additional prison term, 5227
in addition to the term or terms so imposed, the court also may 5228
sentence the offender to a community control sanction for the 5229
offense, but the offender shall serve all of the prison terms so 5230
imposed prior to serving the community control sanction. 5231

(ii) If the sentence is being imposed for a violation of 5232
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 5233
section, a mandatory prison term of one, two, three, four, or 5234
five years as required by and in accordance with division (G) (2) 5235
of section 2929.13 of the Revised Code if the offender also is 5236

convicted of or also pleads guilty to a specification of the 5237
type described in section 2941.1413 of the Revised Code or, in 5238
the discretion of the court, either a mandatory term of local 5239
incarceration of one hundred twenty consecutive days in 5240
accordance with division (G) (1) of section 2929.13 of the 5241
Revised Code or a mandatory prison term of one hundred twenty 5242
consecutive days in accordance with division (G) (2) of that 5243
section if the offender is not convicted of and does not plead 5244
guilty to a specification of that type. If the court imposes a 5245
mandatory term of local incarceration, it may impose a jail term 5246
in addition to the one hundred twenty-day mandatory term, the 5247
cumulative total of the mandatory term and the jail term for the 5248
offense shall not exceed one year, and, except as provided in 5249
division (A) (1) of section 2929.13 of the Revised Code, no 5250
prison term is authorized for the offense. If the court imposes 5251
a mandatory prison term, notwithstanding division (A) (4) of 5252
section 2929.14 of the Revised Code, it also may sentence the 5253
offender to a definite prison term that shall be not less than 5254
six months and not more than thirty months and the prison terms 5255
shall be imposed as described in division (G) (2) of section 5256
2929.13 of the Revised Code. If the court imposes a mandatory 5257
prison term or mandatory prison term and additional prison term, 5258
in addition to the term or terms so imposed, the court also may 5259
sentence the offender to a community control sanction for the 5260
offense, but the offender shall serve all of the prison terms so 5261
imposed prior to serving the community control sanction. 5262

(iii) In all cases, notwithstanding section 2929.18 of the 5263
Revised Code, a fine of not less than one thousand five hundred 5264
forty nor more than ten thousand five hundred dollars; 5265

(iv) In all cases, a class two license suspension of the 5266
offender's driver's license, commercial driver's license, 5267

temporary instruction permit, probationary license, or 5268
nonresident operating privilege from the range specified in 5269
division (A) (2) of section 4510.02 of the Revised Code. The 5270
court may grant limited driving privileges relative to the 5271
suspension under sections 4510.021 and 4510.13 of the Revised 5272
Code. 5273

(v) In all cases, if the vehicle is registered in the 5274
offender's name, criminal forfeiture of the vehicle involved in 5275
the offense in accordance with section 4503.234 of the Revised 5276
Code. Division (G) (6) of this section applies regarding any 5277
vehicle that is subject to an order of criminal forfeiture under 5278
this division. 5279

(vi) In all cases, the court shall order the offender to 5280
participate with a community addiction services provider 5281
authorized by section 5119.21 of the Revised Code, subject to 5282
division (I) of this section, and shall order the offender to 5283
follow the treatment recommendations of the services provider. 5284
The operator of the services provider shall determine and assess 5285
the degree of the offender's alcohol dependency and shall make 5286
recommendations for treatment. Upon the request of the court, 5287
the services provider shall submit the results of the assessment 5288
to the court, including all treatment recommendations and 5289
clinical diagnoses related to alcohol use. 5290

(vii) In all cases, if the court sentences the offender to 5291
a mandatory term of local incarceration, in addition to the 5292
mandatory term, the court, pursuant to section 2929.17 of the 5293
Revised Code, may impose a term of house arrest with electronic 5294
monitoring. The term shall not commence until after the offender 5295
has served the mandatory term of local incarceration. 5296

(e) An offender who previously has been convicted of or 5297

pleaded guilty to a violation of division (A) of this section 5298
that was a felony, regardless of when the violation and the 5299
conviction or guilty plea occurred, is guilty of a felony of the 5300
third degree. The court shall sentence the offender to all of 5301
the following: 5302

(i) If the offender is being sentenced for a violation of 5303
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 5304
a mandatory prison term of one, two, three, four, or five years 5305
as required by and in accordance with division (G)(2) of section 5306
2929.13 of the Revised Code if the offender also is convicted of 5307
or also pleads guilty to a specification of the type described 5308
in section 2941.1413 of the Revised Code or a mandatory prison 5309
term of sixty consecutive days in accordance with division (G) 5310
(2) of section 2929.13 of the Revised Code if the offender is 5311
not convicted of and does not plead guilty to a specification of 5312
that type. The court may impose a prison term in addition to the 5313
mandatory prison term. The cumulative total of a sixty-day 5314
mandatory prison term and the additional prison term for the 5315
offense shall not exceed five years. In addition to the 5316
mandatory prison term or mandatory prison term and additional 5317
prison term the court imposes, the court also may sentence the 5318
offender to a community control sanction for the offense, but 5319
the offender shall serve all of the prison terms so imposed 5320
prior to serving the community control sanction. 5321

(ii) If the sentence is being imposed for a violation of 5322
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5323
section, a mandatory prison term of one, two, three, four, or 5324
five years as required by and in accordance with division (G)(2) 5325
of section 2929.13 of the Revised Code if the offender also is 5326
convicted of or also pleads guilty to a specification of the 5327
type described in section 2941.1413 of the Revised Code or a 5328

mandatory prison term of one hundred twenty consecutive days in 5329
accordance with division (G) (2) of section 2929.13 of the 5330
Revised Code if the offender is not convicted of and does not 5331
plead guilty to a specification of that type. The court may 5332
impose a prison term in addition to the mandatory prison term. 5333
The cumulative total of a one hundred twenty-day mandatory 5334
prison term and the additional prison term for the offense shall 5335
not exceed five years. In addition to the mandatory prison term 5336
or mandatory prison term and additional prison term the court 5337
imposes, the court also may sentence the offender to a community 5338
control sanction for the offense, but the offender shall serve 5339
all of the prison terms so imposed prior to serving the 5340
community control sanction. 5341

(iii) In all cases, notwithstanding section 2929.18 of the 5342
Revised Code, a fine of not less than one thousand five hundred 5343
forty nor more than ten thousand five hundred dollars; 5344

(iv) In all cases, a class two license suspension of the 5345
offender's driver's license, commercial driver's license, 5346
temporary instruction permit, probationary license, or 5347
nonresident operating privilege from the range specified in 5348
division (A) (2) of section 4510.02 of the Revised Code. The 5349
court may grant limited driving privileges relative to the 5350
suspension under sections 4510.021 and 4510.13 of the Revised 5351
Code. 5352

(v) In all cases, if the vehicle is registered in the 5353
offender's name, criminal forfeiture of the vehicle involved in 5354
the offense in accordance with section 4503.234 of the Revised 5355
Code. Division (G) (6) of this section applies regarding any 5356
vehicle that is subject to an order of criminal forfeiture under 5357
this division. 5358

(vi) In all cases, the court shall order the offender to 5359
participate with a community addiction services provider 5360
authorized by section 5119.21 of the Revised Code, subject to 5361
division (I) of this section, and shall order the offender to 5362
follow the treatment recommendations of the services provider. 5363
The operator of the services provider shall determine and assess 5364
the degree of the offender's alcohol dependency and shall make 5365
recommendations for treatment. Upon the request of the court, 5366
the services provider shall submit the results of the assessment 5367
to the court, including all treatment recommendations and 5368
clinical diagnoses related to alcohol use. 5369

(2) An offender who is convicted of or pleads guilty to a 5370
violation of division (A) of this section and who subsequently 5371
seeks reinstatement of the driver's or occupational driver's 5372
license or permit or nonresident operating privilege suspended 5373
under this section as a result of the conviction or guilty plea 5374
shall pay a reinstatement fee as provided in division (F) (2) of 5375
section 4511.191 of the Revised Code. 5376

(3) If an offender is sentenced to a jail term under 5377
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 5378
section and if, within sixty days of sentencing of the offender, 5379
the court issues a written finding on the record that, due to 5380
the unavailability of space at the jail where the offender is 5381
required to serve the term, the offender will not be able to 5382
begin serving that term within the sixty-day period following 5383
the date of sentencing, the court may impose an alternative 5384
sentence under this division that includes a term of house 5385
arrest with electronic monitoring, with continuous alcohol 5386
monitoring, or with both electronic monitoring and continuous 5387
alcohol monitoring. 5388

As an alternative to a mandatory jail term of ten 5389
consecutive days required by division (G)(1)(b)(i) of this 5390
section, the court, under this division, may sentence the 5391
offender to five consecutive days in jail and not less than 5392
eighteen consecutive days of house arrest with electronic 5393
monitoring, with continuous alcohol monitoring, or with both 5394
electronic monitoring and continuous alcohol monitoring. The 5395
cumulative total of the five consecutive days in jail and the 5396
period of house arrest with electronic monitoring, continuous 5397
alcohol monitoring, or both types of monitoring shall not exceed 5398
six months. The five consecutive days in jail do not have to be 5399
served prior to or consecutively to the period of house arrest. 5400

As an alternative to the mandatory jail term of twenty 5401
consecutive days required by division (G)(1)(b)(ii) of this 5402
section, the court, under this division, may sentence the 5403
offender to ten consecutive days in jail and not less than 5404
thirty-six consecutive days of house arrest with electronic 5405
monitoring, with continuous alcohol monitoring, or with both 5406
electronic monitoring and continuous alcohol monitoring. The 5407
cumulative total of the ten consecutive days in jail and the 5408
period of house arrest with electronic monitoring, continuous 5409
alcohol monitoring, or both types of monitoring shall not exceed 5410
six months. The ten consecutive days in jail do not have to be 5411
served prior to or consecutively to the period of house arrest. 5412

As an alternative to a mandatory jail term of thirty 5413
consecutive days required by division (G)(1)(c)(i) of this 5414
section, the court, under this division, may sentence the 5415
offender to fifteen consecutive days in jail and not less than 5416
fifty-five consecutive days of house arrest with electronic 5417
monitoring, with continuous alcohol monitoring, or with both 5418
electronic monitoring and continuous alcohol monitoring. The 5419

cumulative total of the fifteen consecutive days in jail and the 5420
period of house arrest with electronic monitoring, continuous 5421
alcohol monitoring, or both types of monitoring shall not exceed 5422
one year. The fifteen consecutive days in jail do not have to be 5423
served prior to or consecutively to the period of house arrest. 5424

As an alternative to the mandatory jail term of sixty 5425
consecutive days required by division (G) (1) (c) (ii) of this 5426
section, the court, under this division, may sentence the 5427
offender to thirty consecutive days in jail and not less than 5428
one hundred ten consecutive days of house arrest with electronic 5429
monitoring, with continuous alcohol monitoring, or with both 5430
electronic monitoring and continuous alcohol monitoring. The 5431
cumulative total of the thirty consecutive days in jail and the 5432
period of house arrest with electronic monitoring, continuous 5433
alcohol monitoring, or both types of monitoring shall not exceed 5434
one year. The thirty consecutive days in jail do not have to be 5435
served prior to or consecutively to the period of house arrest. 5436

(4) If an offender's driver's or occupational driver's 5437
license or permit or nonresident operating privilege is 5438
suspended under division (G) of this section and if section 5439
4510.13 of the Revised Code permits the court to grant limited 5440
driving privileges, the court may grant the limited driving 5441
privileges in accordance with that section. If division (A) (7) 5442
of that section requires that the court impose as a condition of 5443
the privileges that the offender must display on the vehicle 5444
that is driven subject to the privileges restricted license 5445
plates that are issued under section 4503.231 of the Revised 5446
Code, except as provided in division (B) of that section, the 5447
court shall impose that condition as one of the conditions of 5448
the limited driving privileges granted to the offender, except 5449
as provided in division (B) of section 4503.231 of the Revised 5450

Code. 5451

(5) Fines imposed under this section for a violation of 5452
division (A) of this section shall be distributed as follows: 5453

(a) Twenty-five dollars of the fine imposed under division 5454
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 5455
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 5456
fine imposed under division (G) (1) (c) (iii), and two hundred ten 5457
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 5458
(iii) of this section shall be paid to an enforcement and 5459
education fund established by the legislative authority of the 5460
law enforcement agency in this state that primarily was 5461
responsible for the arrest of the offender, as determined by the 5462
court that imposes the fine. The agency shall use this share to 5463
pay only those costs it incurs in enforcing this section or a 5464
municipal OVI ordinance and in informing the public of the laws 5465
governing the operation of a vehicle while under the influence 5466
of alcohol, the dangers of the operation of a vehicle under the 5467
influence of alcohol, and other information relating to the 5468
operation of a vehicle under the influence of alcohol and the 5469
consumption of alcoholic beverages. 5470

(b) Fifty dollars of the fine imposed under division (G) 5471
(1) (a) (iii) of this section shall be paid to the political 5472
subdivision that pays the cost of housing the offender during 5473
the offender's term of incarceration. If the offender is being 5474
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 5475
(e), or (j) of this section and was confined as a result of the 5476
offense prior to being sentenced for the offense but is not 5477
sentenced to a term of incarceration, the fifty dollars shall be 5478
paid to the political subdivision that paid the cost of housing 5479
the offender during that period of confinement. The political 5480

subdivision shall use the share under this division to pay or 5481
reimburse incarceration or treatment costs it incurs in housing 5482
or providing drug and alcohol treatment to persons who violate 5483
this section or a municipal OVI ordinance, costs of any 5484
immobilizing or disabling device used on the offender's vehicle, 5485
and costs of electronic house arrest equipment needed for 5486
persons who violate this section. 5487

(c) Twenty-five dollars of the fine imposed under division 5488
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 5489
division (G) (1) (b) (iii) of this section shall be deposited into 5490
the county or municipal indigent drivers' alcohol treatment fund 5491
under the control of that court, as created by the county or 5492
municipal corporation under division (H) of section 4511.191 of 5493
the Revised Code. 5494

(d) One hundred fifteen dollars of the fine imposed under 5495
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 5496
the fine imposed under division (G) (1) (c) (iii), and four hundred 5497
forty dollars of the fine imposed under division (G) (1) (d) (iii) 5498
or (e) (iii) of this section shall be paid to the political 5499
subdivision that pays the cost of housing the offender during 5500
the offender's term of incarceration. The political subdivision 5501
shall use this share to pay or reimburse incarceration or 5502
treatment costs it incurs in housing or providing drug and 5503
alcohol treatment to persons who violate this section or a 5504
municipal OVI ordinance, costs for any immobilizing or disabling 5505
device used on the offender's vehicle, and costs of electronic 5506
house arrest equipment needed for persons who violate this 5507
section. 5508

(e) One hundred twenty-five dollars of the fine imposed 5509
under divisions (G) (1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), 5510

(G) (1) (d) (iii), and (G) (1) (e) (iii) of this section shall be 5511
deposited into the special projects fund of the court in which 5512
the offender was convicted and that is established under 5513
division (E) (1) of section 2303.201, division (B) (1) of section 5514
1901.26, or division (B) (1) of section 1907.24 of the Revised 5515
Code, to be used exclusively to cover the cost of immobilizing 5516
or disabling devices, including certified ignition interlock 5517
devices, and remote alcohol monitoring devices for indigent 5518
offenders who are required by a judge to use either of these 5519
devices. If the court in which the offender was convicted does 5520
not have a special projects fund that is established under 5521
division (E) (1) of section 2303.201, division (B) (1) of section 5522
1901.26, or division (B) (1) of section 1907.24 of the Revised 5523
Code, the one hundred twenty-five dollars shall be ~~deposited~~ 5524
transmitted to the treasurer of state for deposit into the 5525
indigent drivers interlock and alcohol monitoring fund under 5526
division (I) of section 4511.191 of the Revised Code. 5527

(f) Seventy-five dollars of the fine imposed under 5528
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 5529
fine imposed under division (G) (1) (b) (iii), two hundred fifty 5530
dollars of the fine imposed under division (G) (1) (c) (iii), and 5531
five hundred dollars of the fine imposed under division (G) (1) 5532
(d) (iii) or (e) (iii) of this section shall be transmitted to the 5533
treasurer of state for deposit into the indigent defense support 5534
fund established under section 120.08 of the Revised Code. 5535

(g) One hundred fifteen dollars shall be ~~credited~~ 5536
transmitted to the treasurer of state for deposit into the 5537
statewide treatment and prevention fund created by section 5538
4301.30 of the Revised Code. Money credited to the fund under 5539
this section shall be used for purposes identified under section 5540
5119.22 of the Revised Code. 5541

(h) The balance of the fine imposed under division (G) (1) 5542
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 5543
section shall be disbursed as otherwise provided by law. 5544

(6) If title to a motor vehicle that is subject to an 5545
order of criminal forfeiture under division (G) (1) (c), (d), or 5546
(e) of this section is assigned or transferred and division (B) 5547
(2) or (3) of section 4503.234 of the Revised Code applies, in 5548
addition to or independent of any other penalty established by 5549
law, the court may fine the offender the value of the vehicle as 5550
determined by publications of the national automobile dealers 5551
association. The proceeds of any fine so imposed shall be 5552
distributed in accordance with division (C) (2) of that section. 5553

(7) In all cases in which an offender is sentenced under 5554
division (G) of this section, the offender shall provide the 5555
court with proof of financial responsibility as defined in 5556
section 4509.01 of the Revised Code. If the offender fails to 5557
provide that proof of financial responsibility, the court, in 5558
addition to any other penalties provided by law, may order 5559
restitution pursuant to section 2929.18 or 2929.28 of the 5560
Revised Code in an amount not exceeding five thousand dollars 5561
for any economic loss arising from an accident or collision that 5562
was the direct and proximate result of the offender's operation 5563
of the vehicle before, during, or after committing the offense 5564
for which the offender is sentenced under division (G) of this 5565
section. 5566

(8) A court may order an offender to reimburse a law 5567
enforcement agency for any costs incurred by the agency with 5568
respect to a chemical test or tests administered to the offender 5569
if all of the following apply: 5570

(a) The offender is convicted of or pleads guilty to a 5571

violation of division (A) of this section. 5572

(b) The test or tests were of the offender's whole blood, 5573
blood serum or plasma, oral fluid, or urine. 5574

(c) The test or tests indicated that the offender had one 5575
of the following at the time of the offense: 5576

(i) A prohibited concentration of a controlled substance 5577
or a metabolite of a controlled substance in the offender's 5578
whole blood, blood serum or plasma, or urine; 5579

(ii) A drug of abuse or a metabolite of a drug of abuse in 5580
the offender's oral fluid. 5581

(9) A court may warn any person who is convicted of or who 5582
pleads guilty to a violation of division (A) of this section or 5583
an equivalent offense that a subsequent violation of this 5584
section or an equivalent offense that results in the death of 5585
another or the unlawful termination of another's pregnancy may 5586
result in the person being guilty of aggravated vehicular 5587
homicide under section 2903.06 of the Revised Code. The court 5588
may warn the person of the applicable penalties for that 5589
violation under sections 2903.06 and 2929.142 of the Revised 5590
Code. 5591

(10) As used in division (G) of this section, "electronic 5592
monitoring," "mandatory prison term," and "mandatory term of 5593
local incarceration" have the same meanings as in section 5594
2929.01 of the Revised Code. 5595

(H) Whoever violates division (B) of this section is 5596
guilty of operating a vehicle after underage alcohol consumption 5597
and shall be punished as follows: 5598

(1) Except as otherwise provided in division (H) (2) of 5599

this section, the offender is guilty of a misdemeanor of the 5600
fourth degree. In addition to any other sanction imposed for the 5601
offense, the court shall impose a class six suspension of the 5602
offender's driver's license, commercial driver's license, 5603
temporary instruction permit, probationary license, or 5604
nonresident operating privilege from the range specified in 5605
division (A)(6) of section 4510.02 of the Revised Code. The 5606
court may grant limited driving privileges relative to the 5607
suspension under sections 4510.021 and 4510.13 of the Revised 5608
Code. The court may grant unlimited driving privileges with an 5609
ignition interlock device relative to the suspension and may 5610
reduce the period of suspension as authorized under section 5611
4510.022 of the Revised Code. If the court grants unlimited 5612
driving privileges under section 4510.022 of the Revised Code, 5613
the court shall suspend any jail term imposed under division (H) 5614
(1) of this section as required under that section. 5615

(2) If, within one year of the offense, the offender 5616
previously has been convicted of or pleaded guilty to one or 5617
more violations of division (A) of this section or other 5618
equivalent offenses, the offender is guilty of a misdemeanor of 5619
the third degree. In addition to any other sanction imposed for 5620
the offense, the court shall impose a class four suspension of 5621
the offender's driver's license, commercial driver's license, 5622
temporary instruction permit, probationary license, or 5623
nonresident operating privilege from the range specified in 5624
division (A)(4) of section 4510.02 of the Revised Code. The 5625
court may grant limited driving privileges relative to the 5626
suspension under sections 4510.021 and 4510.13 of the Revised 5627
Code. 5628

(3) The offender shall provide the court with proof of 5629
financial responsibility as defined in section 4509.01 of the 5630

Revised Code. If the offender fails to provide that proof of 5631
financial responsibility, then, in addition to any other 5632
penalties provided by law, the court may order restitution 5633
pursuant to section 2929.28 of the Revised Code in an amount not 5634
exceeding five thousand dollars for any economic loss arising 5635
from an accident or collision that was the direct and proximate 5636
result of the offender's operation of the vehicle before, 5637
during, or after committing the violation of division (B) of 5638
this section. 5639

(I) (1) No court shall sentence an offender to an alcohol 5640
treatment program under this section unless the treatment 5641
program complies with the minimum standards for alcohol 5642
treatment programs adopted under Chapter 5119. of the Revised 5643
Code by the director of mental health and addiction services. 5644

(2) An offender who stays in a drivers' intervention 5645
program or in an alcohol treatment program under an order issued 5646
under this section shall pay the cost of the stay in the 5647
program. However, if the court determines that an offender who 5648
stays in an alcohol treatment program under an order issued 5649
under this section is unable to pay the cost of the stay in the 5650
program, the court may order that the cost be paid from the 5651
court's indigent drivers' alcohol treatment fund. 5652

(J) If a person whose driver's or commercial driver's 5653
license or permit or nonresident operating privilege is 5654
suspended under this section files an appeal regarding any 5655
aspect of the person's trial or sentence, the appeal itself does 5656
not stay the operation of the suspension. 5657

(K) Division (A) (1) (j) of this section does not apply to a 5658
person who operates a vehicle, streetcar, or trackless trolley 5659
while the person has a concentration of a listed controlled 5660

substance or a listed metabolite of a controlled substance in 5661
the person's whole blood, blood serum or plasma, or urine that 5662
equals or exceeds the amount specified in that division, if both 5663
of the following apply: 5664

(1) The person obtained the controlled substance pursuant 5665
to a prescription issued by a licensed health professional 5666
authorized to prescribe drugs. 5667

(2) The person injected, ingested, or inhaled the 5668
controlled substance in accordance with the health 5669
professional's directions. 5670

(L) The prohibited concentrations of a controlled 5671
substance or a metabolite of a controlled substance listed in 5672
division (A) (1) (j) of this section also apply in a prosecution 5673
of a violation of division (D) of section 2923.16 of the Revised 5674
Code in the same manner as if the offender is being prosecuted 5675
for a prohibited concentration of alcohol. 5676

(M) All terms defined in section 4510.01 of the Revised 5677
Code apply to this section. If the meaning of a term defined in 5678
section 4510.01 of the Revised Code conflicts with the meaning 5679
of the same term as defined in section 4501.01 or 4511.01 of the 5680
Revised Code, the term as defined in section 4510.01 of the 5681
Revised Code applies to this section. 5682

(N) (1) The Ohio Traffic Rules in effect on January 1, 5683
2004, as adopted by the supreme court under authority of section 5684
2937.46 of the Revised Code, do not apply to felony violations 5685
of this section. Subject to division (N) (2) of this section, the 5686
Rules of Criminal Procedure apply to felony violations of this 5687
section. 5688

(2) If, on or after January 1, 2004, the supreme court 5689

modifies the Ohio Traffic Rules to provide procedures to govern 5690
felony violations of this section, the modified rules shall 5691
apply to felony violations of this section. 5692

Sec. 4705.09. (A) (1) Any person admitted to the practice 5693
of law in this state by order of the supreme court in accordance 5694
with its prescribed and published rules, or any law firm or 5695
legal professional association, may establish and maintain an 5696
interest-bearing trust account, for purposes of depositing 5697
client funds held by the attorney, firm, or association that are 5698
nominal in amount or are to be held by the attorney, firm, or 5699
association for a short period of time, with any bank, savings 5700
bank, or savings and loan association that is authorized to do 5701
business in this state and is insured by the federal deposit 5702
insurance corporation or the successor to that corporation, or 5703
any credit union insured by the national credit union 5704
administration operating under the "Federal Credit Union Act," 5705
84 Stat. 994 (1970), 12 U.S.C. 1751, or insured by a credit 5706
union share guaranty corporation established under Chapter 1761. 5707
of the Revised Code. Each account established under this 5708
division shall be in the name of the attorney, firm, or 5709
association that established and is maintaining it and shall be 5710
identified as an IOLTA or an interest on lawyer's trust account. 5711
The name of the account may contain additional identifying 5712
features to distinguish it from other trust accounts established 5713
and maintained by the attorney, firm, or association. 5714

(2) Each attorney who receives funds belonging to a client 5715
shall do one of the following: 5716

(a) Establish and maintain one or more interest-bearing 5717
trust accounts in accordance with division (A) (1) of this 5718
section or maintain one or more interest-bearing trust accounts 5719

previously established in accordance with that division, and 5720
deposit all client funds held that are nominal in amount or are 5721
to be held by the attorney for a short period of time in the 5722
account or accounts; 5723

(b) If the attorney is affiliated with a law firm or legal 5724
professional association, comply with division (A) (2) (a) of this 5725
section or deposit all client funds held that are nominal in 5726
amount or are to be held by the attorney for a short period of 5727
time in one or more interest-bearing trust accounts established 5728
and maintained by the firm or association in accordance with 5729
division (A) (1) of this section. 5730

(3) No funds belonging to any attorney, firm, or legal 5731
professional association shall be deposited in any interest- 5732
bearing trust account established under division (A) (1) or (2) 5733
of this section, except that funds sufficient to pay or enable a 5734
waiver of depository institution service charges on the account 5735
shall be deposited in the account and other funds belonging to 5736
the attorney, firm, or association may be deposited as 5737
authorized by the Code of Professional Responsibility adopted by 5738
the supreme court. The determinations of whether funds held are 5739
nominal or more than nominal in amount and of whether funds are 5740
to be held for a short period or longer than a short period of 5741
time rests in the sound judgment of the particular attorney. No 5742
imputation of professional misconduct shall arise from the 5743
attorney's exercise of judgment in these matters. 5744

(B) All interest earned on funds deposited in an interest- 5745
bearing trust account established under division (A) (1) or (2) 5746
of this section shall be transmitted to the ~~treasurer of state~~ 5747
public defender for deposit in the legal aid fund established 5748
under section 120.52 of the Revised Code. No part of the 5749

interest earned on funds deposited in an interest-bearing trust 5750
account established under division (A) (1) or (2) of this section 5751
shall be paid to, or inure to the benefit of, the attorney, the 5752
attorney's law firm or legal professional association, the 5753
client or other person who owns or has a beneficial ownership of 5754
the funds deposited, or any other person other than in 5755
accordance with this section, section 4705.10, and sections 5756
120.51 to 120.55 of the Revised Code. 5757

(C) No liability arising out of any act or omission by any 5758
attorney, law firm, or legal professional association with 5759
respect to any interest-bearing trust account established under 5760
division (A) (1) or (2) of this section shall be imputed to the 5761
depository institution. 5762

(D) The supreme court may adopt and enforce rules of 5763
professional conduct that pertain to the use, by attorneys, law 5764
firms, or legal professional associations, of interest-bearing 5765
trust accounts established under division (A) (1) or (2) of this 5766
section, and that pertain to the enforcement of division (A) (2) 5767
of this section. Any rules adopted by the supreme court under 5768
this authority shall conform to the provisions of this section, 5769
section 4705.10, and sections 120.51 to 120.55 of the Revised 5770
Code. 5771

Sec. 4705.10. (A) All of the following apply to an 5772
interest-bearing trust account established under authority of 5773
section 4705.09 of the Revised Code: 5774

(1) All funds in the account shall be subject to 5775
withdrawal upon request and without delay, or as soon as is 5776
permitted by federal law; 5777

(2) The rate of interest payable on the account shall not 5778

be less than the rate paid by the depository institution to 5779
regular, nonattorney depositors. Higher rates offered by the 5780
institution to customers whose deposits exceed certain time or 5781
quantity qualifications, such as those offered in the form of 5782
certificates of deposit, may be obtained by a person or law firm 5783
establishing the account if there is no impairment of the right 5784
to withdraw or transfer principal immediately. 5785

(3) The depository institution shall be directed, by the 5786
person or law firm establishing the account, to do all of the 5787
following: 5788

(a) Remit interest or dividends, whichever is applicable, 5789
on the average monthly balance in the account or as otherwise 5790
computed in accordance with the institution's standard 5791
accounting practice, less reasonable service charges, to the 5792
~~treasurer of state~~ public defender at least quarterly for 5793
deposit in the legal aid fund established under section 120.52 5794
of the Revised Code; 5795

(b) Transmit to the ~~treasurer of state~~ public defender, 5796
upon its request, to the Ohio access to justice foundation, and 5797
the depositing attorney, law firm, or legal professional 5798
association upon the attorney's, firm's, or association's 5799
request, at the time of each remittance required by division (A) 5800
(3)(a) of this section, a statement showing the name of the 5801
attorney for whom or the law firm or legal professional 5802
association for which the remittance is sent, the rate of 5803
interest applied, the accounting period, the net amount remitted 5804
to the ~~treasurer of state~~ public defender for each account, the 5805
total remitted, the average account balance for each month of 5806
the period for which the report is made, and the amount deducted 5807
for service charges; 5808

(4) The depository institution shall notify the office of 5809
disciplinary counsel or other entity designated by the supreme 5810
court on each occasion when a properly payable instrument is 5811
presented for payment from the account, and the account contains 5812
insufficient funds. The depository institution shall provide 5813
this notice without regard to whether the instrument is honored 5814
by the depository institution. The depository institution shall 5815
provide the notice described in division (A) (4) of this section 5816
by electronic or other means within five banking days of the 5817
date that the instrument was honored or returned as dishonored. 5818
The notice shall contain all of the following: 5819

(a) The name and address of the depository institution; 5820

(b) The name and address of the lawyer, law firm, or legal 5821
professional association that maintains the account; 5822

(c) The account number and either the amount of the 5823
overdraft and the date issued or the amount of the dishonored 5824
instrument and the date returned. 5825

(B) (1) The statements and reports of individual depositor 5826
information made under divisions (A) (3) and (4) of this section 5827
are confidential and shall be used only for purposes of 5828
administering the legal aid fund and for enforcement of the 5829
rules of professional conduct adopted by the supreme court. 5830

(2) A depository institution may charge the lawyer, law 5831
firm, or legal professional association that maintains the 5832
account with fees associated with producing and mailing a notice 5833
required by division (A) (4) of this section but shall not deduct 5834
such fees from the interest earned on the account. 5835

Sec. 5528.54. (A) The commissioners of the sinking fund 5836
are authorized to issue and sell, as provided in this section 5837

and in amounts from time to time authorized by the general 5838
assembly, general obligations of this state for the purpose of 5839
financing or assisting in the financing of the costs of 5840
projects. The full faith and credit, revenues, and taxing power 5841
of the state are and shall be pledged to the timely payment of 5842
bond service charges on outstanding obligations, all in 5843
accordance with Section 2m of Article VIII, Ohio Constitution, 5844
and sections 5528.51 to 5528.53 of the Revised Code, and so long 5845
as such obligations are outstanding there shall be levied and 5846
collected excises, taxes, and other revenues in amounts 5847
sufficient to pay the bond service charges on such obligations 5848
and costs relating to credit enhancement facilities. 5849

(B) Not more than two hundred twenty million dollars 5850
principal amount of obligations, plus the principal amount of 5851
obligations that in any prior fiscal years could have been, but 5852
were not issued within that two-hundred-twenty-million-dollar 5853
fiscal year limit, may be issued in any fiscal year, and not 5854
more than one billion two hundred million dollars principal 5855
amount of obligations may be outstanding at any one time, all 5856
determined as provided in sections 5528.51 to 5528.53 of the 5857
Revised Code. 5858

(C) The state may participate in financing projects by 5859
grants, loans, or contributions to local government entities. 5860

(D) Each issue of obligations shall be authorized by 5861
resolution of the commissioners. The bond proceedings shall 5862
provide for the principal amount or maximum principal amount of 5863
obligations of an issue, and shall provide for or authorize the 5864
manner for determining the principal maturity or maturities, not 5865
exceeding the earlier of thirty years from the date of issuance 5866
of the particular obligations or thirty years from the date the 5867

debt represented by the particular obligations was originally 5868
contracted, the interest rate or rates, the date of and the 5869
dates of payment of interest on the obligations, their 5870
denominations, and the establishment within or outside the state 5871
of a place or places of payment of bond service charges. 5872
Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code 5873
are applicable to the obligations. The purpose of the 5874
obligations may be stated in the bond proceedings as "financing 5875
or assisting in the financing of highway capital improvement 5876
projects as provided in Section 2m of Article VIII, Ohio 5877
Constitution." 5878

(E) The proceeds of the obligations, except for any 5879
portion to be deposited into special funds, or into escrow funds 5880
for the purpose of refunding outstanding obligations, all as may 5881
be provided in the bond proceedings, shall be deposited into the 5882
highway capital improvement fund established by section 5528.53 5883
of the Revised Code. 5884

(F) The commissioners may appoint or provide for the 5885
appointment of paying agents, bond registrars, securities 5886
depositories, and transfer agents, and may retain the services 5887
of financial advisers and accounting experts, and retain or 5888
contract for the services of marketing, remarketing, indexing, 5889
and administrative agents, other consultants, and independent 5890
contractors, including printing services, as are necessary in 5891
the judgment of the commissioners to carry out sections 5528.51 5892
to 5528.53 of the Revised Code. Financing costs are payable, as 5893
provided in the bond proceedings, from the proceeds of the 5894
obligations, from special funds, or from other moneys available 5895
for the purpose. 5896

(G) The bond proceedings, including any trust agreement, 5897

may contain additional provisions customary or appropriate to 5898
the financing or to the obligations or to particular obligations 5899
including, but not limited to: 5900

(1) The redemption of obligations prior to maturity at the 5901
option of the state or of the holder or upon the occurrence of 5902
certain conditions at such price or prices and under such terms 5903
and conditions as are provided in the bond proceedings; 5904

(2) The form of and other terms of the obligations; 5905

(3) The establishment, deposit, investment, and 5906
application of special funds, and the safeguarding of moneys on 5907
hand or on deposit, in lieu of otherwise applicable provisions 5908
of Chapter 131. or 135. of the Revised Code, but subject to any 5909
special provisions of this section with respect to particular 5910
funds or moneys, and provided that any bank or trust company 5911
that acts as a depository of any moneys in special funds may 5912
furnish such indemnifying bonds or may pledge such securities as 5913
required by the commissioners; 5914

(4) Any or every provision of the bond proceedings binding 5915
upon the commissioners and such state agency or local government 5916
entities, officer, board, commission, authority, agency, 5917
department, or other person or body as may from time to time 5918
have the authority under law to take such actions as may be 5919
necessary to perform all or any part of the duty required by 5920
such provision; 5921

(5) The maintenance of each pledge, any trust agreement, 5922
or other instrument composing part of the bond proceedings until 5923
the state has fully paid or provided for the payment of the bond 5924
service charges on the obligations or met other stated 5925
conditions; 5926

(6) In the event of default in any payments required to be 5927
made by the bond proceedings, or any other agreement of the 5928
commissioners made as part of a contract under which the 5929
obligations were issued or secured, the enforcement of such 5930
payments or agreements by mandamus, suit in equity, action at 5931
law, or any combination of the foregoing; 5932

(7) The rights and remedies of the holders of obligations 5933
and of the trustee under any trust agreement, and provisions for 5934
protecting and enforcing them, including limitations on rights 5935
of individual holders of obligations; 5936

(8) The replacement of any obligations that become 5937
mutilated or are destroyed, lost, or stolen; 5938

(9) Provision for the funding, refunding, or advance 5939
refunding or other provision for payment of obligations that 5940
will then no longer be outstanding for purposes of sections 5941
5528.51 to 5528.56 of the Revised Code or of the bond 5942
proceedings; 5943

(10) Any provision that may be made in bond proceedings or 5944
a trust agreement, including provision for amendment of the bond 5945
proceedings; 5946

(11) Any other or additional agreements with the holders 5947
of the obligations relating to any of the foregoing; 5948

(12) Such other provisions as the commissioners determine, 5949
including limitations, conditions, or qualifications relating to 5950
any of the foregoing. 5951

(H) The great seal of the state or a facsimile of that 5952
seal may be affixed to or printed on the obligations. The 5953
obligations requiring signatures by the commissioners shall be 5954
signed by or bear the facsimile signatures of two or more of the 5955

commissioners as provided in the bond proceedings. Any 5956
obligations may be signed by the person who, on the date of 5957
execution, is the authorized signer although on the date of such 5958
obligations such person was not a commissioner. In case the 5959
individual whose signature or a facsimile of whose signature 5960
appears on any obligation ceases to be a commissioner before 5961
delivery of the obligation, such signature or facsimile is 5962
nevertheless valid and sufficient for all purposes as if that 5963
individual had remained the member until such delivery, and in 5964
case the seal to be affixed to or printed on obligations has 5965
been changed after the seal has been affixed to or a facsimile 5966
of the seal has been printed on the obligations, that seal or 5967
facsimile seal shall continue to be sufficient as to those 5968
obligations and obligations issued in substitution or exchange 5969
therefor. 5970

(I) The obligations are negotiable instruments and 5971
securities under Chapter 1308. of the Revised Code, subject to 5972
the provisions of the bond proceedings as to registration. 5973
Obligations may be issued in coupon or in fully registered form, 5974
or both, as the commissioners determine. Provision may be made 5975
for the registration of any obligations with coupons attached as 5976
to principal alone or as to both principal and interest, their 5977
exchange for obligations so registered, and for the conversion 5978
or reconversion into obligations with coupons attached of any 5979
obligations registered as to both principal and interest, and 5980
for reasonable charges for such registration, exchange, 5981
conversion, and reconversion. Pending preparation of definitive 5982
obligations, the commissioners may issue interim receipts or 5983
certificates which shall be exchanged for such definitive 5984
obligations. 5985

(J) Obligations may be sold at public sale or at private 5986

sale, and at such price at, above, or below par, as determined 5987
by the commissioners in the bond proceedings. 5988

(K) In the discretion of the commissioners, obligations 5989
may be secured additionally by a trust agreement between the 5990
state and a corporate trustee which may be any trust company or 5991
bank having a place of business within the state. Any trust 5992
agreement may contain the resolution authorizing the issuance of 5993
the obligations, any provisions that may be contained in the 5994
bond proceedings, and other provisions that are customary or 5995
appropriate in an agreement of the type. 5996

(L) Except to the extent that their rights are restricted 5997
by the bond proceedings, any holder of obligations, or a trustee 5998
under the bond proceedings may by any suitable form of legal 5999
proceedings protect and enforce any rights under the laws of 6000
this state or granted by the bond proceedings. Such rights 6001
include the right to compel the performance of all duties of the 6002
commissioners and the state. Each duty of the commissioners and 6003
its employees, and of each state agency and local government 6004
entity and its officers, members, or employees, undertaken 6005
pursuant to the bond proceedings, is hereby established as a 6006
duty of the commissioners, and of each such agency, local 6007
government entity, officer, member, or employee having authority 6008
to perform such duty, specifically enjoined by the law and 6009
resulting from an office, trust, or station within the meaning 6010
of section 2731.01 of the Revised Code. The persons who are at 6011
the time the commissioners of the sinking fund, or its 6012
employees, are not liable in their personal capacities on any 6013
obligations or any agreements of or with the commissioners 6014
relating to obligations or under the bond proceedings. 6015

(M) Obligations are lawful investments for banks, 6016

societies for savings, savings and loan associations, deposit 6017
guarantee associations, trust companies, trustees, fiduciaries, 6018
insurance companies, including domestic for life and domestic 6019
not for life, trustees or other officers having charge of 6020
sinking and bond retirement or other special funds of political 6021
subdivisions and taxing districts of this state, the 6022
commissioners of the sinking fund, the administrator of workers' 6023
compensation, subject to the approval of the workers' 6024
compensation board and the industrial commission, the state 6025
teachers retirement system, the public employees retirement 6026
system, the school employees retirement system, and the Ohio 6027
police and fire pension fund, notwithstanding any other 6028
provisions of the Revised Code or rules adopted pursuant thereto 6029
by any state agency with respect to investments by them, and are 6030
also acceptable as security for the deposit of public moneys. 6031

(N) Unless otherwise provided in any applicable bond 6032
proceedings, moneys to the credit of or in the special funds 6033
established by or pursuant to this section may be invested by or 6034
on behalf of the commissioners only in notes, bonds, or other 6035
direct obligations of the United States or of any agency or 6036
instrumentality thereof, in obligations of this state or any 6037
political subdivision of this state, in certificates of deposit 6038
of any national bank located in this state and any bank, as 6039
defined in section 1101.01 of the Revised Code, subject to 6040
inspection by the superintendent of financial institutions, in 6041
the Ohio subdivision's fund established pursuant to section 6042
~~135.45~~ 113.07 of the Revised Code, in no-front-end-load money 6043
market mutual funds consisting exclusively of direct obligations 6044
of the United States or of an agency or instrumentality thereof, 6045
and in repurchase agreements, including those issued by any 6046
fiduciary, secured by direct obligations of the United States or 6047

an agency or instrumentality thereof, and in common trust funds 6048
established in accordance with section 1109.20 of the Revised 6049
Code and consisting exclusively of direct obligations of the 6050
United States or of an agency or instrumentality thereof, 6051
notwithstanding division (A) (4) of that section. The income from 6052
investments shall be credited to such special funds or otherwise 6053
as the commissioners determine in the bond proceedings, and the 6054
investments may be sold or exchanged at such times as the 6055
commissioners determine or authorize. 6056

(O) Unless otherwise provided in any applicable bond 6057
proceedings, moneys to the credit of or in a special fund shall 6058
be disbursed on the order of the commissioners, provided that no 6059
such order is required for the payment from the bond service 6060
fund or other special fund when due of bond service charges or 6061
required payments under credit enhancement facilities. 6062

(P) The commissioners may covenant in the bond 6063
proceedings, and any such covenants shall be controlling 6064
notwithstanding any other provision of law, that the state and 6065
the applicable officers and agencies of the state, including the 6066
general assembly, shall, so long as any obligations are 6067
outstanding in accordance with their terms, maintain statutory 6068
authority for and cause to be charged and collected taxes, 6069
excises, and other receipts of the state so that the receipts to 6070
the bond service fund shall be sufficient in amounts to meet 6071
bond service charges and for the establishment and maintenance 6072
of any reserves and other requirements, including payment of 6073
financing costs, provided for in the bond proceedings. 6074

(Q) The obligations, and the transfer of, and the 6075
interest, interest equivalent, and other income and accreted 6076
amounts from, including any profit made on the sale, exchange, 6077

or other disposition of, the obligations shall at all times be 6078
free from taxation, direct or indirect, within the state. 6079

(R) This section applies only with respect to obligations 6080
issued and delivered prior to September 30, 2000. 6081

Sec. 5725.22. (A) The treasurer of state shall maintain a 6082
list of taxes levied by section 5725.18 of the Revised Code and 6083
certified for assessment by the superintendent of insurance 6084
pursuant to section 5725.20 of the Revised Code. 6085

(B) The treasurer of state shall collect, and the taxpayer 6086
shall pay, all taxes levied under section 5725.18 of the Revised 6087
Code and any interest applicable thereto. Payments ~~may~~ shall be 6088
made electronically ~~or by any other means authorized as~~ 6089
prescribed by the treasurer of state. ~~Whenever the~~ 6090
~~superintendent of insurance submits an electronic call for data,~~ 6091
~~the treasurer of state shall electronically submit to the~~ 6092
~~superintendent the data requested, including the amount of taxes~~ 6093
~~collected and the name of the domestic insurance company from~~ 6094
~~whom collected.~~ The treasurer of state may adopt rules 6095
concerning the methods and timeliness of payments under this 6096
division. 6097

(C) Each tax bill issued pursuant to this section shall 6098
separately reflect the taxes due, interest, if any, due date, 6099
and any other information considered necessary. The last day on 6100
which payment may be made without penalty shall be the fifteenth 6101
day of June, unless that day is not a business day as defined in 6102
section 5709.40 of the Revised Code, in which case the payment 6103
may be made on the next business day. The treasurer of state 6104
shall issue the tax bill to the taxpayer electronically through 6105
the department of insurance's web site. 6106

The treasurer of state shall refund taxes as provided in 6107
this section, but no refund shall be made to a taxpayer having a 6108
delinquent claim certified pursuant to this section that remains 6109
unpaid. The treasurer of state may consult the attorney general 6110
regarding such claims. Refunds shall be paid from the tax refund 6111
fund created by section 5703.052 of the Revised Code. 6112

(D) (1) Unless an exigency exists, the treasurer of state 6113
shall issue a tax bill within twenty days after receipt of an 6114
assessment certified by the superintendent of insurance under 6115
section 5725.20 of the Revised Code, but if such assessment 6116
reflects a late filed tax return, the treasurer of state shall 6117
add interest as provided in division (A) of section 5725.221 of 6118
the Revised Code and issue a tax bill. In the case of an 6119
exigency, the treasurer of state shall issue the tax bill as 6120
soon as possible and may extend the due date for payment of the 6121
tax prescribed by division (C) of this section. 6122

(2) After receipt of any amended or final assessment of 6123
taxes received from the superintendent of insurance pursuant to 6124
section 5725.20 of the Revised Code, the treasurer of state 6125
shall ascertain the difference between the total taxes computed 6126
on such assessment and the total taxes computed on the most 6127
recent assessment certified for the same tax year. If the 6128
difference is a deficiency and that deficiency is greater than 6129
one dollar, the treasurer of state shall add interest as 6130
provided in division (B) (1) of section 5725.221 of the Revised 6131
Code and issue a tax bill, with payment due thirty days after 6132
the date ~~of~~ the bill is issued. If the difference is an excess_ 6133
of more than one dollar, the treasurer of state shall add 6134
interest as provided in division (B) (2) of section 5725.221 of 6135
the Revised Code and certify the name of the taxpayer and the 6136
amount to be refunded to the director of budget and management 6137

for payment to the taxpayer. If the taxpayer has a deficiency 6138
for one tax year and an excess for another tax year, or any 6139
combination thereof for more than two tax years, the treasurer 6140
of state may determine the net result after adding interest, if 6141
applicable, and, ~~depending on if~~ such result is greater than one 6142
dollar, proceed to issue a tax bill or certify a refund, as 6143
applicable. 6144

(E) Except as otherwise provided in this division, the 6145
treasurer of state may cancel a debt owed to the state arising 6146
from the tax imposed by section 5725.18 of the Revised Code, 6147
including any interest arising from such tax, if the total 6148
amount of the debt does not exceed fifty dollars. The treasurer 6149
of state shall not cancel any debt that has been certified to 6150
the attorney general under division (F) of this section. 6151

(F) If a taxpayer fails to pay all taxes and interest, if 6152
any, on or before the due date shown on the tax bill issued by 6153
the treasurer of state, and if that unpaid amount has not been 6154
canceled pursuant to division (E) of this section, the treasurer 6155
of state shall add a penalty equal to five hundred dollars for 6156
each month the taxpayer fails to pay all taxes and interest due. 6157
The treasurer of state may add an additional penalty, not to 6158
exceed ten per cent of the taxes and interest due, if the 6159
taxpayer fails to demonstrate that the taxpayer made a good 6160
faith effort to pay all taxes and interest on or before the due 6161
date shown on the tax bill. ~~The~~ Unless a delinquent amount is 6162
canceled pursuant to division (E) of this section, the treasurer 6163
of state shall prepare a delinquent claim for each tax bill on 6164
which penalties were added and certify such claims to the 6165
attorney general for collection. The attorney general shall 6166
transmit a copy of each claim certified by the treasurer of 6167
state to the superintendent of insurance. For each claim 6168

certified by the treasurer of state, the attorney general shall 6169
proceed to collect the delinquent taxes, penalties, and interest 6170
thereon in the manner prescribed by law. 6171

(G) Whenever the superintendent of insurance submits an 6172
electronic call for data, the treasurer of state shall 6173
electronically submit to the superintendent the data requested, 6174
including the amount of taxes collected and the name of the 6175
domestic insurance company from whom the tax is collected. 6176

Sec. 5725.23. Taxes, interest, and penalties may be 6177
recovered from a delinquent domestic insurance company or person 6178
in an action brought in the name of the state in the court of 6179
common pleas of Franklin county or any county in which such 6180
company or person has an office or place of business, and such 6181
court shall have jurisdiction of such action regardless of the 6182
amount involved. The attorney general, on request of the 6183
superintendent of insurance or ~~tax commissioner~~ treasurer of 6184
state, shall institute such action in the court of common pleas 6185
of Franklin county or any other county the ~~superintendent or 6186~~
~~commissioner~~ attorney general directs. In any such action, it 6187
shall be sufficient to allege that the tax, interest, and 6188
penalty sought to be recovered stand charged on the tax list of 6189
domestic insurance company franchise taxes in the office of the 6190
treasurer of state and have been unpaid for a period of forty- 6191
five days after having been placed thereon. Sums recovered in 6192
any such action shall be paid into the state treasury and 6193
distributed as provided in section 5725.24 of the Revised Code. 6194

Sec. 5729.05. On or before the fifteenth day of October 6195
each year, each foreign insurance company shall pay to the 6196
treasurer of state an amount equal to one-half of the previous 6197
calendar year's tax, before credits, which was assessed and paid 6198

under section 3737.71 of the Revised Code and this chapter. This 6199
payment shall be considered as a partial payment of the tax upon 6200
the business done in this state during the calendar year in 6201
which the payment date provided by this paragraph is contained. 6202

Payments shall be made electronically as prescribed by the 6203
treasurer of state. The treasurer of state may adopt rules 6204
concerning the methods and timeliness of payments under this 6205
section. 6206

At the time of filing its annual statement, each foreign 6207
insurance company shall pay to the treasurer of state the tax 6208
assessable under section 3737.71 of the Revised Code and this 6209
chapter, calculated by such company from such annual statement. 6210
The company may deduct the part of such tax already paid as a 6211
partial payment. 6212

The superintendent shall determine the correctness of the 6213
reports and statements of insurance companies, compute the 6214
annual tax, and, on or before the fifteenth day of May, prepare 6215
and furnish to the treasurer of state lists of all taxable 6216
companies, showing as to each company the whole amount of the 6217
annual tax computed by the superintendent. The treasurer of 6218
state, after deducting the tax already paid, shall promptly 6219
notify each such company of any amount due, which amount shall 6220
be paid by each such company to the treasurer of state by the 6221
fifteenth day of June next succeeding. If a company has for any 6222
reason overpaid or was illegally or erroneously assessed or 6223
charged for collection a larger amount of tax than its annual 6224
tax as computed by the superintendent of insurance and an 6225
application for refund was timely filed under section 5729.102 6226
of the Revised Code, a refund of the excess amount shall be paid 6227
from the tax refund fund created by section 5703.052 of the 6228

Revised Code.

6229

Sec. 5729.10. If a company fails to pay the tax levied by 6230
section 5729.03 of the Revised Code, or to make any partial 6231
payment thereof as required by law after a statement thereof has 6232
been made and mailed to it, or if the annual statement required 6233
by law to be made by it is false or incorrect, the 6234
superintendent of insurance may revoke the license of such 6235
company doing business in this state. Upon failure to pay the 6236
tax or to make partial payment thereof according to law, the 6237
treasurer of state shall certify ~~that fact~~ the tax liability and 6238
any related interest and penalties to the attorney general, who 6239
shall thereupon begin an action against the company in the court 6240
of common pleas of Franklin county, or any other county the 6241
attorney general elects, to recover the amount of the tax. If 6242
such company ceases to do business in this state, it shall 6243
thereupon make a report to the superintendent of the gross 6244
amount of premiums not theretofore reported as provided in 6245
section 5729.02 or 5729.04 of the Revised Code received by it 6246
from policies covering risks within this state prior to such 6247
discontinuance of business, after deducting return premiums and 6248
considerations received for reinsurance not theretofore so 6249
reported, and shall forthwith pay to the treasurer of state a 6250
like per cent of tax thereon. 6251

Sec. 5739.17. (A) No person shall engage in making retail 6252
sales subject to a tax imposed by or pursuant to section 6253
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code as 6254
a business without having a license therefor, except as 6255
otherwise provided in divisions (A)(1), (2), and (3) of this 6256
section. 6257

(1) In the dissolution of a partnership by death, the 6258

surviving partner may operate under the license of the 6259
partnership for a period of sixty days. 6260

(2) The heirs or legal representatives of deceased 6261
persons, and receivers and trustees in bankruptcy, appointed by 6262
any competent authority, may operate under the license of the 6263
person so succeeded in possession. 6264

(3) Two or more persons who are not partners may operate a 6265
single place of business under one license. In such case neither 6266
the retirement of any such person from business at that place of 6267
business, nor the entrance of any person, under an existing 6268
arrangement, shall affect the license or require the issuance of 6269
a new license, unless the person retiring from the business is 6270
the individual named on the vendor's license. 6271

Except as otherwise provided in this section, each 6272
applicant for a license shall make out and deliver to the county 6273
auditor of each county in which the applicant desires to engage 6274
in business, upon a blank to be furnished by such auditor for 6275
that purpose, a statement showing the name of the applicant, 6276
each place of business in the county where the applicant will 6277
make retail sales, the nature of the business, and any other 6278
information the tax commissioner reasonably prescribes in the 6279
form of a statement prescribed by the commissioner. 6280

At the time of making the application, the applicant shall 6281
pay into the county treasury a license fee in the sum of fifty 6282
dollars for each fixed place of business in the county that will 6283
be the situs of retail sales. Upon receipt of the application 6284
and exhibition of the county treasurer's receipt, showing the 6285
payment of the license fee, the county auditor shall issue to 6286
the applicant a license for each fixed place of business 6287
designated in the application, authorizing the applicant to 6288

engage in business at that location. The county auditor shall 6289
~~transmit~~ remit twenty-five dollars of each license fee to the 6290
~~treasurer of state~~ attorney general for deposit into the state 6291
treasury to the credit of the organized crime commission fund 6292
for the purposes specified in section 177.011 of the Revised 6293
Code. The remaining twenty-five dollars of each license fee 6294
shall be credited to the general fund of the county. 6295

(B) If a vendor's identity changes, the vendor shall apply 6296
for a new license. If a vendor wishes to move an existing fixed 6297
place of business to a new location within the same county, the 6298
vendor shall obtain a new vendor's license or submit a request 6299
to the commissioner to transfer the existing vendor's license to 6300
the new location. When the new location has been verified as 6301
being within the same county, the commissioner shall authorize 6302
the transfer and notify the county auditor of the change of 6303
location. If a vendor wishes to move an existing fixed place of 6304
business to another county, the vendor's license shall not 6305
transfer and the vendor shall obtain a new vendor's license from 6306
the county in which the business is to be located. The form of 6307
the license shall be prescribed by the commissioner. The fees 6308
collected shall be credited as specified in division (A) (3) of 6309
this section. If a vendor fails to notify the commissioner of a 6310
change of location of its fixed place of business or that its 6311
business has closed, the commissioner may cancel the vendor's 6312
license if ordinary mail sent to the location shown on the 6313
license is returned because of an undeliverable address. 6314

(C) The commissioner may establish or participate in a 6315
registration system whereby any vendor may obtain a vendor's 6316
license by submitting to the commissioner a vendor's license 6317
application and a license fee of fifty dollars for each fixed 6318
place of business at which the vendor intends to make retail 6319

sales. Under this registration system, the commissioner shall 6320
issue a vendor's license to the applicant on behalf of the 6321
county auditor of the county in which the applicant desires to 6322
engage in business, and shall forward a copy of the application 6323
and license fee to that county. Twenty-five dollars of each 6324
license fee received by the commissioner for the issuance of 6325
vendor's licenses shall be deposited into the vendor's license 6326
application fund, which is hereby created in the state treasury. 6327
The remaining twenty-five dollars of each license fee shall be 6328
deposited into the organized crime commission fund for the 6329
purposes specified in section 177.011 of the Revised Code. The 6330
commissioner shall certify to the director of budget and 6331
management within ten business days after the close of a month 6332
the license fees to be transmitted to each county from the 6333
vendor's license application fund for vendor's license 6334
applications received by the commissioner during that month. 6335
License fees transmitted to a county for which payment was not 6336
received by the commissioner may be netted against a future 6337
distribution to that county, including distributions made 6338
pursuant to section 5739.21 of the Revised Code. 6339

A vendor that makes retail sales subject to tax under 6340
Chapter 5739. of the Revised Code pursuant to a permit issued by 6341
the division of liquor control shall obtain a vendor's license 6342
in the identical name and for the identical address as shown on 6343
the permit. 6344

Except as otherwise provided in this section, if a vendor 6345
has no fixed place of business and sells from a vehicle, each 6346
vehicle intended to be used within a county constitutes a place 6347
of business for the purpose of this section. 6348

(D) As used in this section, "transient vendor" means any 6349

person who makes sales of tangible personal property from 6350
vending machines located on land owned by others, who leases 6351
titled motor vehicles, titled watercraft, or titled outboard 6352
motors, who effectuates leases that are taxed according to 6353
division (A)(2) of section 5739.02 of the Revised Code, or who, 6354
in the usual course of the person's business, transports 6355
inventory, stock of goods, or similar tangible personal property 6356
to a temporary place of business or temporary exhibition, show, 6357
fair, flea market, or similar event in a county in which the 6358
person has no fixed place of business, for the purpose of making 6359
retail sales of such property. A "temporary place of business" 6360
means any public or quasi-public place including, but not 6361
limited to, a hotel, rooming house, storeroom, building, part of 6362
a building, tent, vacant lot, railroad car, or motor vehicle 6363
that is temporarily occupied for the purpose of making retail 6364
sales of goods to the public. A place of business is not 6365
temporary if the same person conducted business at the place 6366
continuously for more than six months or occupied the premises 6367
as the person's permanent residence for more than six months, or 6368
if the person intends it to be a fixed place of business. 6369

Any transient vendor, in lieu of obtaining a vendor's 6370
license under division (A) of this section for counties in which 6371
the transient vendor has no fixed place of business, may apply 6372
to the tax commissioner, on a form prescribed by the 6373
commissioner, for a transient vendor's license. The transient 6374
vendor's license authorizes the transient vendor to make retail 6375
sales in any county in which the transient vendor does not 6376
maintain a fixed place of business. Any holder of a transient 6377
vendor's license shall not be required to obtain a separate 6378
vendor's license from the county auditor in that county. Upon 6379
the commissioner's determination that an applicant is a 6380

transient vendor, the applicant shall pay a license fee in the 6381
amount of fifty dollars, at which time the tax commissioner 6382
shall issue the license. Twenty-five dollars of that license fee 6383
shall be deposited into the organized crime commission fund for 6384
the purposes specified in section 177.011 of the Revised Code. 6385
The tax commissioner may require a vendor to be licensed as a 6386
transient vendor if, in the opinion of the commissioner, such 6387
licensing is necessary for the efficient administration of the 6388
tax. 6389

Any holder of a valid transient vendor's license may make 6390
retail sales at a temporary place of business or temporary 6391
exhibition, show, fair, flea market, or similar event, held 6392
anywhere in the state without complying with any provision of 6393
section 311.37 of the Revised Code. Any holder of a valid 6394
vendor's license may make retail sales as a transient vendor at 6395
a temporary place of business or temporary exhibition, show, 6396
fair, flea market, or similar event held in any county in which 6397
the vendor maintains a fixed place of business for which the 6398
vendor holds a vendor's license without obtaining a transient 6399
vendor's license. 6400

(E) Any vendor who is issued a license pursuant to this 6401
section shall display the license or a copy of it prominently, 6402
in plain view, at every place of business of the vendor. 6403

(F) No owner, organizer, or promoter who operates a fair, 6404
flea market, show, exhibition, convention, or similar event at 6405
which transient vendors are present shall fail to keep a 6406
comprehensive record of all such vendors, listing the vendor's 6407
name, permanent address, vendor's license number, and the type 6408
of goods sold. Such records shall be kept for four years and 6409
shall be open to inspection by the commissioner. 6410

(G) The commissioner may issue additional types of 6411
licenses if required to efficiently administer the tax imposed 6412
by this chapter. 6413

Sec. 5747.51. (A) On or before the twenty-fifth day of 6414
July of each year, the tax commissioner shall make and certify 6415
to the county auditor of each county an estimate of the amount 6416
of the local government fund to be allocated to the undivided 6417
local government fund of each county for the ensuing calendar 6418
year, adjusting the total as required to account for 6419
subdivisions receiving local government funds under section 6420
5747.502 of the Revised Code. 6421

(B) At each annual regular session of the county budget 6422
commission convened pursuant to section 5705.27 of the Revised 6423
Code, each auditor shall present to the commission the 6424
certificate of the commissioner, the annual tax budget and 6425
estimates, and the records showing the action of the commission 6426
in its last preceding regular session. The commission, after 6427
extending to the representatives of each subdivision an 6428
opportunity to be heard, under oath administered by any member 6429
of the commission, and considering all the facts and information 6430
presented to it by the auditor, shall determine the amount of 6431
the undivided local government fund needed by and to be 6432
apportioned to each subdivision for current operating expenses, 6433
as shown in the tax budget of the subdivision. This 6434
determination shall be made pursuant to divisions (C) to (I) of 6435
this section, unless the commission has provided for a formula 6436
pursuant to section 5747.53 of the Revised Code. The 6437
commissioner shall reduce the amount of funds from the undivided 6438
local government fund to a subdivision required to receive 6439
reduced funds under section 5747.502 of the Revised Code. 6440

Nothing in this section prevents the budget commission, 6441
for the purpose of apportioning the undivided local government 6442
fund, from inquiring into the claimed needs of any subdivision 6443
as stated in its tax budget, or from adjusting claimed needs to 6444
reflect actual needs. For the purposes of this section, "current 6445
operating expenses" means the lawful expenditures of a 6446
subdivision, except those for permanent improvements and except 6447
payments for interest, sinking fund, and retirement of bonds, 6448
notes, and certificates of indebtedness of the subdivision. 6449

(C) The commission shall determine the combined total of 6450
the estimated expenditures, including transfers, from the 6451
general fund and any special funds other than special funds 6452
established for road and bridge; street construction, 6453
maintenance, and repair; state highway improvement; and gas, 6454
water, sewer, and electric public utilities operated by a 6455
subdivision, as shown in the subdivision's tax budget for the 6456
ensuing calendar year. 6457

(D) From the combined total of expenditures calculated 6458
pursuant to division (C) of this section, the commission shall 6459
deduct the following expenditures, if included in these funds in 6460
the tax budget: 6461

(1) Expenditures for permanent improvements as defined in 6462
division (E) of section 5705.01 of the Revised Code; 6463

(2) In the case of counties and townships, transfers to 6464
the road and bridge fund, and in the case of municipalities, 6465
transfers to the street construction, maintenance, and repair 6466
fund and the state highway improvement fund; 6467

(3) Expenditures for the payment of debt charges; 6468

(4) Expenditures for the payment of judgments. 6469

(E) In addition to the deductions made pursuant to 6470
division (D) of this section, revenues accruing to the general 6471
fund and any special fund considered under division (C) of this 6472
section from the following sources shall be deducted from the 6473
combined total of expenditures calculated pursuant to division 6474
(C) of this section: 6475

(1) Taxes levied within the ten-mill limitation, as 6476
defined in section 5705.02 of the Revised Code; 6477

(2) The budget commission allocation of estimated county 6478
public library fund revenues to be distributed pursuant to 6479
section 5747.48 of the Revised Code; 6480

(3) Estimated unencumbered balances as shown on the tax 6481
budget as of the thirty-first day of December of the current 6482
year in the general fund, but not any estimated balance in any 6483
special fund considered in division (C) of this section; 6484

(4) Revenue, including transfers, shown in the general 6485
fund and any special funds other than special funds established 6486
for road and bridge; street construction, maintenance, and 6487
repair; state highway improvement; and gas, water, sewer, and 6488
electric public utilities, from all other sources except those 6489
that a subdivision receives from an additional tax or service 6490
charge voted by its electorate or receives from special 6491
assessment or revenue bond collection. For the purposes of this 6492
division, where the charter of a municipal corporation prohibits 6493
the levy of an income tax, an income tax levied by the 6494
legislative authority of such municipal corporation pursuant to 6495
an amendment of the charter of that municipal corporation to 6496
authorize such a levy represents an additional tax voted by the 6497
electorate of that municipal corporation. For the purposes of 6498
this division, any measure adopted by a board of county 6499

commissioners pursuant to section 322.02, 4504.02, or 5739.021 6500
of the Revised Code, including those measures upheld by the 6501
electorate in a referendum conducted pursuant to section 6502
322.021, 4504.021, or 5739.022 of the Revised Code, shall not be 6503
considered an additional tax voted by the electorate. 6504

Money in a reserve balance account established by a 6505
county, township, or municipal corporation under section 5705.13 6506
of the Revised Code shall not be considered an unencumbered 6507
balance or revenue under division (E) (3) or (4) of this section. 6508
Money in a reserve balance account established by a township 6509
under section 5705.132 of the Revised Code shall not be 6510
considered an unencumbered balance or revenue under division (E) 6511
(3) or (4) of this section. 6512

If a county, township, or municipal corporation has 6513
created and maintains a nonexpendable trust fund under section 6514
5705.131 of the Revised Code, the principal of the fund, and any 6515
additions to the principal arising from sources other than the 6516
reinvestment of investment earnings arising from such a fund, 6517
shall not be considered an unencumbered balance or revenue under 6518
division (E) (3) or (4) of this section. Only investment earnings 6519
arising from investment of the principal or investment of such 6520
additions to principal may be considered an unencumbered balance 6521
or revenue under those divisions. 6522

(F) The total expenditures calculated pursuant to division 6523
(C) of this section, less the deductions authorized in divisions 6524
(D) and (E) of this section, shall be known as the "relative 6525
need" of the subdivision, for the purposes of this section. 6526

(G) The budget commission shall total the relative need of 6527
all participating subdivisions in the county, and shall compute 6528
a relative need factor by dividing the total estimate of the 6529

undivided local government fund by the total relative need of 6530
all participating subdivisions. 6531

(H) The relative need of each subdivision shall be 6532
multiplied by the relative need factor to determine the 6533
proportionate share of the subdivision in the undivided local 6534
government fund of the county; provided, that the maximum 6535
proportionate share of a county shall not exceed the following 6536
maximum percentages of the total estimate of the undivided local 6537
government fund governed by the relationship of the percentage 6538
of the population of the county that resides within municipal 6539
corporations within the county to the total population of the 6540
county as reported in the reports on population in Ohio by the 6541
department of development as of the twentieth day of July of the 6542
year in which the tax budget is filed with the budget 6543
commission: 6544
6545

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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 6546
limitations established in this division, the budget commission 6547
shall adjust the proportionate shares determined pursuant to 6548
this division so that the proportionate share of the county does 6549

not exceed these limitations, and it shall increase the 6550
proportionate shares of all other subdivisions on a pro rata 6551
basis. In counties having a population of less than one hundred 6552
thousand, not less than ten per cent shall be distributed to the 6553
townships therein. 6554

(I) The proportionate share of each subdivision in the 6555
undivided local government fund determined pursuant to division 6556
(H) of this section for any calendar year shall not be less than 6557
the product of the average of the percentages of the undivided 6558
local government fund of the county as apportioned to that 6559
subdivision for the calendar years 1968, 1969, and 1970, 6560
multiplied by the total amount of the undivided local government 6561
fund of the county apportioned pursuant to former section 6562
5739.23 of the Revised Code for the calendar year 1970. For the 6563
purposes of this division, the total apportioned amount for the 6564
calendar year 1970 shall be the amount actually allocated to the 6565
county in 1970 from the state collected intangible tax as levied 6566
by section 5707.03 of the Revised Code and distributed pursuant 6567
to section 5725.24 of the Revised Code, plus the amount received 6568
by the county in the calendar year 1970 pursuant to division (B) 6569
(1) of former section 5739.21 of the Revised Code, and 6570
distributed pursuant to former section 5739.22 of the Revised 6571
Code. If the total amount of the undivided local government fund 6572
for any calendar year is less than the amount of the undivided 6573
local government fund apportioned pursuant to former section 6574
5739.23 of the Revised Code for the calendar year 1970, the 6575
minimum amount guaranteed to each subdivision for that calendar 6576
year pursuant to this division shall be reduced on a basis 6577
proportionate to the amount by which the amount of the undivided 6578
local government fund for that calendar year is less than the 6579
amount of the undivided local government fund apportioned for 6580

the calendar year 1970. 6581

(J) On the basis of such apportionment, the county auditor 6582
shall compute the percentage share of each such subdivision in 6583
the undivided local government fund and shall at the same time 6584
certify to the tax commissioner the percentage share of the 6585
county as a subdivision. No payment shall be made from the 6586
undivided local government fund, except in accordance with such 6587
percentage shares. 6588

Within ten days after the budget commission has made its 6589
apportionment, whether conducted pursuant to section 5747.51 or 6590
5747.53 of the Revised Code, the auditor shall publish a list of 6591
the subdivisions and the amount each is to receive from the 6592
undivided local government fund and the percentage share of each 6593
subdivision, in a newspaper or newspapers of countywide 6594
circulation, and send a copy of such allocation to the tax 6595
commissioner. 6596

The county auditor shall also send a copy of such 6597
allocation by ordinary or electronic mail to the fiscal officer 6598
of each subdivision entitled to participate in the allocation of 6599
the undivided local government fund of the county. This copy 6600
shall constitute the official notice of the commission action 6601
referred to in section 5705.37 of the Revised Code. 6602

All money received into the treasury of a subdivision from 6603
the undivided local government fund in a county treasury shall 6604
be paid into the general fund and used for the current operating 6605
expenses of the subdivision. 6606

If a municipal corporation maintains a municipal 6607
university, such municipal university, when the board of 6608
trustees so requests the legislative authority of the municipal 6609

corporation, shall participate in the money apportioned to such 6610
municipal corporation from the total local government fund, 6611
however created and constituted, in such amount as requested by 6612
the board of trustees, provided such sum does not exceed nine 6613
per cent of the total amount paid to the municipal corporation. 6614

If any public official fails to maintain the records 6615
required by sections 5747.50 to 5747.55 of the Revised Code or 6616
by the rules issued by the tax commissioner, ~~the auditor of~~ 6617
~~state, or the treasurer of state~~ pursuant to such sections, or 6618
fails to comply with any law relating to the enforcement of such 6619
sections, the local government fund money allocated to the 6620
county may be withheld until such time as the public official 6621
has complied with such sections or such law or the rules issued 6622
pursuant thereto. 6623

Sec. 6101.51. The treasurer of a conservancy district, at 6624
the time of taking office, shall execute to the district and 6625
deliver to the president of the board of directors of the 6626
district, a bond with good and sufficient sureties, to be 6627
approved by the board, conditioned that the treasurer shall 6628
account for and pay over as required by law, and as ordered by 6629
the board, all money received by the treasurer on the sale of 6630
bonds and notes or from any other source, that the treasurer 6631
only shall deliver the bonds and notes to the purchasers under 6632
and according to the terms prescribed in this section and 6633
section 6101.50 of the Revised Code, and that, when ordered by 6634
the board to do so, the treasurer shall return to the board, 6635
duly canceled, any bonds and notes not sold, which bonds and 6636
notes shall remain in the custody of the board, which shall 6637
produce them for inspection or for use as evidence whenever and 6638
wherever legally requested to do so. The cost of the bond of the 6639
treasurer shall be paid by the board from the funds of the 6640

district. The board shall make appropriations at the proper time 6641
for the payment of the maturing bonds and notes of the district 6642
and the interest payments coming due on all bonds and notes 6643
sold, and the treasurer of the district shall place sufficient 6644
funds at the place of payment to pay them. If proper 6645
appropriations are not made by the board as provided in this 6646
section, the treasurer of the district of the treasurer's own 6647
accord shall place funds at the place of payment and report that 6648
action to the next meeting of the board. The canceled bonds and 6649
coupons, receipted notes, and receipts of the treasurer shall be 6650
evidence of such payment. 6651

The successor in office of any treasurer of a conservancy 6652
district is not entitled to take over the assets of the treasury 6653
until the treasurer has complied with this section. Moneys 6654
derived from the sale of bonds and from all other sources shall 6655
be deposited by the treasurer In accordance with sections 135.01 6656
to 135.21 of the Revised Code. The funds derived from the sale 6657
of any of the bonds and notes shall be used only for paying the 6658
cost of the properties, works, and improvements and costs, 6659
expenses, fees, and salaries authorized by law. 6660

The district may secure the payment of loans from the 6661
United States government in the same manner as it may secure the 6662
payment of bonds, and the board may make any necessary 6663
regulations to provide for that payment. 6664

A party who has not sought a remedy against any proceeding 6665
under this chapter, until bonds or notes have been sold or the 6666
work constructed, cannot for any cause have an injunction 6667
against the collection of assessments for the payment of the 6668
bonds or notes. 6669

When consideration for bonds is received by the district, 6670

the bonds shall not be invalid for any irregularity or defect in 6671
the proceedings for their issuance and sale, and shall be 6672
incontestable in the hands of bona fide purchasers or holders of 6673
the bonds for value. No proceedings in respect to the issuance 6674
of any bonds are necessary except as required by this chapter. 6675

Notwithstanding any other provision of this section 6676
governing the deposit or investment of moneys of a conservancy 6677
district, the board of directors of a district, for the purpose 6678
of providing for the investment of the moneys on the district's 6679
behalf, may order the treasurer of the district to invest moneys 6680
of the district in the Ohio subdivision's fund authorized to be 6681
created under section ~~135.45~~113.07 of the Revised Code. Any 6682
such investments in the fund are subject to and governed by that 6683
section and rules adopted under it. 6684

Section 2. That existing sections 113.05, 113.051, 113.09, 6685
113.16, 113.53, 117.44, 118.05, 120.52, 135.01, 135.032, 135.14, 6686
135.143, 135.22, 135.35, 135.45, 135.451, 151.01, 164.09, 6687
183.51, 317.36, 319.63, 321.46, 321.47, 1557.03, 3307.12, 6688
3334.08, 3334.11, 3705.242, 3737.945, 3953.231, 4511.19, 6689
4705.09, 4705.10, 5528.54, 5725.22, 5725.23, 5729.05, 5729.10, 6690
5739.17, 5747.51, and 6101.51 of the Revised Code are hereby 6691
repealed. 6692

Section 3. That sections 113.10 and 113.43 of the Revised 6693
Code are hereby repealed. 6694

Section 4. Section 4511.19 of the Revised Code is 6695
presented in this act as a composite of the section as amended 6696
by both H.B. 37 and S.B. 100 of the 135th General Assembly. The 6697
General Assembly, applying the principle stated in division (B) 6698
of section 1.52 of the Revised Code that amendments are to be 6699
harmonized and reconciled if reasonably capable of simultaneous 6700

operation, finds that the composite is the resulting version of	6701
the section in effect prior to the effective date of the section	6702
as presented in this act.	6703