

As Pending in the Senate Finance Committee

136th General Assembly

Regular Session

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Sub. S. B. No. 300

Senator Roegner

To amend sections 113.05, 113.051, 113.09, 113.16, 1
117.44, 118.05, 120.52, 128.54, 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, 323.611, 956.13, 1557.03, 5
3307.12, 3333.374, 3334.08, 3334.11, 3705.242, 6
3737.945, 3953.231, 4511.19, 4705.09, 4705.10, 7
5528.54, 5725.22, 5725.23, 5729.05, 5729.10, 8
5739.17, 5747.51, and 6101.51; to amend, for the 9
purpose of adopting a new section number as 10
indicated in parentheses, section 135.45 11
(113.07); to enact section 113.052; and to 12
repeal sections 113.10 and 113.43 of the Revised 13
Code relating to the 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
117.44, 118.05, 120.52, 128.54, 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, 323.611, 956.13, 18
1557.03, 3307.12, 3333.374, 3334.08, 3334.11, 3705.242, 19
3737.945, 3953.231, 4511.19, 4705.09, 4705.10, 5528.54, 5725.22, 20
5725.23, 5729.05, 5729.10, 5739.17, 5747.51, and 6101.51 be 21

amended; section 135.45 (113.07) be amended for the purpose of 22
adopting a new section number as indicated in parentheses; and 23
section 113.052 of the Revised Code be enacted to read as 24
follows: 25

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

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

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

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

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

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

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

, secured and insured depositories in or out of this state, or 51
other qualified custodians as designated by the treasurer of 52
state. 53

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

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

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

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

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

(c) Active deposits shall be kept in depositories 76
designated by the state board of deposit pursuant to section 77
135.12 of the Revised Code and secured for repayment pursuant to 78
section 135.18 of the Revised Code; 79

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

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

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

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

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

and investments of an owner or administrator; and paying for, 110
transferring, and collecting the purchase or sale price of 111
investments. The duties of the treasurer of state do not include 112
making investment decisions of an owner, administrator, or its 113
authorized agents or monitoring compliance with an owner's or 114
administrator's internal investment policies. The treasurer of 115
state is not responsible for the investment decisions of an 116
owner, administrator, or agent, compliance with the owner's or 117
administrator's internal investment policies, or any unlawful 118
activities of an owner, administrator, or its authorized agents. 119

(B) The treasurer of state may enter into a sub-custody or 120
other agency agreement with a trustee who meets the requirements 121
of section ~~135.18~~ 1111.02 of the Revised Code to execute the 122
custodial duties ~~required by law~~ under division (A) of this 123
section. The agreement shall apply to the ~~custodial funds and~~ 124
investment assets of an owner or administrator. The agreement 125
may provide that the trustee has primary responsibility for 126
custody of the ~~funds and investments~~ and any related depository 127
accounts in order to execute an owner's or administrator's 128
instructions. The treasurer of state or the treasurer's 129
authorized agent may enter into additional agreements as 130
necessary to facilitate an owner's or administrator's 131
transactions. 132

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

any loss related to the investment in, sale, or liquidation of 141
any investment when such loss is due to a risk arising from an 142
investment prudently made under their investment authority set 143
forth in this chapter and Chapter 135. of the Revised Code. 144

(B) This section applies to the deposit or investment of 145
any public money, including funds in the following categories: 146

(1) Active deposits of the state; 147

(2) Interim deposits of the state; 148

(3) The state treasurer's investment pool described in 149
section 113.07 of the Revised Code; 150

(4) Temporary investment pools of bond proceeds; 151

(5) Funds in the Ohio subdivision's fund described in 152
section 113.07 of the Revised Code; 153

(6) Securities lending as authorized by section 135.47 of 154
the Revised Code; 155

(7) Investments related to any strategic reserve that the 156
treasurer of state or employees of the treasurer of state are 157
authorized to invest pursuant to the Revised Code. 158

Sec. ~~135.45~~ 113.07. (A) Subject to division (B) of this 159
section, a treasurer, governing board, or investing authority of 160
a subdivision or state entity may pay public moneys of the 161
subdivision or state entity into the Ohio subdivision's fund, 162
which may be established in the custody of the treasurer of 163
state. The treasurer of state shall invest the moneys in the 164
fund in separately managed accounts and pooled accounts, 165
including the state treasurer's investment pool, in the same 166
manner, in the same types of instruments, and subject to the 167
same limitations provided for the deposit and investment of 168

interim moneys of the state, except that the fund shall not be 169
invested in the linked deposits authorized under section 135.61 170
of the Revised Code. A treasurer, governing board, or investing 171
authority of a subdivision or state entity shall designate two 172
or more authorized signers associated with each account of the 173
subdivision or state entity that is managed by the treasurer of 174
state in the treasurer of state's investment pool. The 175
authorized person shall deposit redemptions made from a 176
subdivision's or state entity's account only into the 177
subdivision's treasury or state entity's custodial account at 178
the public depository so designated by the subdivision's 179
governing board or the state board of deposit. 180

(B) (1) On and after July 1, 1997, a treasurer, governing 181
board, or investing authority of a subdivision or state entity 182
that has not entered into an agreement with the treasurer of 183
state under division (C) of this section shall not invest public 184
moneys of the subdivision or state entity in a pooled account of 185
the Ohio subdivision's fund under division (B) (6) of section 186
135.14 of the Revised Code or division (A) (6) of section 135.35 187
of the Revised Code if the pool does not maintain the highest 188
letter or numerical rating provided by at least one nationally 189
recognized statistical rating organization. 190

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

subdivisions and state entities participating in the pool. 200

(3) Treasurers, governing boards, or investing authorities 201
of subdivisions and state entities participating in the pool 202
shall not be required to divest in the pool during the initial 203
one hundred eighty days following the treasurer of state's 204
receipt of notice under division (B)(2) of this section. 205

(C) A treasurer, governing board, or investing authority 206
of a subdivision or state entity that wishes to invest public 207
moneys of the subdivision in a separately managed account or 208
pooled account of the Ohio subdivision's fund may enter into an 209
agreement with the treasurer of state that sets forth the manner 210
in which the money is to be invested. The treasurer of state 211
shall invest the moneys in accordance with the agreement, 212
subject to the limitations set forth in division (A) of this 213
section. For purposes of this division, the limitation on 214
investments in debt interests provided in division (A)(11)(a) of 215
section 135.143 of the Revised Code shall not apply to a 216
subdivision's or state entity's excess reserves. 217

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

investing authorities participating in a pool in a manner which 230
equitably reflects the differing amounts of their respective 231
investments in the pool and the differing periods of time for 232
which such amounts are in the pool. 233

(E) The treasurer of state shall give bond with sufficient 234
sureties, payable to the treasurers, governing boards, and 235
investing authorities of subdivisions and state entities 236
participating in the fund, for the benefit of the subdivisions 237
whose moneys are paid into the fund for investment, in the total 238
penal sum of two hundred fifty thousand dollars, conditioned for 239
the faithful discharge of the treasurer of state's duties in 240
relation to the fund. 241

(F) The treasurer of state and the treasurer of state's 242
bonders or surety are liable for the loss of any interim moneys 243
of the state, state entities, and subdivisions invested under 244
this section to the same extent the treasurer of state and the 245
treasurer of state's bonders or surety are liable for the loss 246
of public moneys under section 135.19 of the Revised Code. 247

(G) As used in this section: 248

(1) "Interim moneys" and "governing board" have the same 249
meanings as in section 135.01 of the Revised Code. 250

(2) (a) "Subdivision" has the same meaning as in section 251
135.01 of the Revised Code, but also includes a county, a 252
municipal corporation that has adopted a charter under Article 253
XVIII, Ohio Constitution, or any government entity for which the 254
fund is a permissible investment. 255

(b) "State entity" means the general assembly, the supreme 256
court, the court of claims, the office of an elected state 257
officer, or a department, bureau, board, office, commission, 258

agency, institution of higher education, retirement system, or 259
other institution or instrumentality of this state established 260
by the constitution or laws of this state. 261

(c) "Public moneys of a subdivision" has the same meaning 262
as in section 135.01 of the Revised Code, but also includes 263
"public moneys" as defined in section 135.31 of the Revised 264
Code, and funds held in the custody of the treasurer of state 265
notwithstanding any limitations on the permissible investments 266
of such funds. 267

(3) "Treasurer" has the same meaning as in sections 135.01 268
and 135.31 of the Revised Code. 269

(4) "Investing authority" has the same meaning as in 270
section 135.31 of the Revised Code. 271

(5) "Excess reserves" means the amount of a subdivision's 272
public moneys that exceed the average of a subdivision's annual 273
operating expenses in the immediately preceding three fiscal 274
years. 275

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

been closed, the director shall credit the amount so collected 288
to the fund on which the warrant was originally drawn. 289

All investment earnings on moneys deposited in the state 290
treasury shall be credited to the general revenue fund unless: 291

(A) The disposition of the earnings is otherwise provided 292
for by law; 293

(B) The director has provided in the plan approved under 294
section 131.36 of the Revised Code that a different fund is 295
entitled to the earnings. 296

Sec. 113.16. ~~If upon~~ At the conclusion of an audit there 297
~~is found in the state treasury and the custodial funds of the~~ 298
~~treasurer of state the moneys, claims, bonds, notes, other~~ 299
~~obligations, stocks, and other securities, receipts or other~~ 300
~~evidences of ownership, and other intangible assets which should~~ 301
~~be in the state treasury or in the custodial funds of the~~ 302
~~treasurer of state~~ under section 113.14 of the Revised Code, the 303
~~auditors shall make triplicate written certificates of the fact~~ 304
~~over~~ a report of their findings and the report shall contain 305
their official signatures. One of the ~~certificates~~ reports shall 306
be delivered to the treasurer of state ~~and recorded in his~~ 307
~~office, one to the auditor of state and recorded in his office,~~ 308
~~and one to the governor and recorded in his office.~~ 309

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

shall state particularly the deficiency, irregularity, or 317
omission. 318

Sec. 117.44. To enhance local officials' background and 319
working knowledge of government accounting, budgeting and 320
financing, financial report preparation, and the rules adopted 321
by the auditor of state, the auditor of state shall hold 322
training programs for persons elected for the first time as 323
township fiscal officers, city auditors, and village clerks, 324
between the first day of December and the first day of April 325
immediately following a general election for any of these 326
offices. Similar training may also be provided to any township 327
fiscal officer, city auditor, or village clerk who is appointed 328
to fill a vacancy or who is elected in a special election. 329

The auditor of state also shall develop and provide an 330
annual training program of continuing education for village 331
clerks. 332

The auditor of state shall determine the manner, content, 333
and length of the training programs after consultation with 334
appropriate statewide organizations of local governmental 335
officials. The auditor of state shall charge the political 336
subdivisions that the trainees represent a registration fee that 337
will meet actual and necessary expenses of the training, 338
including instructor fees, site acquisition costs, and the cost 339
of course materials. The necessary personal expenses incurred by 340
the officials as a result of attending the training program 341
shall be borne by the political subdivisions they represent. 342

The auditor of state shall allow any other interested 343
person to attend any of the training programs that the auditor 344
of state holds pursuant to this section; provided, that before 345
attending any such training program, the interested person shall 346

pay to the auditor of state the full registration fee that the 347
auditor of state has set for the training program. 348

The auditor of state may provide any other appropriate 349
training or educational programs that may be developed and 350
offered by the auditor of state or in collaboration with one or 351
more other state agencies, political subdivisions, or other 352
public or private entities. 353

There is hereby established in the state treasury the 354
auditor of state training program fund, to be used by the 355
auditor of state for the actual and necessary expenses of any 356
training programs held pursuant to this section ~~or section~~ 357
~~321.46 of the Revised Code~~. All registration fees collected 358
under this section shall be paid into the fund. 359

Sec. 118.05. (A) Pursuant to the powers of the general 360
assembly and for the purposes of this chapter, upon the 361
occurrence of a fiscal emergency in any municipal corporation, 362
county, or township, as determined pursuant to section 118.04 of 363
the Revised Code, there is established, with respect to that 364
municipal corporation, county, or township, a body both 365
corporate and politic constituting an agency and instrumentality 366
of the state and performing essential governmental functions of 367
the state to be known as the "financial planning and supervision 368
commission for _____ (name of municipal corporation, 369
county, or township)," which, in that name, may exercise all 370
authority vested in such a commission by this chapter. Except as 371
otherwise provided in division (L) of this section, a separate 372
commission is established with respect to each municipal 373
corporation, county, or township as to which there is a fiscal 374
emergency as determined under this chapter. 375

(B) A commission shall consist of the following voting 376

members: 377

(1) Four ex officio members: the treasurer of state; the 378
director of budget and management; in the case of a municipal 379
corporation, the mayor of the municipal corporation and the 380
presiding officer of the legislative authority of the municipal 381
corporation; in the case of a county, a member of the board of 382
county commissioners and the county auditor; in the case of a 383
county that has adopted a charter under Article X, Ohio 384
Constitution, and under that charter has both a county executive 385
and a county fiscal officer, the county executive and the county 386
fiscal officer; and in the case of a township, a member of the 387
board of township trustees and the county auditor. 388

The treasurer of state may designate ~~a deputy treasurer or~~ 389
~~director~~ an individual within the office of the treasurer of 390
state or any other appropriate person who is not an employee of 391
the treasurer of state's office; the director of budget and 392
management may designate an individual within the office of 393
budget and management or any other appropriate person who is not 394
an employee of the office of budget and management; the 395
presiding officer of the legislative authority of the municipal 396
corporation may designate any other member of the legislative 397
authority; the board of county commissioners may designate any 398
other member of the board or the fiscal officer of the county; 399
the fiscal officer of a county that has adopted a charter under 400
Article X, Ohio Constitution, may designate an individual within 401
the county fiscal office; the county auditor may designate an 402
individual within the county auditor's office; and the board of 403
township trustees may designate any other member of the board or 404
the fiscal officer of the township to attend the meetings of the 405
commission when the ex officio member is absent or unable for 406
any reason to attend. A designee, when present, shall be counted 407

in determining whether a quorum is present at any meeting of the 408
commission and may vote and participate in all proceedings and 409
actions of the commission. The designations shall be in writing, 410
executed by the ex officio member or entity making the 411
designation, and filed with the secretary of the commission. The 412
designations may be changed from time to time in like manner, 413
but due regard shall be given to the need for continuity. 414

(2) If a municipal corporation, county, or township has a 415
population of at least one thousand, three additional members 416
appointed not later than fifteen days after the auditor of state 417
determines that a fiscal emergency exists as follows: 418

For a municipal corporation, the governor shall appoint 419
one member; the mayor shall appoint one member confirmed by the 420
legislative authority of the municipal corporation; and the 421
county auditor of the county in which the largest portion of the 422
territory of the municipal corporation is located shall appoint 423
one member. The county auditor may appoint the county auditor to 424
the commission. 425

For a county, the governor shall appoint one member and 426
the board of county commissioners shall appoint two members. In 427
the case of a county that has adopted a charter under Article X, 428
Ohio Constitution, and under that charter has both a county 429
executive and a county council, the governor shall appoint one 430
member, the county executive shall appoint one member, and the 431
county council shall appoint one member. A member of the board 432
of county commissioners, a county executive, or a member of the 433
county council is ineligible for appointment to the commission 434
under this paragraph. 435

For a township, the governor shall appoint one member and 436
the board of township trustees shall appoint two members. A 437

member of the board of township trustees is ineligible for 438
appointment to the commission under this paragraph. 439

Each of the three appointed members shall serve during the 440
life of the commission, subject to removal by the appointing 441
authority for misfeasance, nonfeasance, or malfeasance in 442
office. In the event of the death, resignation, incapacity, 443
removal, or ineligibility to serve of an appointed member, the 444
appointing authority that appointed the member shall appoint a 445
successor, except as otherwise provided in division (M) of this 446
section. 447

Each appointed member shall be an individual: 448

Who has knowledge and experience in financial matters, 449
financial management, or business organization or operations; 450

Whose residency, office, or principal place of 451
professional or business activity is situated within the 452
municipal corporation, county, or township, except that a county 453
auditor who serves on the commission of a municipal corporation 454
is not required to reside or have an office or principal place 455
of professional or business activity in the municipal 456
corporation; 457

Who shall not become a candidate for elected public office 458
while serving as a member of the commission, except a county 459
auditor who serves on the commission of a municipal corporation 460
may be a candidate for reelection to the county auditor's 461
office. 462

(C) Immediately after appointment of the initial appointed 463
members of the commission, the governor shall call the first 464
meeting of the commission and shall cause written notice of the 465
time, date, and place of the first meeting to be given to each 466

member of the commission at least forty-eight hours in advance 467
of the meeting. 468

(D) The director of budget and management shall serve as 469
chairperson of the commission. The commission shall elect one of 470
its members to serve as vice-chairperson and may appoint a 471
secretary and any other officers, who need not be members of the 472
commission, it considers necessary. The chairperson may remove 473
an appointed member if that member fails to attend three 474
meetings. In that event, the appointing authority shall fill the 475
vacancy in the same manner as the original appointment, except 476
as otherwise provided in division (M) of this section. 477

(E) The commission may adopt and alter bylaws and rules, 478
which shall not be subject to section 111.15 or Chapter 119. of 479
the Revised Code, for the conduct of its affairs and for the 480
manner, subject to this chapter, in which its powers and 481
functions shall be exercised and embodied. 482

(F) Four members of a commission established pursuant to 483
divisions (B) (1) and (2) of this section constitute a quorum of 484
the commission. The affirmative vote of a majority of the 485
members of the commission is necessary for any action taken by 486
vote of the commission. No vacancy in the membership of the 487
commission shall impair the rights of a quorum by such vote to 488
exercise all the rights and perform all the duties of the 489
commission. Members of the commission, and their designees, are 490
not disqualified from voting by reason of the functions of the 491
other office they hold and are not disqualified from exercising 492
the functions of the other office with respect to the municipal 493
corporation, county, or township, its officers, or the 494
commission. 495

(G) The auditor of state shall serve as the "financial 496

supervisor" to the commission unless the auditor of state elects 497
to contract for that service. As used in this chapter, 498
"financial supervisor" means the auditor of state. 499

(H) At the request of the commission, the auditor of state 500
shall designate employees of the auditor of state's office to 501
assist the commission and the financial supervisor and to 502
coordinate the work of the auditor of state's office and the 503
financial supervisor. Upon the determination of a fiscal 504
emergency in any municipal corporation, county, or township, the 505
municipal corporation, county, or township shall provide the 506
commission with such reasonable office space in the principal 507
building housing city, county, or township government, where 508
feasible, as it determines is necessary to carry out its duties 509
under this chapter. 510

(I) The financial supervisor, the members of the 511
commission, the auditor of state, and any person authorized to 512
act on behalf of or assist them shall not be personally liable 513
or subject to any suit, judgment, or claim for damages resulting 514
from the exercise of or failure to exercise the powers, duties, 515
and functions granted to them in regard to their functioning 516
under this chapter, but the commission, the financial 517
supervisor, the auditor of state, and those other persons shall 518
be subject to mandamus proceedings to compel performance of 519
their duties under this chapter and with respect to any debt 520
obligations issued pursuant or subject to this chapter. 521

(J) At the request of the commission, the administrative 522
head of any state agency shall temporarily assign personnel 523
skilled in accounting and budgeting procedures to assist the 524
commission or the financial supervisor in its duties as 525
financial supervisor. 526

(K) The appointed members of the commission who are 527
members of the board of township trustees or are not elected 528
officials are not subject to section 102.02 of the Revised Code. 529
Each appointed member of the commission shall file with the 530
commission a signed written statement setting forth the general 531
nature of sales of goods, property, or services or of loans to 532
the municipal corporation, county, or township with respect to 533
which that commission is established, in which the appointed 534
member has a pecuniary interest or in which any member of the 535
appointed member's immediate family, as defined in section 536
102.01 of the Revised Code, or any corporation, partnership, or 537
enterprise of which the appointed member is an officer, 538
director, or partner, or of which the appointed member or a 539
member of the appointed member's immediate family, as so 540
defined, owns more than a five per cent interest, has a 541
pecuniary interest, and of which sale, loan, or interest such 542
member has knowledge. The statement shall be supplemented from 543
time to time to reflect changes in the general nature of any 544
such sales or loans. 545

(L) A commission is not established with respect to any 546
village or township with a population of less than one thousand 547
as of the most recent federal decennial census. Upon the 548
occurrence of a fiscal emergency in such a village or township, 549
the auditor of state shall serve as the financial supervisor of 550
the village or township and shall have all the powers and 551
responsibilities of a commission, including the powers and 552
responsibilities described in section 118.07 of the Revised 553
Code. 554

(M) (1) Notwithstanding any contrary provision of division 555
(B) (2) or (D) of this section, if one or more appointed seats on 556
a commission that was established before October 17, 2017, are 557

or become vacant, division (M) of this section applies 558
concerning the commission. 559

(2) In the case of a commission established with respect 560
to a municipal corporation: 561

(a) If one such vacancy exists on the commission, the 562
county auditor of the county in which the largest portion of the 563
territory of the municipal corporation is located shall appoint 564
a member to fill the vacancy. The county auditor may appoint the 565
county auditor to the commission. Of the two remaining appointed 566
members of the commission, the mayor shall determine, not later 567
than the fifteenth day after ~~the effective date of this~~ 568
~~amendment~~ November 2, 2018, or the fifteenth day after the 569
vacancy occurs, whichever is later, which of those members shall 570
be considered the member appointed by the mayor for purposes of 571
divisions (B) (2) and (D) of this section, and the other 572
appointed member shall be considered the member appointed by the 573
governor for purposes of divisions (B) (2) and (D) of this 574
section. 575

(b) If two such vacancies exist on the commission, the 576
county auditor of the county in which the largest portion of the 577
territory of the municipal corporation is located shall appoint 578
a member to fill one vacancy, and the mayor shall appoint a 579
member confirmed by the legislative authority of the municipal 580
corporation to fill the other vacancy. The county auditor may 581
appoint the county auditor to the commission. The remaining 582
appointed member of the commission shall be considered the 583
member appointed by the governor for purposes of divisions (B) 584
(2) and (D) of this section. 585

(c) If three such vacancies exist on the commission, the 586
members shall be appointed in accordance with division (B) (2) of 587

this section. 588

(3) In the case of a commission established with respect 589
to a township: 590

(a) If one such vacancy exists on the commission, the 591
board of township trustees shall appoint a member to fill the 592
vacancy, who shall not be a member of the board of township 593
trustees. Of the two remaining appointed members of the 594
commission, the board of township trustees shall determine, not 595
later than the fifteenth day after ~~the effective date of this~~ 596
~~amendment~~ November 2, 2018, or the fifteenth day after the 597
vacancy occurs, whichever is later, which of those members shall 598
be considered the member appointed by the board of township 599
trustees for purposes of divisions (B) (2) and (D) of this 600
section, and the other appointed member shall be considered the 601
member appointed by the governor for purposes of divisions (B) 602
(2) and (D) of this section. 603

(b) If two such vacancies exist on the commission, the 604
board of township trustees shall appoint two members to fill the 605
vacancies, who shall not be members of the board of township 606
trustees. The remaining appointed member of the commission shall 607
be considered the member appointed by the governor for purposes 608
of divisions (B) (2) and (D) of this section. 609

(c) If three such vacancies exist on the commission, the 610
members shall be appointed in accordance with division (B) (2) of 611
this section. 612

(4) After one or more vacancies in appointed seats on a 613
commission have been filled under division (M) of this section, 614
any subsequent vacancy or vacancies shall be filled under 615
division (B) (2) or (D) of this section, as applicable. 616

Sec. 120.52. There is hereby established in the state 617
treasury the legal aid fund, which shall be for the charitable 618
public purpose of providing financial assistance to legal aid 619
societies that provide civil legal services to indigents. The 620
fund shall contain all funds credited to it ~~by the treasurer of~~ 621
~~state~~ pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 622
4705.09, and 4705.10 of the Revised Code. 623

The treasurer of state may invest moneys contained in the 624
legal aid fund in any manner authorized by the Revised Code for 625
the investment of state moneys. However, no such investment 626
shall interfere with any apportionment, allocation, or payment 627
of moneys as required by section 120.53 of the Revised Code. 628

The state public defender, through the Ohio access to 629
justice foundation, shall administer the payment of moneys out 630
of the fund. Four and one-half per cent of the moneys in the 631
fund shall be reserved for the actual, reasonable costs of 632
administering sections 120.51 to 120.55 and sections 1901.26, 633
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 634
Code. Moneys that are reserved for administrative costs but that 635
are not used for actual, reasonable administrative costs shall 636
be set aside for use in the manner described in division (A) of 637
section 120.521 of the Revised Code. The remainder of the moneys 638
in the legal aid fund shall be distributed in accordance with 639
section 120.53 of the Revised Code. The Ohio access to justice 640
foundation shall establish, in accordance with Chapter 119. of 641
the Revised Code, rules governing the administration of the 642
legal aid fund, including the programs established under 643
sections 1901.26, 1907.24, 2303.201, 4705.09, and 4705.10 of the 644
Revised Code regarding interest on interest-bearing trust 645
accounts of an attorney, law firm, or legal professional 646
association. 647

Sec. 128.54. (A) (1) For the purpose of receiving, 648
distributing, and accounting for amounts received from the 649
wireless 9-1-1 charges imposed under section 128.40 of the 650
Revised Code and the next generation 9-1-1 access fees imposed 651
under sections 128.41 and 128.42 of the Revised Code, the 652
following funds are created in the state treasury: 653

(a) The 9-1-1 government assistance fund; 654

(b) The 9-1-1 administrative fund; 655

(c) The 9-1-1 program fund; 656

(d) The next generation 9-1-1 fund. 657

(2) Amounts remitted under section 128.46 of the Revised 658
Code shall be paid ~~to the treasurer of state~~ for deposit as 659
follows: 660

(a) Eighty-one and one-third per cent to the 9-1-1 661
government assistance fund. All interest earned on the 9-1-1 662
government assistance fund shall be credited to the fund. 663

(b) Two-thirds of one per cent to the 9-1-1 administrative 664
fund; 665

(c) One and one-third per cent to the 9-1-1 program fund; 666

(d) Sixteen and two-thirds per cent to the next generation 667
9-1-1 fund. 668

(3) The tax commissioner shall use the 9-1-1 669
administrative fund to defray the costs incurred in carrying out 670
this chapter. 671

(4) The steering committee shall use the 9-1-1 program 672
fund to defray the costs incurred by the steering committee in 673
carrying out this chapter. 674

(5) Annually, the tax commissioner, after paying 675
administrative costs under division (A)(3) of this section, 676
shall transfer any excess remaining in the 9-1-1 administrative 677
fund to the next generation 9-1-1 fund, created under this 678
section. 679

(B) At the direction of the steering committee, the tax 680
commissioner shall transfer the funds remaining in the 9-1-1 681
government assistance fund to the credit of the next generation 682
9-1-1 fund. All interest earned on the next generation 9-1-1 683
fund shall be credited to the fund. 684

(C) From the funds created in division (A)(1) of this 685
section, the director of budget and management shall, as funds 686
are available, transfer to the tax refund fund, created under 687
section 5703.052 of the Revised Code, amounts equal to the 688
refunds certified by the tax commissioner under division (D) of 689
section 128.47 of the Revised Code, in the same percentage as 690
the certified refund amounts were deposited in those funds as 691
specified in division (A)(2) of this section. 692

(D) The department of administrative services may move 693
funds between the next generation 9-1-1 fund and the 9-1-1 694
government assistance fund to ensure funding remains sustainable 695
for both funds. 696

Sec. 135.01. Except as otherwise provided in sections 697
135.14, 135.143, 135.181, and 135.182 of the Revised Code, as 698
used in sections 135.01 to 135.21 of the Revised Code: 699

(A) "Active deposit" means a public deposit necessary to 700
meet current demands on the treasury, or a fund that is in the 701
custody of the treasurer of state but not part of the state 702
treasury, and that is deposited in any of the following: 703

(1) A commercial account that is payable or withdrawable, 704
in whole or in part, on demand; 705

(2) A negotiable order of withdrawal account as authorized 706
in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 707
146, 12 U.S.C.A. 1832(a); 708

(3) A money market deposit account as authorized in the 709
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 710
1501, 12 U.S.C. 3503. 711

(B) "Auditor" includes the auditor of state and the 712
auditor, or officer exercising the functions of an auditor, of 713
any subdivision. 714

(C) "Capital funds" means the sum of the following: the 715
par value of the outstanding common capital stock, the par value 716
of the outstanding preferred capital stock, the aggregate par 717
value of all outstanding capital notes and debentures, and the 718
surplus. In the case of an institution having offices in more 719
than one county, the capital funds of such institution, for the 720
purposes of sections 135.01 to 135.21 of the Revised Code, 721
relative to the deposit of the public moneys of the subdivisions 722
in one such county, shall be considered to be that proportion of 723
the capital funds of the institution that is represented by the 724
ratio that the deposit liabilities of such institution 725
originating at the office located in the county bears to the 726
total deposit liabilities of the institution. 727

(D) "Governing board" means, in the case of the state, the 728
state board of deposit; in the case of all school districts and 729
educational service centers except as otherwise provided in this 730
section, the board of education or governing board of a service 731
center, and when the case so requires, the board of 732

commissioners of the sinking fund; in the case of a municipal 733
corporation, the legislative authority, and when the case so 734
requires, the board of trustees of the sinking fund; in the case 735
of a township, the board of township trustees; in the case of a 736
union or joint institution or enterprise of two or more 737
subdivisions not having a treasurer, the board of directors or 738
trustees thereof; and in the case of any other subdivision 739
electing or appointing a treasurer, the directors, trustees, or 740
other similar officers of such subdivision. The governing board 741
of a subdivision electing or appointing a treasurer shall be the 742
governing board of all other subdivisions for which such 743
treasurer is authorized by law to act. In the case of a county 744
school financing district that levies a tax pursuant to section 745
5705.215 of the Revised Code, the county board of education that 746
serves as its taxing authority shall operate as a governing 747
board. Any other county board of education shall operate as a 748
governing board unless it adopts a resolution designating the 749
board of county commissioners as the governing board for the 750
county school district. 751

(E) "Inactive deposit" means a public deposit other than 752
an interim deposit or an active deposit. 753

(F) "Interim deposit" means a deposit of interim moneys. 754
"Interim moneys" means public moneys in the treasury of any 755
subdivision after the award of inactive deposits has been made 756
in accordance with section 135.07 of the Revised Code, which 757
moneys are in excess of the aggregate amount of the inactive 758
deposits as estimated by the governing board prior to the period 759
of designation and which the governing board finds should not be 760
deposited as active or inactive deposits for the reason that 761
such moneys will not be needed for immediate use but will be 762
needed before the end of the period of designation. In the case 763

of the state treasury, "interim moneys" means public moneys that 764
are not active deposits and may be invested in accordance with 765
section 135.143 of the Revised Code. 766

(G) "Permissible rate of interest" means a rate of 767
interest that all eligible institutions mentioned in section 768
135.03 of the Revised Code are permitted to pay by law or valid 769
regulations. 770

(H) "Warrant clearance account" means an account 771
established by the treasurer of state for either of the 772
following purposes: 773

(1) The deposit of active state moneys for the purposes of 774
clearing state paper warrants or checks through the banking 775
system, funding electronic benefit transfer cards, issuing 776
stored value cards, or otherwise facilitating the settlement of 777
state obligations; 778

(2) The deposit of custodial moneys from an account held 779
in the custody of the treasurer of state to facilitate 780
settlement of obligations of the custodial fund. 781

(I) "Public deposit" means public moneys deposited in a 782
public depository pursuant to sections 135.01 to 135.21 of the 783
Revised Code. 784

(J) "Public depository" means an institution which 785
receives or holds any public deposits. 786

(K) "Public moneys" means all moneys in the treasury of 787
the state or any subdivision of the state, or moneys coming 788
lawfully into the possession or custody of the treasurer of 789
state or of the treasurer of any subdivision. "Public moneys of 790
the state" includes all such moneys coming lawfully into the 791
possession of the treasurer of state; and "public moneys of a 792

subdivision" includes all such moneys coming lawfully into the 793
possession of the treasurer of the subdivision. 794

(L) "Subdivision" means any municipal corporation, except 795
one which has adopted a charter under Article XVIII, Ohio 796
Constitution, and the charter or ordinances of the chartered 797
municipal corporation set forth special provisions respecting 798
the deposit or investment of its public moneys, or any school 799
district or educational service center, a county school 800
financing district, township, municipal or school district 801
sinking fund, special taxing or assessment district, or other 802
district or local authority electing or appointing a treasurer, 803
except a county. In the case of a school district or educational 804
service center, special taxing or assessment district, or other 805
local authority for which a treasurer, elected or appointed 806
primarily as the treasurer of a subdivision, is authorized or 807
required by law to act as ex officio treasurer, the subdivision 808
for which such a treasurer has been primarily elected or 809
appointed shall be considered to be the "subdivision." The term 810
also includes a union or joint institution or enterprise of two 811
or more subdivisions, that is not authorized to elect or appoint 812
a treasurer, and for which no ex officio treasurer is provided 813
by law. 814

(M) "Treasurer" means, in the case of the state, the 815
treasurer of state and in the case of any subdivision, the 816
treasurer, or officer exercising the functions of a treasurer, 817
of such subdivision. In the case of a board of trustees of the 818
sinking fund of a municipal corporation, the board of 819
commissioners of the sinking fund of a school district, or a 820
board of directors or trustees of any union or joint institution 821
or enterprise of two or more subdivisions not having a 822
treasurer, such term means such board of trustees of the sinking 823

fund, board of commissioners of the sinking fund, or board of 824
directors or trustees. 825

(N) "Treasury investment board" of a municipal corporation 826
means the mayor or other chief executive officer, the village 827
solicitor or city director of law, and the auditor or other 828
chief fiscal officer. 829

(O) "No-load money market mutual fund" means a no-load 830
money market mutual fund to which all of the following apply: 831

(1) The fund is registered as an investment company under 832
the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 833
80a-1 to 80a-64; 834

(2) The fund has the highest letter or numerical rating 835
provided by at least one nationally recognized statistical 836
rating organization; 837

(3) The fund does not include any investment in a 838
derivative. As used in division (O) (3) of this section, 839
"derivative" means a financial instrument or contract or 840
obligation whose value or return is based upon or linked to 841
another asset or index, or both, separate from the financial 842
instrument, contract, or obligation itself. Any security, 843
obligation, trust account, or other instrument that is created 844
from an issue of the United States treasury or is created from 845
an obligation of a federal agency or instrumentality or is 846
created from both is considered a derivative instrument. An 847
eligible investment described in section 135.14 or 135.35 of the 848
Revised Code with a variable interest rate payment, based upon a 849
single interest payment or single index comprised of other 850
investments provided for in division (B) (1) or (2) of section 851
135.14 of the Revised Code, is not a derivative, provided that 852

such variable rate investment has a maximum maturity of two 853
years. 854

(P) "Public depositor" means the state or a subdivision, 855
as applicable, that deposits public moneys in a public 856
depository pursuant to sections 135.01 to 135.21 of the Revised 857
Code. 858

(Q) "Uninsured public deposit" means the portion of a 859
public deposit that is not insured by the federal deposit 860
insurance corporation or by any other agency or instrumentality 861
of the federal government. 862

Sec. 135.032. (A) For the purposes of this section: 863

(1) "Institution" means an institution eligible to become 864
a public depository under section 135.03 or 135.32 of the 865
Revised Code or an eligible credit union, as defined in section 866
135.62 of the Revised Code. 867

(2) "Prompt corrective action directive" means a directive 868
issued by a regulatory authority of the United States as 869
authorized under 12 U.S.C. 1790d or 1831o or, in the case of a 870
nonfederally insured institution chartered in this state, a 871
directive issued by the superintendent of the division of 872
financial institutions. 873

(B) An institution designated as a public depository under 874
this chapter shall ~~notify~~ provide written notification within 875
five business days, as defined in section 3901.81 of the Revised 876
Code, to each governing board that made such designation if the 877
institution becomes party to an active prompt corrective action 878
directive. 879

(C) Except as otherwise provided in division (D) of this 880
section, an institution is ineligible to become a public 881

depository under this chapter or to have active, interim, or 882
inactive deposits awarded, placed, purchased, made, or 883
designated pursuant to this chapter, if the institution is party 884
to an active prompt corrective action directive. 885

(D) If a governing board receives notice under division 886
(B) of this section, or otherwise becomes aware that an 887
institution the board designated as a public depository is party 888
to an active prompt corrective action directive, the board may 889
do either or both of the following, if the board determines that 890
it is in the public interest: 891

(1) Allow the public depository to continue to have 892
active, interim, or inactive deposits awarded, placed, 893
purchased, made, or designated for the remainder of the 894
designation period; 895

(2) Designate the institution as a public depository for 896
additional succeeding designation periods. 897

(E) If a governing board determines that one or both of 898
the actions permitted by division (D) of this section are in the 899
public interest, and public moneys are lost due to the failure 900
of the public depository subject to the active prompt correction 901
directive, all of the following are relieved from any liability 902
for that loss: 903

(1) The governing board's treasurer and deputy treasurer; 904

(2) An executive director, director, or other person 905
employed by the governing board, its treasurer, or its deputy 906
treasurer; 907

(3) Bondspersons and surety of any person described in 908
divisions (E) (1) and (2) of this section. 909

Sec. 135.14. (A) As used in this section: 910

(1) "Treasurer" does not include the treasurer of state, 911
and "governing board" does not include the state board of 912
deposit. 913

(2) "Other obligations" includes notes whether or not 914
issued in anticipation of the issuance of bonds. 915

(B) The treasurer or governing board may invest or deposit 916
any part or all of the interim moneys. The following 917
classifications of obligations shall be eligible for such 918
investment or deposit: 919

(1) United States treasury bills, notes, bonds, or any 920
other obligation or security issued by the United States 921
treasury or any other obligation guaranteed as to principal and 922
interest by the United States. 923

Nothing in the classification of eligible obligations set 924
forth in division (B)(1) of this section or in the 925
classifications of eligible obligations set forth in divisions 926
(B)(2) to (7) of this section shall be construed to authorize 927
any investment in stripped principal or interest obligations of 928
such eligible obligations. 929

(2) Bonds, notes, debentures, or any other obligations or 930
securities issued by any federal government agency or 931
instrumentality, including but not limited to, the federal 932
national mortgage association, federal home loan bank, federal 933
farm credit bank, federal home loan mortgage corporation, and 934
government national mortgage association. All federal agency 935
securities shall be direct issuances of federal government 936
agencies or instrumentalities. 937

(3) Interim deposits in the eligible institutions applying 938

for interim moneys as provided in section 135.08 of the Revised 939
Code. The award of interim deposits shall be made in accordance 940
with section 135.09 of the Revised Code and the treasurer or the 941
governing board shall determine the periods for which such 942
interim deposits are to be made and shall award such interim 943
deposits for such periods, provided that any eligible 944
institution receiving an interim deposit award may, upon 945
notification that the award has been made, decline to accept the 946
interim deposit in which event the award shall be made as though 947
the institution had not applied for such interim deposit. 948

(4) Bonds and other obligations of this state, or the 949
political subdivisions of this state, provided that, with 950
respect to bonds or other obligations of political subdivisions, 951
all of the following apply: 952

(a) The bonds or other obligations are payable from 953
general revenues of the political subdivision and backed by the 954
full faith and credit of the political subdivision. 955

(b) The bonds or other obligations are rated at the time 956
of purchase in the three highest classifications established by 957
at least one nationally recognized statistical rating 958
organization and purchased through a registered securities 959
broker or dealer. 960

(c) The aggregate value of the bonds or other obligations 961
does not exceed twenty per cent of interim moneys available for 962
investment at the time of purchase. 963

(d) The treasurer or governing board is not the sole 964
purchaser of the bonds or other obligations at original 965
issuance. 966

(e) The bonds or other obligations mature within ten years 967

from the date of settlement. 968

No investment shall be made under division (B) (4) of this 969
section unless the treasurer or governing board has completed 970
additional training for making the investments authorized by 971
division (B) (4) of this section. The type and amount of 972
additional training shall be approved by the treasurer of state 973
and may be conducted by or provided under the supervision of the 974
treasurer of state. 975

(5) No-load money market mutual funds consisting 976
exclusively of obligations described in division (B) (1) or (2) 977
of this section and repurchase agreements secured by such 978
obligations, provided that investments in securities described 979
in this division are made only through eligible institutions 980
mentioned in section 135.03 of the Revised Code; 981

(6) The Ohio subdivision's fund as provided in section 982
~~135.45~~ 113.07 of the Revised Code; 983

(7) Up to forty per cent of interim moneys available for 984
investment in either of the following: 985

(a) Commercial paper notes issued by an entity that is 986
defined in division (K) of section 1706.01 of the Revised Code 987
and that has assets exceeding five hundred million dollars, to 988
which notes all of the following apply: 989

(i) The notes are rated at the time of purchase in the 990
highest classification established by at least two nationally 991
recognized statistical rating organizations. 992

(ii) The aggregate value of the notes does not exceed ten 993
per cent of the aggregate value of the outstanding commercial 994
paper of the issuing corporation. 995

(iii) The notes mature not later than two hundred seventy 996
days after purchase. 997

(iv) The investment in commercial paper notes of a single 998
issuer shall not exceed in the aggregate five per cent of 999
interim moneys available for investment at the time of purchase. 1000

(b) Bankers acceptances of banks that are insured by the 1001
federal deposit insurance corporation and that mature not later 1002
than one hundred eighty days after purchase. 1003

No investment shall be made pursuant to division (B) (7) of 1004
this section unless the treasurer or governing board has 1005
completed additional training for making the investments 1006
authorized by division (B) (7) of this section. The type and 1007
amount of additional training shall be approved by the treasurer 1008
of state and may be conducted by or provided under the 1009
supervision of the treasurer of state. 1010

(C) Nothing in the classifications of eligible obligations 1011
set forth in divisions (B) (1) to (7) of this section shall be 1012
construed to authorize any investment in a derivative, and no 1013
treasurer or governing board shall invest in a derivative. For 1014
purposes of this division, "derivative" means a financial 1015
instrument or contract or obligation whose value or return is 1016
based upon or linked to another asset or index, or both, 1017
separate from the financial instrument, contract, or obligation 1018
itself. Any security, obligation, trust account, or other 1019
instrument that is created from an issue of the United States 1020
treasury or is created from an obligation of a federal agency or 1021
instrumentality or is created from both is considered a 1022
derivative instrument. An eligible investment described in this 1023
section with a variable interest rate payment, based upon a 1024
single interest payment or single index comprised of other 1025

eligible investments provided for in division (B) (1) or (2) of 1026
this section, is not a derivative, provided that such variable 1027
rate investment has a maximum maturity of two years. 1028

(D) Except as provided in division (B) (4) or (E) of this 1029
section, any investment made pursuant to this section must 1030
mature within five years from the date of settlement, unless the 1031
investment is matched to a specific obligation or debt of the 1032
subdivision. 1033

(E) The treasurer or governing board may also enter into a 1034
written repurchase agreement with any eligible institution 1035
mentioned in section 135.03 of the Revised Code or any eligible 1036
dealer pursuant to division (M) of this section, under the terms 1037
of which agreement the treasurer or governing board purchases, 1038
and such institution or dealer agrees unconditionally to 1039
repurchase any of the securities listed in divisions (D) (1) to 1040
(5), except letters of credit described in division (D) (2), of 1041
section 135.18 of the Revised Code. The market value of 1042
securities subject to an overnight written repurchase agreement 1043
must exceed the principal value of the overnight written 1044
repurchase agreement by at least two per cent. A written 1045
repurchase agreement shall not exceed thirty days and the market 1046
value of securities subject to a written repurchase agreement 1047
must exceed the principal value of the written repurchase 1048
agreement by at least two per cent and be marked to market 1049
daily. All securities purchased pursuant to this division shall 1050
be delivered into the custody of the treasurer or governing 1051
board or an agent designated by the treasurer or governing 1052
board. A written repurchase agreement with an eligible 1053
securities dealer shall be transacted on a delivery versus 1054
payment basis. The agreement shall contain the requirement that 1055
for each transaction pursuant to the agreement the participating 1056

institution or dealer shall provide all of the following 1057
information: 1058

- (1) The par value of the securities; 1059
- (2) The type, rate, and maturity date of the securities; 1060
- (3) A numerical identifier generally accepted in the 1061
securities industry that designates the securities. 1062

No treasurer or governing board shall enter into a written 1063
repurchase agreement under the terms of which the treasurer or 1064
governing board agrees to sell securities owned by the 1065
subdivision to a purchaser and agrees with that purchaser to 1066
unconditionally repurchase those securities. 1067

(F) No treasurer or governing board shall make an 1068
investment under this section, unless the treasurer or governing 1069
board, at the time of making the investment, reasonably expects 1070
that the investment can be held until its maturity. 1071

(G) No treasurer or governing board shall pay interim 1072
moneys into a fund established by another subdivision, 1073
treasurer, governing board, or investing authority, if that fund 1074
was established for the purpose of investing the public moneys 1075
of other subdivisions. This division does not apply to the 1076
payment of public moneys into either of the following: 1077

- (1) The Ohio subdivision's fund pursuant to division (B) 1078
- (6) of this section; 1079

(2) A fund created solely for the purpose of acquiring, 1080
constructing, owning, leasing, or operating municipal utilities 1081
pursuant to the authority provided under section 715.02 of the 1082
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 1083

For purposes of division (G) of this section, 1084

"subdivision" includes a county. 1085

(H) The use of leverage, in which the treasurer or 1086
governing board uses its current investment assets as collateral 1087
for the purpose of purchasing other assets, is prohibited. The 1088
issuance of taxable notes for the purpose of arbitrage is 1089
prohibited. Contracting to sell securities that have not yet 1090
been acquired by the treasurer or governing board, for the 1091
purpose of purchasing such securities on the speculation that 1092
bond prices will decline, is prohibited. 1093

(I) Whenever, during a period of designation, the 1094
treasurer classifies public moneys as interim moneys, the 1095
treasurer shall notify the governing board of such action. The 1096
notification shall be given within thirty days after such 1097
classification and in the event the governing board does not 1098
concur in such classification or in the investments or deposits 1099
made under this section, the governing board may order the 1100
treasurer to sell or liquidate any of such investments or 1101
deposits, and any such order shall specifically describe the 1102
investments or deposits and fix the date upon which they are to 1103
be sold or liquidated. Investments or deposits so ordered to be 1104
sold or liquidated shall be sold or liquidated for cash by the 1105
treasurer on the date fixed in such order at the then current 1106
market price. Neither the treasurer nor the members of the board 1107
shall be held accountable for any loss occasioned by sales or 1108
liquidations of investments or deposits at prices lower than 1109
their cost. Any loss or expense incurred in making such sales or 1110
liquidations is payable as other expenses of the treasurer's 1111
office. 1112

(J) If any investments or deposits purchased under the 1113
authority of this section are issuable to a designated payee or 1114

to the order of a designated payee, the name of the treasurer 1115
and the title of the treasurer's office shall be so designated. 1116
If any such securities are registrable either as to principal or 1117
interest, or both, then such securities shall be registered in 1118
the name of the treasurer as such. 1119

(K) The treasurer is responsible for the safekeeping of 1120
all documents evidencing a deposit or investment acquired by the 1121
treasurer under this section. Any securities may be deposited 1122
for safekeeping with a qualified trustee as provided in section 1123
135.18 of the Revised Code, except the delivery of securities 1124
acquired under any repurchase agreement under this section shall 1125
be made to a qualified trustee, provided, however, that the 1126
qualified trustee shall be required to report to the treasurer, 1127
governing board, auditor of state, or an authorized outside 1128
auditor at any time upon request as to the identity, market 1129
value, and location of the document evidencing each security, 1130
and that if the participating institution is a designated 1131
depository of the subdivision for the current period of 1132
designation, the securities that are the subject of the 1133
repurchase agreement may be delivered to the treasurer or held 1134
in trust by the participating institution on behalf of the 1135
subdivision. Interest earned on any investments or deposits 1136
authorized by this section shall be collected by the treasurer 1137
and credited by the treasurer to the proper fund of the 1138
subdivision. 1139

Upon the expiration of the term of office of a treasurer 1140
or in the event of a vacancy in the office of treasurer by 1141
reason of death, resignation, removal from office, or otherwise, 1142
the treasurer or the treasurer's legal representative shall 1143
transfer and deliver to the treasurer's successor all documents 1144
evidencing a deposit or investment held by the treasurer. For 1145

the investments and deposits so transferred and delivered, such 1146
treasurer shall be credited with and the treasurer's successor 1147
shall be charged with the amount of money held in such 1148
investments and deposits. 1149

(L) Whenever investments or deposits acquired under this 1150
section mature and become due and payable, the treasurer shall 1151
present them for payment according to their tenor, and shall 1152
collect the moneys payable thereon. The moneys so collected 1153
shall be treated as public moneys subject to sections 135.01 to 1154
135.21 of the Revised Code. 1155

(M) (1) All investments, except for investments in 1156
securities described in divisions (B) (5) and (6) of this section 1157
and for investments by a municipal corporation in the issues of 1158
such municipal corporation, shall be made only through a member 1159
of the financial industry regulatory authority (FINRA), through 1160
a bank, savings bank, or savings and loan association regulated 1161
by the superintendent of financial institutions, or through an 1162
institution regulated by the comptroller of the currency, 1163
federal deposit insurance corporation, or board of governors of 1164
the federal reserve system. 1165

(2) Payment for investments shall be made only upon the 1166
delivery of securities representing such investments to the 1167
treasurer, governing board, or qualified trustee. If the 1168
securities transferred are not represented by a certificate, 1169
payment shall be made only upon receipt of confirmation of 1170
transfer from the custodian by the treasurer, governing board, 1171
or qualified trustee. 1172

(N) In making investments authorized by this section, a 1173
treasurer or governing board may retain the services of an 1174
investment advisor, provided the advisor is licensed by the 1175

division of securities under section 1707.141 of the Revised 1176
Code or is registered with the securities and exchange 1177
commission, and possesses experience in public funds investment 1178
management, specifically in the area of state and local 1179
government investment portfolios, or the advisor is an eligible 1180
institution mentioned in section 135.03 of the Revised Code. 1181

(O) (1) Except as otherwise provided in divisions (O) (2) 1182
and (3) of this section, no treasurer or governing board shall 1183
make an investment or deposit under this section, unless there 1184
is on file with the auditor of state a written investment policy 1185
approved by the treasurer or governing board. The policy shall 1186
require that all entities conducting investment business with 1187
the treasurer or governing board shall sign the investment 1188
policy of that subdivision. All brokers, dealers, and financial 1189
institutions, described in division (M) (1) of this section, 1190
initiating transactions with the treasurer or governing board by 1191
giving advice or making investment recommendations shall sign 1192
the treasurer's or governing board's investment policy thereby 1193
acknowledging their agreement to abide by the policy's contents. 1194
All brokers, dealers, and financial institutions, described in 1195
division (M) (1) of this section, executing transactions 1196
initiated by the treasurer or governing board, having read the 1197
policy's contents, shall sign the investment policy thereby 1198
acknowledging their comprehension and receipt. 1199

(2) If a written investment policy described in division 1200
(O) (1) of this section is not filed on behalf of the subdivision 1201
with the auditor of state, the treasurer or governing board of 1202
that subdivision shall invest the subdivision's interim moneys 1203
only in interim deposits pursuant to division (B) (3) of this 1204
section or interim deposits pursuant to section 135.145 of the 1205
Revised Code and approved by the treasurer of state, no-load 1206

money market mutual funds pursuant to division (B) (5) of this 1207
section, or the Ohio subdivision's fund pursuant to division (B) 1208
(6) of this section. 1209

(3) Divisions (O) (1) and (2) of this section do not apply 1210
to a treasurer or governing board of a subdivision whose average 1211
annual portfolio of investments held pursuant to this section is 1212
one hundred thousand dollars or less, provided that the 1213
treasurer or governing board certifies, on a form prescribed by 1214
the auditor of state, that the treasurer or governing board will 1215
comply and is in compliance with the provisions of sections 1216
135.01 to 135.21 of the Revised Code. 1217

(P) A treasurer or governing board may enter into a 1218
written investment or deposit agreement that includes a 1219
provision under which the parties agree to submit to nonbinding 1220
arbitration to settle any controversy that may arise out of the 1221
agreement, including any controversy pertaining to losses of 1222
public moneys resulting from investment or deposit. The 1223
arbitration provision shall be set forth entirely in the 1224
agreement, and the agreement shall include a conspicuous notice 1225
to the parties that any party to the arbitration may apply to 1226
the court of common pleas of the county in which the arbitration 1227
was held for an order to vacate, modify, or correct the award. 1228
Any such party may also apply to the court for an order to 1229
change venue to a court of common pleas located more than one 1230
hundred miles from the county in which the treasurer or 1231
governing board is located. 1232

For purposes of this division, "investment or deposit 1233
agreement" means any agreement between a treasurer or governing 1234
board and a person, under which agreement the person agrees to 1235
invest, deposit, or otherwise manage a subdivision's interim 1236

moneys on behalf of the treasurer or governing board, or agrees 1237
to provide investment advice to the treasurer or governing 1238
board. 1239

(Q) An investment made by the treasurer or governing board 1240
pursuant to this section prior to September 27, 1996, that was a 1241
legal investment under the law as it existed before September 1242
27, 1996, may be held until maturity. 1243

Sec. 135.143. (A) The treasurer of state may invest or 1244
execute transactions for any part or all of the interim funds of 1245
the state in the following classifications of obligations: 1246

(1) United States treasury bills, notes, bonds, or any 1247
other obligations or securities issued by the United States 1248
treasury or any other obligation guaranteed as to principal and 1249
interest by the United States; 1250

(2) Bonds, notes, debentures, or any other obligations or 1251
securities issued by any federal government agency or 1252
instrumentality; 1253

(3) (a) Bonds, notes, and other obligations of the state of 1254
Ohio, including, but not limited to, any obligations issued by 1255
the treasurer of state, the Ohio public facilities commission, 1256
the Ohio housing finance agency, the Ohio water development 1257
authority, the Ohio turnpike infrastructure commission, the Ohio 1258
higher educational facility commission, and state institutions 1259
of higher education as defined in section 3345.011 of the 1260
Revised Code; 1261

(b) Bonds, notes, and other obligations of any state or 1262
political subdivision thereof rated in the three highest 1263
categories by at least one nationally recognized statistical 1264
rating organization and purchased through a registered 1265

securities broker or dealer, provided the treasurer of state is 1266
not the sole purchaser of the bonds, notes, or other obligations 1267
at original issuance. 1268

(4) (a) Written repurchase agreements with any eligible 1269
Ohio financial institution that is a member of the federal 1270
reserve system or federal home loan bank, any registered United 1271
States government securities dealer, or any counterparty rated 1272
in one of the three highest categories by at least one 1273
nationally recognized statistical rating organization or 1274
otherwise determined by the treasurer of state to have adequate 1275
capital and liquidity, under the terms of which agreement the 1276
treasurer of state purchases and the eligible financial 1277
institution, dealer, or counterparty agrees unconditionally to 1278
repurchase any of the securities that are listed in division (A) 1279
(1), (2), (3), (6), or (11) of this section. The market value of 1280
securities subject to these transactions must exceed the 1281
principal value of the repurchase agreement by an amount 1282
specified by the treasurer of state, and the securities must be 1283
delivered into the custody of the treasurer of state or the 1284
qualified trustee or agent designated by the treasurer of state. 1285
The agreement shall contain the requirement that for each 1286
transaction pursuant to the agreement, the participating 1287
institution, dealer, or counterparty shall provide all of the 1288
following information: 1289

- (i) The par value of the securities; 1290
 - (ii) The type, rate, and maturity date of the securities; 1291
 - (iii) A numerical identifier generally accepted in the 1292
securities industry that designates the securities. 1293
- (b) The treasurer of state also may sell any securities, 1294

listed in division (A) (1), (2), (6), or (11) of this section, 1295
regardless of maturity or time of redemption of the securities, 1296
under the same terms and conditions for repurchase, provided 1297
that the securities have been fully paid for and are owned by 1298
the treasurer of state at the time of the sale. 1299

(c) For purposes of division (A) (4) of this section, the 1300
treasurer of state shall only buy or sell securities listed in 1301
division (A) (11) of this section issued by entities that are 1302
organized under the laws of this state, any other state, or the 1303
United States. 1304

(5) Securities lending agreements with any eligible 1305
financial institution that is a member of the federal reserve 1306
system or federal home loan bank or any recognized United States 1307
government securities dealer, under the terms of which 1308
agreements the treasurer of state lends securities and the 1309
eligible financial institution or dealer agrees to 1310
simultaneously exchange similar securities or cash, equal value 1311
for equal value. 1312

Securities and cash received as collateral for a 1313
securities lending agreement are not interim funds of the state. 1314
The investment of cash collateral received pursuant to a 1315
securities lending agreement may be invested only in such 1316
instruments specified by the treasurer of state in accordance 1317
with a written investment policy. 1318

(6) Various forms of commercial paper issued by any entity 1319
that is organized under the laws of the United States or a 1320
state, which notes are rated in the two highest categories by 1321
two nationally recognized statistical rating organizations, 1322
provided that the total amount invested under this section in 1323
any commercial paper at any time shall not exceed forty per cent 1324

of the state's total average portfolio, as determined and 1325
calculated by the treasurer of state; 1326

(7) Bankers acceptances, maturing in two hundred seventy 1327
days or less, provided that the total amount invested in bankers 1328
acceptances at any time shall not exceed ten per cent of the 1329
state's total average portfolio, as determined and calculated by 1330
the treasurer of state; 1331

(8) Certificates of deposit, savings accounts, or deposit 1332
accounts in eligible institutions applying for interim moneys as 1333
provided in section 135.08 of the Revised Code, including linked 1334
deposits as authorized under section 135.61 of the Revised Code. 1335
For interim funds invested in accordance with division (A)(8) of 1336
this section, the pledging requirements described in section 1337
135.18, 135.181, or 135.182 of the Revised Code may be reduced 1338
by up to ten per cent in accordance with rules adopted by the 1339
treasurer of state. 1340

(9) Negotiable certificates of deposit denominated in 1341
United States dollars issued by a nationally or state-chartered 1342
bank, a savings association or a federal savings association, a 1343
state or federal credit union, or a federally licensed or state- 1344
licensed branch of a foreign bank, which are rated in the two 1345
highest categories by two nationally recognized statistical 1346
rating organizations, provided that the total amount invested 1347
under this section in negotiable certificates of deposit at any 1348
time shall not exceed twenty-five per cent of the state's total 1349
average portfolio, as determined and calculated by the treasurer 1350
of state. Interim funds invested in accordance with division (A) 1351
(9) of this section are not limited to institutions applying for 1352
interim moneys under section 135.08 of the Revised Code, nor are 1353
they subject to any pledging requirements described in sections 1354

135.18, 135.181, or 135.182 of the Revised Code. 1355

(10) The state treasurer's investment pool authorized 1356
under section ~~135.45~~113.07 of the Revised Code; 1357

(11) Debt interests, other than commercial paper described 1358
in division (A) (6) of this section, rated in the four highest 1359
categories by two nationally recognized statistical rating 1360
organizations and issued by entities that are organized under 1361
the laws of the United States or a state, or issued by foreign 1362
nations diplomatically recognized by the United States 1363
government, or any instrument based on, derived from, or related 1364
to such interests, provided that: 1365

(a) The investments in debt interests other than 1366
commercial paper, when added to the investment in written 1367
repurchase agreements for securities listed in division (A) (3) 1368
or (11) of this section, shall not exceed in the aggregate 1369
twenty-five per cent of the state's portfolio. 1370

(b) The investments in debt interests rated in the fourth 1371
highest category shall not exceed in the aggregate ten per cent 1372
of the state's portfolio. 1373

(c) The investments in debt interests issued by foreign 1374
nations shall not exceed in the aggregate two per cent of the 1375
state's portfolio. 1376

The treasurer of state shall invest under division (A) (11) 1377
of this section in a debt interest issued by a foreign nation 1378
only if the debt interest is backed by the full faith and credit 1379
of that foreign nation, and provided that all interest and 1380
principal shall be denominated and payable in United States 1381
funds. 1382

(d) When added to the investment in commercial paper and 1383

negotiable certificates of deposit, the investments in the debt 1384
interests of a single issuer shall not exceed in the aggregate 1385
five per cent of the state's portfolio. 1386

(e) For purposes of division (A)(11) of this section, a 1387
debt interest is rated in the four highest categories by two 1388
nationally recognized statistical rating organizations if either 1389
the debt interest itself or the issuer of the debt interest is 1390
rated, or is implicitly rated, in the four highest categories by 1391
two nationally recognized statistical rating organizations. 1392

(f) For purposes of division (A)(11) of this section, the 1393
"state's portfolio" means the state's total average portfolio, 1394
as determined and calculated by the treasurer of state. 1395

(12) No-load money market mutual funds rated in the 1396
highest category by one nationally recognized statistical rating 1397
organization or consisting exclusively of obligations described 1398
in division (A)(1), (2), or (6) of this section and repurchase 1399
agreements secured by such obligations; 1400

(13) Obligations issued by, or on behalf of, an Ohio 1401
political subdivision under Chapter 133. of the Revised Code or 1402
Section 12 of Article XVIII, Ohio Constitution, and identified 1403
in an agreement described in division (G) of this section; 1404

(14) Obligations issued by the state of Ohio, any 1405
political subdivision thereof, or by or on behalf of any 1406
nonprofit corporation or association doing business in this 1407
state rated in the four highest categories by at least one 1408
nationally recognized statistical rating organization and 1409
identified in an agreement described in division (K) of this 1410
section. 1411

(B)(1) On or before the tenth day of each month, the 1412

treasurer of state shall notify the state board of deposit that 1413
the following reports pertaining to the immediately preceding 1414
month have been posted to the web site maintained by the 1415
treasurer of state: 1416

(a) The daily ledger report of state funds prepared in 1417
accordance with section 113.13 of the Revised Code; 1418

(b) The monthly portfolio report detailing the current 1419
inventory of all investments and deposits held within the 1420
classification of interim moneys; 1421

(c) The monthly activity report within the classification 1422
of interim moneys summarized by type of investment or deposit. 1423

(2) In the event the state board of deposit does not 1424
concur in such classification or in the investments or deposits 1425
made under this section, subject to division (B) (3) of this 1426
section, the board may order the treasurer of state to sell or 1427
liquidate any of the investments or deposits, and any such order 1428
shall specifically describe the investments or deposits and fix 1429
the date upon which they are to be sold or liquidated. 1430
Investments or deposits so ordered to be sold or liquidated 1431
shall be sold or liquidated for cash by the treasurer of state 1432
on the date fixed in such order at the then current market 1433
price. Neither the treasurer of state nor the members of the 1434
state board of deposit shall be held accountable for any loss 1435
occasioned by sales or liquidations of investments or deposits 1436
at prices lower than their cost. Any loss or expense incurred in 1437
making these sales or liquidations is payable as other expenses 1438
of the treasurer's office. 1439

(3) Unless expressly authorized by the laws of this state, 1440
the state board of deposit shall not order the treasurer of 1441

state to sell or liquidate investments or deposits with the 1442
primary purpose of influencing any environmental, social, 1443
personal, or ideological policy. 1444

(C) If any securities or obligations invested in by the 1445
treasurer of state pursuant to this section are registrable 1446
either as to principal or interest, or both, such securities or 1447
obligations shall be registered in the name of the treasurer of 1448
state. 1449

(D) The treasurer of state is responsible for the 1450
safekeeping of all securities or obligations under this section. 1451
Any such securities or obligations may be deposited for 1452
safekeeping as provided in section 113.05 of the Revised Code. 1453

(E) Interest earned on any investments or deposits 1454
authorized by this section shall be collected by the treasurer 1455
of state and credited by the treasurer of state to the proper 1456
fund of the state. 1457

(F) Whenever investments or deposits acquired under this 1458
section mature and become due and payable, the treasurer of 1459
state shall present them for payment according to their tenor, 1460
and shall collect the moneys payable thereon. The moneys so 1461
collected shall be treated as public moneys subject to sections 1462
135.01 to 135.21 of the Revised Code. 1463

(G) The treasurer of state and any entity issuing 1464
obligations referred to in division (A) (13) of this section, 1465
which obligations mature within ~~one year~~ two years from the 1466
original date of issuance, may enter into an agreement providing 1467
for: 1468

(1) The purchase of those obligations by the treasurer of 1469
state on terms and subject to conditions set forth in the 1470

agreement; 1471

(2) The payment to the treasurer of state of a reasonable 1472
fee as consideration for the agreement of the treasurer of state 1473
to purchase those obligations; provided, however, that the 1474
treasurer of state shall not be authorized to enter into any 1475
such agreement with a board of education of a school district 1476
that has an outstanding obligation with respect to a loan 1477
received under authority of section 3313.483 of the Revised 1478
Code. 1479

(H) For purposes of division (G) of this section, a fee 1480
shall not be considered reasonable unless it is set to recover 1481
only the direct costs, a reasonable estimate of the indirect 1482
costs associated with the purchasing of obligations under 1483
division (G) of this section and any reselling of the 1484
obligations or any interest in the obligations, including 1485
interests in a fund comprised of the obligations, and the 1486
administration thereof. No money from the general revenue fund 1487
shall be used to subsidize the purchase or resale of these 1488
obligations. 1489

(I) All money collected by the treasurer of state from the 1490
fee imposed by division (G) of this section shall be deposited 1491
to the credit of the state political subdivision obligations 1492
fund, which is hereby created in the state treasury. Money 1493
credited to the fund shall be used solely to pay the treasurer 1494
of state's direct and indirect costs associated with purchasing 1495
and reselling obligations under division (G) of this section. 1496

(J) As used in this section, "political subdivision" means 1497
a county, township, municipal corporation, school district, or 1498
other body corporate and politic responsible for governmental 1499
activities in a geographic area smaller than that of the state. 1500

(K) (1) The treasurer of state and any entity issuing 1501
obligations referred to in division (A) (14) of this section, 1502
which obligations require a conditional liquidity requirement, 1503
may enter into an agreement providing for the following: 1504

(a) The purchase of the obligations by the treasurer of 1505
state on terms and subject to conditions set forth in the 1506
agreement; 1507

(b) Payment to the treasurer of state of a fee as 1508
consideration for the agreement of the treasurer of state to 1509
purchase the obligations. 1510

(2) The treasurer of state shall not enter into agreements 1511
under division (K) (1) of this section for obligations that, in 1512
the aggregate, exceed ten per cent of the state's total average 1513
portfolio, as determined and calculated by the treasurer of 1514
state. 1515

(3) For purposes of division (A) (14) of this section, an 1516
obligation is rated in the four highest categories by at least 1517
one nationally recognized statistical rating organization if 1518
either the debt interest itself or the obligor of the debt 1519
interest is rated in the four highest categories by at least one 1520
nationally recognized statistical rating organization. 1521

(4) All money collected by the treasurer of state from the 1522
fee imposed by division (K) of this section shall be deposited 1523
to the credit of the state securities tender program fund, which 1524
is hereby created in the state treasury. The amount of income 1525
from the state securities tender program credited to the state 1526
securities tender program fund shall not exceed one per cent of 1527
the average par value of obligations subject to agreements under 1528
division (K) (1) of this section. All other such income shall be 1529

credited to the general revenue fund. The treasurer of state may 1530
use the state securities tender program fund solely for 1531
operations of the office of the treasurer of state. 1532

(L) (1) The treasurer of state and a state university or 1533
college issuing obligations under section 3345.12 of the Revised 1534
Code may enter into an agreement providing for the following: 1535

(a) The purchase of those obligations by the treasurer of 1536
state pursuant to division (A) (3) (a) of this section on terms 1537
and subject to conditions set forth in the agreement; 1538

(b) The department of higher education to withhold, in the 1539
event the state university or college does not pay bond service 1540
charges on the obligations when due, appropriated funds 1541
allocated to the state university or college in an amount 1542
sufficient to pay bond service charges on the obligations, less 1543
any amounts deposited for that purpose under the bond 1544
proceedings. Upon the request of the treasurer of state, the 1545
department of higher education shall promptly pay to the 1546
treasurer of state the amounts withheld. 1547

(2) For purposes of division (L) (1) of this section, 1548
"obligations," "state university or college," "bond service 1549
charges," and "bond proceedings" have the same meanings as in 1550
section 3345.12 of the Revised Code. 1551

(M) Unless expressly authorized by the laws of this state, 1552
the treasurer of state shall not do either of the following: 1553

(1) Make an investment decision with the primary purpose 1554
of influencing any environmental, social, personal, or 1555
ideological policy; 1556

(2) Permit any person or entity to which the treasurer of 1557
state delegates the management of the investment of state money 1558

to make investment decisions with state money with the primary 1559
purpose of influencing any environmental, social, personal, or 1560
ideological policy. 1561

Sec. 135.22. (A) For purposes of this section: 1562

(1) "Treasurer" has the same meaning as in section 135.01 1563
of the Revised Code, but does not include a county treasurer or 1564
the treasurer of state. "Treasurer" includes any person whose 1565
duties include making investment decisions with respect to the 1566
investment or deposit of interim moneys. 1567

(2) "Subdivision" has the same meaning as in section 1568
135.01 of the Revised Code. 1569

(B) To enhance the background and working knowledge of 1570
treasurers in investments, cash management, the collection of 1571
taxes, ethics, and in any other subject area that the treasurer 1572
of state determines is reasonably related to the duties of a 1573
treasurer, the treasurer of state shall provide annual 1574
continuing education programs for treasurers. A treasurer 1575
annually shall complete the continuing education ~~programs~~ 1576
requirements described in this section, unless the treasurer 1577
annually ~~provides a notice of~~ qualifies for the exemption 1578
described in division (E) of this section. 1579

(C) The treasurer of state shall ~~determine~~ adopt rules 1580
governing the manner, content, and length of the continuing 1581
education ~~programs~~ requirements after consultation with 1582
appropriate statewide organizations of local government 1583
officials. 1584

(D) Upon successful completion of a any continuing 1585
education ~~program~~ credit hours required by this section, the 1586
treasurer of state ~~a subdivision~~ shall ~~issue a certificate~~ 1587

~~indicating that the treasurer has successfully completed the~~ 1588
~~continuing education program prescribed by the treasurer of~~ 1589
~~state retain proof of attendance. The treasurer of state shall~~ 1590
~~forward to the auditor of state any certificates issued pursuant~~ 1591
~~to this division by the treasurer of state. The auditor of state~~ 1592
~~shall maintain in the auditor's records any certificates~~ 1593
~~forwarded by the treasurer of state pursuant to this division.~~ 1594
As part of the auditor of state's audit of the subdivision 1595
conducted in accordance with section 117.11 of the Revised Code, 1596
the auditor of state shall report whether the treasurer is in 1597
compliance with this section of the Revised Code. 1598

(E) Division (B) of this section does not apply to any 1599
treasurer of a subdivision who ~~annually provides a notice of~~ 1600
~~exemption to the auditor of state. The notice shall be certified~~ 1601
~~by the treasurer of state and shall provide that the treasurer~~ 1602
~~is not subject to the continuing education requirements set~~ 1603
~~forth in division (B) of this section, because the treasurer~~ 1604
exclusively utilizes active deposits or who invests or deposits 1605
public moneys in the following investments only: 1606

(1) Interim deposits pursuant to division (B) (3) of 1607
section 135.14 or section ~~135.145~~ 113.07 of the Revised Code; 1608

(2) No-load money market mutual funds pursuant to division 1609
(B) (5) of section 135.14 of the Revised Code; 1610

(3) The Ohio subdivision's fund pursuant to division (B) 1611
(6) of section 135.14 of the Revised Code. 1612

(F) In carrying out the duties required by this section, 1613
the treasurer of state may charge the subdivision served by the 1614
treasurer a registration or annual fee that will meet actual and 1615
necessary expenses in connection with the training of the 1616

treasurer, including instruction fees, site acquisition costs, 1617
~~and the cost of course materials, and other costs of~~ 1618
administering the continuing education program. Any necessary 1619
personal expenses of a treasurer incurred as a result of 1620
attending the continuing education courses shall be borne by the 1621
subdivision represented by the treasurer. 1622

(G) The treasurer of state may allow any other interested 1623
person to attend any of the continuing education programs that 1624
are held pursuant to this section, provided that before 1625
attending any such continuing education program, the interested 1626
person has paid to the treasurer of state the full registration 1627
or annual fee set for the continuing education program. 1628

(H) All funds collected pursuant to this section shall be 1629
paid into the county treasurer education fund created pursuant 1630
to section 321.46 of the Revised Code, and the actual and 1631
necessary expenses of the treasurer of state in conducting the 1632
continuing education programs required by this section shall be 1633
paid from this fund. 1634

(I) The treasurer of state ~~may~~ shall adopt reasonable 1635
rules not inconsistent with this section for the implementation 1636
of this section. 1637

Sec. 135.35. (A) The investing authority shall deposit or 1638
invest any part or all of the county's inactive moneys and shall 1639
invest all of the money in the county public library fund when 1640
required by section 135.352 of the Revised Code. The following 1641
classifications of securities and obligations are eligible for 1642
such deposit or investment: 1643

(1) United States treasury bills, notes, bonds, or any 1644
other obligation or security issued by the United States 1645

treasury, any other obligation guaranteed as to principal or 1646
interest by the United States, or any book entry, zero-coupon 1647
United States treasury security that is a direct obligation of 1648
the United States. 1649

Nothing in the classification of eligible securities and 1650
obligations set forth in divisions (A) (2) to (10) of this 1651
section shall be construed to authorize any investment in 1652
stripped principal or interest obligations of such eligible 1653
securities and obligations. 1654

(2) Bonds, notes, debentures, or any other obligations or 1655
securities issued by any federal government agency or 1656
instrumentality, including, but not limited to, the federal 1657
national mortgage association, federal home loan bank, federal 1658
farm credit bank, federal home loan mortgage corporation, and 1659
government national mortgage association. All federal agency 1660
securities shall be direct issuances of federal government 1661
agencies or instrumentalities. 1662

(3) Time certificates of deposit or savings or deposit 1663
accounts, including, but not limited to, passbook accounts, in 1664
any eligible institution mentioned in section 135.32 of the 1665
Revised Code; 1666

(4) Bonds and other obligations of this state or the 1667
political subdivisions of this state, provided the bonds or 1668
other obligations of political subdivisions mature within ten 1669
years from the date of settlement; 1670

(5) No-load money market mutual funds rated in the highest 1671
category at the time of purchase by at least one nationally 1672
recognized statistical rating organization or consisting 1673
exclusively of obligations described in division (A) (1), (2), or 1674

(6) of section 135.143 of the Revised Code and repurchase 1675
agreements secured by such obligations, provided that 1676
investments in securities described in this division are made 1677
only through eligible institutions mentioned in section 135.32 1678
of the Revised Code; 1679

(6) The Ohio subdivision's fund as provided in section 1680
~~135.45~~ 113.07 of the Revised Code; 1681

(7) Securities lending agreements with any eligible 1682
institution mentioned in section 135.32 of the Revised Code that 1683
is a member of the federal reserve system or federal home loan 1684
bank or with any recognized United States government securities 1685
dealer meeting the description in division (J)(1) of this 1686
section, under the terms of which agreements the investing 1687
authority lends securities and the eligible institution or 1688
dealer agrees to simultaneously exchange similar securities or 1689
cash, equal value for equal value. 1690

Securities and cash received as collateral for a 1691
securities lending agreement are not inactive moneys of the 1692
county or moneys of a county public library fund. The investment 1693
of cash collateral received pursuant to a securities lending 1694
agreement may be invested only in instruments specified by the 1695
investing authority in the written investment policy described 1696
in division (K) of this section. 1697

(8) Up to forty per cent of the county's total average 1698
portfolio in either of the following investments: 1699

(a) Commercial paper notes issued by an entity that is 1700
defined in ~~division (K) of~~ section 1706.01 of the Revised Code 1701
and that has assets exceeding five hundred million dollars, to 1702
which notes all of the following apply: 1703

(i) The notes are rated at the time of purchase in the 1704
highest classification established by at least two nationally 1705
recognized statistical rating organizations. 1706

(ii) The aggregate value of the notes does not exceed ten 1707
per cent of the aggregate value of the outstanding commercial 1708
paper of the issuing corporation. 1709

(iii) The notes mature not later than two hundred seventy 1710
days after purchase. 1711

(iv) The investment in commercial paper notes of a single 1712
issuer shall not exceed in the aggregate five per cent of 1713
interim moneys available for investment at the time of purchase. 1714

(b) Bankers acceptances of banks that are insured by the 1715
federal deposit insurance corporation and that mature not later 1716
than one hundred eighty days after purchase. 1717

No investment shall be made pursuant to division (A) (8) of 1718
this section unless the investing authority has completed 1719
additional training for making the investments authorized by 1720
division (A) (8) of this section. The type and amount of 1721
additional training shall be approved by the treasurer of state 1722
and may be conducted by or provided under the supervision of the 1723
treasurer of state. 1724

(9) Up to fifteen per cent of the county's total average 1725
portfolio in notes issued by corporations that are incorporated 1726
under the laws of the United States and that are operating 1727
within the United States, or by depository institutions that are 1728
doing business under authority granted by the United States or 1729
any state and that are operating within the United States, 1730
provided both of the following apply: 1731

(a) The notes are rated in the three highest categories by 1732

at least two nationally recognized statistical rating 1733
organizations at the time of purchase. 1734

(b) The notes mature not later than three years after 1735
purchase. 1736

(10) Debt interests rated at the time of purchase in the 1737
three highest categories by two nationally recognized 1738
statistical rating organizations and issued by foreign nations 1739
diplomatically recognized by the United States government. All 1740
interest and principal shall be denominated and payable in 1741
United States funds. The investments made under division (A) (10) 1742
of this section shall not exceed in the aggregate two per cent 1743
of a county's total average portfolio. 1744

The investing authority shall invest under division (A) 1745
(10) of this section in a debt interest issued by a foreign 1746
nation only if the debt interest is backed by the full faith and 1747
credit of that foreign nation, there is no prior history of 1748
default, and the debt interest matures not later than five years 1749
after purchase. For purposes of division (A) (10) of this 1750
section, a debt interest is rated in the three highest 1751
categories by two nationally recognized statistical rating 1752
organizations if either the debt interest itself or the issuer 1753
of the debt interest is rated, or is implicitly rated, at the 1754
time of purchase in the three highest categories by two 1755
nationally recognized statistical rating organizations. 1756

(11) A current unpaid or delinquent tax line of credit 1757
authorized under division (G) of section 135.341 of the Revised 1758
Code, provided that all of the conditions for entering into such 1759
a line of credit under that division are satisfied, or bonds and 1760
other obligations of a county land reutilization corporation 1761
organized under Chapter 1724. of the Revised Code, if the county 1762

land reutilization corporation is located wholly or partly 1763
within the same county as the investing authority. 1764

(B) Nothing in the classifications of eligible obligations 1765
and securities set forth in divisions (A)(1) to (10) of this 1766
section shall be construed to authorize investment in a 1767
derivative, and no investing authority shall invest any county 1768
inactive moneys or any moneys in a county public library fund in 1769
a derivative. For purposes of this division, "derivative" means 1770
a financial instrument or contract or obligation whose value or 1771
return is based upon or linked to another asset or index, or 1772
both, separate from the financial instrument, contract, or 1773
obligation itself. Any security, obligation, trust account, or 1774
other instrument that is created from an issue of the United 1775
States treasury or is created from an obligation of a federal 1776
agency or instrumentality or is created from both is considered 1777
a derivative instrument. An eligible investment described in 1778
this section with a variable interest rate payment, based upon a 1779
single interest payment or single index comprised of other 1780
eligible investments provided for in division (A)(1) or (2) of 1781
this section, is not a derivative, provided that such variable 1782
rate investment has a maximum maturity of two years. A treasury 1783
inflation-protected security shall not be considered a 1784
derivative, provided the security matures not later than five 1785
years after purchase. 1786

(C) Except as provided in division (A)(4) or (D) of this 1787
section, any investment made pursuant to this section must 1788
mature within five years from the date of settlement, unless the 1789
investment is matched to a specific obligation or debt of the 1790
county or to a specific obligation or debt of a political 1791
subdivision of this state, and the investment is specifically 1792
approved by the investment advisory committee. 1793

(D) The investing authority may also enter into a written 1794
repurchase agreement with any eligible institution mentioned in 1795
section 135.32 of the Revised Code or any eligible securities 1796
dealer pursuant to division (J) of this section, under the terms 1797
of which agreement the investing authority purchases and the 1798
eligible institution or dealer agrees unconditionally to 1799
repurchase any of the securities listed in divisions (D)(1) to 1800
(5), except letters of credit described in division (D)(2), of 1801
section 135.18 of the Revised Code. The market value of 1802
securities subject to an overnight written repurchase agreement 1803
must exceed the principal value of the overnight written 1804
repurchase agreement by at least two per cent. A written 1805
repurchase agreement must exceed the principal value of the 1806
overnight written repurchase agreement, by at least two per 1807
cent. A written repurchase agreement shall not exceed thirty 1808
days, and the market value of securities subject to a written 1809
repurchase agreement must exceed the principal value of the 1810
written repurchase agreement by at least two per cent and be 1811
marked to market daily. All securities purchased pursuant to 1812
this division shall be delivered into the custody of the 1813
investing authority or the qualified custodian of the investing 1814
authority or an agent designated by the investing authority. A 1815
written repurchase agreement with an eligible securities dealer 1816
shall be transacted on a delivery versus payment basis. The 1817
agreement shall contain the requirement that for each 1818
transaction pursuant to the agreement the participating 1819
institution shall provide all of the following information: 1820

(1) The par value of the securities; 1821

(2) The type, rate, and maturity date of the securities; 1822

(3) A numerical identifier generally accepted in the 1823

securities industry that designates the securities. 1824

No investing authority shall enter into a written 1825
repurchase agreement under the terms of which the investing 1826
authority agrees to sell securities owned by the county to a 1827
purchaser and agrees with that purchaser to unconditionally 1828
repurchase those securities. 1829

(E) No investing authority shall make an investment under 1830
this section, unless the investing authority, at the time of 1831
making the investment, reasonably expects that the investment 1832
can be held until its maturity. The investing authority's 1833
written investment policy shall specify the conditions under 1834
which an investment may be redeemed or sold prior to maturity. 1835

(F) No investing authority shall pay a county's inactive 1836
moneys or moneys of a county public library fund into a fund 1837
established by another subdivision, treasurer, governing board, 1838
or investing authority, if that fund was established by the 1839
subdivision, treasurer, governing board, or investing authority 1840
for the purpose of investing or depositing the public moneys of 1841
other subdivisions. This division does not apply to the payment 1842
of public moneys into either of the following: 1843

(1) The Ohio subdivision's fund pursuant to division (A) 1844
(6) of this section; 1845

(2) A fund created solely for the purpose of acquiring, 1846
constructing, owning, leasing, or operating municipal utilities 1847
pursuant to the authority provided under section 715.02 of the 1848
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 1849

For purposes of division (F) of this section, 1850
"subdivision" includes a county. 1851

(G) The use of leverage, in which the county uses its 1852

current investment assets as collateral for the purpose of 1853
purchasing other assets, is prohibited. The issuance of taxable 1854
notes for the purpose of arbitrage is prohibited. Contracting to 1855
sell securities not owned by the county, for the purpose of 1856
purchasing such securities on the speculation that bond prices 1857
will decline, is prohibited. 1858

(H) Any securities, certificates of deposit, deposit 1859
accounts, or any other documents evidencing deposits or 1860
investments made under authority of this section shall be issued 1861
in the name of the county with the county treasurer or investing 1862
authority as the designated payee. If any such deposits or 1863
investments are registrable either as to principal or interest, 1864
or both, they shall be registered in the name of the treasurer. 1865

(I) The investing authority shall be responsible for the 1866
safekeeping of all documents evidencing a deposit or investment 1867
acquired under this section, including, but not limited to, 1868
safekeeping receipts evidencing securities deposited with a 1869
qualified trustee, as provided in section 135.37 of the Revised 1870
Code, and documents confirming the purchase of securities under 1871
any repurchase agreement under this section shall be deposited 1872
with a qualified trustee, provided, however, that the qualified 1873
trustee shall be required to report to the investing authority, 1874
auditor of state, or an authorized outside auditor at any time 1875
upon request as to the identity, market value, and location of 1876
the document evidencing each security, and that if the 1877
participating institution is a designated depository of the 1878
county for the current period of designation, the securities 1879
that are the subject of the repurchase agreement may be 1880
delivered to the treasurer or held in trust by the participating 1881
institution on behalf of the investing authority. 1882

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

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

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

(K) (1) Except as otherwise provided in division (K) (2) of
this section, no investing authority shall make an investment or
deposit under this section, unless there is on file with the
auditor of state a written investment policy approved by the
investing authority. The policy shall require that all entities

conducting investment business with the investing authority 1913
shall sign the investment policy of that investing authority. 1914
All brokers, dealers, and financial institutions, described in 1915
division (J) (1) of this section, initiating transactions with 1916
the investing authority by giving advice or making investment 1917
recommendations shall sign the investing authority's investment 1918
policy thereby acknowledging their agreement to abide by the 1919
policy's contents. All brokers, dealers, and financial 1920
institutions, described in division (J) (1) of this section, 1921
executing transactions initiated by the investing authority, 1922
having read the policy's contents, shall sign the investment 1923
policy thereby acknowledging their comprehension and receipt. 1924

(2) If a written investment policy described in division 1925
(K) (1) of this section is not filed on behalf of the county with 1926
the auditor of state, the investing authority of that county 1927
shall invest the county's inactive moneys and moneys of the 1928
county public library fund only in time certificates of deposits 1929
or savings or deposit accounts pursuant to division (A) (3) of 1930
this section, no-load money market mutual funds pursuant to 1931
division (A) (5) of this section, or the Ohio subdivision's fund 1932
pursuant to division (A) (6) of this section. 1933

(L) (1) The investing authority shall establish and 1934
maintain an inventory of all obligations and securities acquired 1935
by the investing authority pursuant to this section. The 1936
inventory shall include a description of each obligation or 1937
security, including type, cost, par value, maturity date, 1938
settlement date, and any coupon rate. 1939

(2) The investing authority shall also keep a complete 1940
record of all purchases and sales of the obligations and 1941
securities made pursuant to this section. 1942

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

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

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

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

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

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

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

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

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

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

Sec. 135.451. The Ohio history connection and the capitol
square review and advisory board shall be eligible to pay any of
their moneys into the Ohio subdivision's fund, to be invested by
the treasurer of state in the same manner and subject to the

same terms and conditions as public moneys of subdivisions paid 2002
into the fund under section ~~135.45~~ 113.07 of the Revised Code. 2003

Sec. 151.01. (A) As used in sections 151.01 to 151.11 and 2004
151.40 of the Revised Code and in the applicable bond 2005
proceedings unless otherwise provided: 2006

(1) "Bond proceedings" means the resolutions, orders, 2007
agreements, and credit enhancement facilities, and amendments 2008
and supplements to them, or any one or more or combination of 2009
them, authorizing, awarding, or providing for the terms and 2010
conditions applicable to or providing for the security or 2011
liquidity of, the particular obligations, and the provisions 2012
contained in those obligations. 2013

(2) "Bond service fund" means the respective bond service 2014
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 2015
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, 2016
and any accounts in that fund, including all moneys and 2017
investments, and earnings from investments, credited and to be 2018
credited to that fund and accounts as and to the extent provided 2019
in the applicable bond proceedings. 2020

(3) "Capital facilities" means capital facilities or 2021
projects as referred to in section 151.03, 151.04, 151.05, 2022
151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 of the 2023
Revised Code. 2024

(4) "Costs of capital facilities" means the costs of 2025
acquiring, constructing, reconstructing, rehabilitating, 2026
remodeling, renovating, enlarging, improving, equipping, or 2027
furnishing capital facilities, and of the financing of those 2028
costs. "Costs of capital facilities" includes, without 2029
limitation, and in addition to costs referred to in section 2030

151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 2031
151.11, or 151.40 of the Revised Code, the cost of clearance and 2032
preparation of the site and of any land to be used in connection 2033
with capital facilities, the cost of any indemnity and surety 2034
bonds and premiums on insurance, all related direct 2035
administrative expenses and allocable portions of direct costs 2036
of the issuing authority, costs of engineering and architectural 2037
services, designs, plans, specifications, surveys, and estimates 2038
of cost, financing costs, interest on obligations, including but 2039
not limited to, interest from the date of their issuance to the 2040
time when interest is to be paid from sources other than 2041
proceeds of obligations, amounts necessary to establish any 2042
reserves as required by the bond proceedings, the reimbursement 2043
of all moneys advanced or applied by or borrowed from any person 2044
or governmental agency or entity for the payment of any item of 2045
costs of capital facilities, and all other expenses necessary or 2046
incident to planning or determining feasibility or 2047
practicability with respect to capital facilities, and such 2048
other expenses as may be necessary or incident to the 2049
acquisition, construction, reconstruction, rehabilitation, 2050
remodeling, renovation, enlargement, improvement, equipment, and 2051
furnishing of capital facilities, the financing of those costs, 2052
and the placing of the capital facilities in use and operation, 2053
including any one, part of, or combination of those classes of 2054
costs and expenses. For purposes of sections 122.085 to 122.0820 2055
of the Revised Code, "costs of capital facilities" includes 2056
"allowable costs" as defined in section 122.085 of the Revised 2057
Code. 2058

(5) "Credit enhancement facilities," "financing costs," 2059
and "interest" or "interest equivalent" have the same meanings 2060
as in section 133.01 of the Revised Code. 2061

(6) "Debt service" means principal, including any 2062
mandatory sinking fund or redemption requirements for retirement 2063
of obligations, interest and other accreted amounts, interest 2064
equivalent, and any redemption premium, payable on obligations. 2065
If not prohibited by the applicable bond proceedings, debt 2066
service may include costs relating to credit enhancement 2067
facilities that are related to and represent, or are intended to 2068
provide a source of payment of or limitation on, other debt 2069
service. 2070

(7) "Issuing authority" means the Ohio public facilities 2071
commission created in section 151.02 of the Revised Code for 2072
obligations issued under section 151.03, 151.04, 151.05, 151.07, 2073
151.08, 151.09, 151.10, or 151.11 of the Revised Code, or the 2074
treasurer of state, or the officer who by law performs the 2075
functions of that office, for obligations issued under section 2076
151.06 or 151.40 of the Revised Code. 2077

(8) "Net proceeds" means amounts received from the sale of 2078
obligations, excluding amounts used to refund or retire 2079
outstanding obligations, amounts required to be deposited into 2080
special funds pursuant to the applicable bond proceedings, and 2081
amounts to be used to pay financing costs. 2082

(9) "Obligations" means bonds, notes, or other evidences 2083
of obligation of the state, including any appertaining interest 2084
coupons, issued under Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 2085
15 of Article VIII, Ohio Constitution, and pursuant to sections 2086
151.01 to 151.11 or 151.40 of the Revised Code or other general 2087
assembly authorization. 2088

(10) "Principal amount" means the aggregate of the amount 2089
as stated or provided for in the applicable bond proceedings as 2090
the amount on which interest or interest equivalent on 2091

particular obligations is initially calculated. Principal amount 2092
does not include any premium paid to the state by the initial 2093
purchaser of the obligations. "Principal amount" of a capital 2094
appreciation bond, as defined in division (C) of section 3334.01 2095
of the Revised Code, means its face amount, and "principal 2096
amount" of a zero coupon bond, as defined in division (J) of 2097
section 3334.01 of the Revised Code, means the discounted 2098
offering price at which the bond is initially sold to the 2099
public, disregarding any purchase price discount to the original 2100
purchaser, if provided for pursuant to the bond proceedings. 2101

(11) "Special funds" or "funds," unless the context 2102
indicates otherwise, means the bond service fund, and any other 2103
funds, including any reserve funds, created under the bond 2104
proceedings and stated to be special funds in those proceedings, 2105
including moneys and investments, and earnings from investments, 2106
credited and to be credited to the particular fund. Special 2107
funds do not include the school building program assistance fund 2108
created by section 3318.25 of the Revised Code, the higher 2109
education improvement fund created by division (F) of section 2110
154.21 of the Revised Code, the higher education improvement 2111
taxable fund created by division (G) of section 154.21 of the 2112
Revised Code, the highway capital improvement bond fund created 2113
by section 5528.53 of the Revised Code, the state parks and 2114
natural resources fund created by section 1557.02 of the Revised 2115
Code, the coal research and development fund created by section 2116
1555.15 of the Revised Code, the clean Ohio conservation fund 2117
created by section 164.27 of the Revised Code, the job ready 2118
site development fund created by section 122.0820 of the Revised 2119
Code, the third frontier research and development fund created 2120
by section 184.19 of the Revised Code, the third frontier 2121
research and development taxable bond fund created by section 2122

184.191 of the Revised Code, or other funds created by the bond 2123
proceedings that are not stated by those proceedings to be 2124
special funds. 2125

(B) Subject to Section 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15, 2126
and Section 17, of Article VIII, Ohio Constitution, the state, 2127
by the issuing authority, is authorized to issue and sell, as 2128
provided in sections 151.03 to 151.11 or 151.40 of the Revised 2129
Code, and in respective aggregate principal amounts as from time 2130
to time provided or authorized by the general assembly, general 2131
obligations of this state for the purpose of paying costs of 2132
capital facilities or projects identified by or pursuant to 2133
general assembly action. 2134

(C) Each issue of obligations shall be authorized by 2135
resolution or order of the issuing authority. The bond 2136
proceedings shall provide for or authorize the manner for 2137
determining the principal amount or maximum principal amount of 2138
obligations of an issue, the principal maturity or maturities, 2139
the interest rate or rates, the date of and the dates of payment 2140
of interest on the obligations, their denominations, and the 2141
place or places of payment of debt service which may be within 2142
or outside the state. Unless otherwise provided by law, the 2143
latest principal maturity may not be later than the earlier of 2144
the thirty-first day of December of the twenty-fifth calendar 2145
year after the year of issuance of the particular obligations or 2146
of the twenty-fifth calendar year after the year in which the 2147
original obligation to pay was issued or entered into. Sections 2148
9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to 2149
obligations. The purpose of the obligations may be stated in the 2150
bond proceedings in general terms, such as, as applicable, 2151
"financing or assisting in the financing of projects as provided 2152
in Section 2l of Article VIII, Ohio Constitution," "financing or 2153

assisting in the financing of highway capital improvement 2154
projects as provided in Section 2m of Article VIII, Ohio 2155
Constitution," "paying costs of capital facilities for a system 2156
of common schools throughout the state as authorized by Section 2157
2n of Article VIII, Ohio Constitution," "paying costs of capital 2158
facilities for state-supported and state-assisted institutions 2159
of higher education as authorized by Section 2n of Article VIII, 2160
Ohio Constitution," "paying costs of coal research and 2161
development as authorized by Section 15 of Article VIII, Ohio 2162
Constitution," "financing or assisting in the financing of local 2163
subdivision capital improvement projects as authorized by 2164
Section 2m, 2p, and 2s of Article VIII, Ohio Constitution," 2165
"paying costs of conservation projects as authorized by Sections 2166
2o and 2q of Article VIII, Ohio Constitution," "paying costs of 2167
revitalization projects as authorized by Sections 2o and 2q of 2168
Article VIII, Ohio Constitution," "paying costs of preparing 2169
sites for industry, commerce, distribution, or research and 2170
development as authorized by Section 2p of Article VIII, Ohio 2171
Constitution," or "paying costs of research and development as 2172
authorized by Section 2p of Article VIII, Ohio Constitution." 2173

(D) The issuing authority may appoint or provide for the 2174
appointment of paying agents, bond registrars, securities 2175
depositories, clearing corporations, and transfer agents, and 2176
may without need for any other approval retain or contract for 2177
the services of underwriters, investment bankers, financial 2178
advisers, accounting experts, marketing, remarketing, indexing, 2179
and administrative agents, other consultants, and independent 2180
contractors, including printing services, as are necessary in 2181
the judgment of the issuing authority to carry out the issuing 2182
authority's functions under this chapter. When the issuing 2183
authority is the Ohio public facilities commission, the issuing 2184

authority also may without need for any other approval retain or 2185
contract for the services of attorneys and other professionals 2186
for that purpose. Financing costs are payable, as may be 2187
provided in the bond proceedings, from the proceeds of the 2188
obligations, from special funds, or from other moneys available 2189
for the purpose. 2190

(E) The bond proceedings may contain additional provisions 2191
customary or appropriate to the financing or to the obligations 2192
or to particular obligations including, but not limited to, 2193
provisions for: 2194

(1) The redemption of obligations prior to maturity at the 2195
option of the state or of the holder or upon the occurrence of 2196
certain conditions, and at particular price or prices and under 2197
particular terms and conditions; 2198

(2) The form of and other terms of the obligations; 2199

(3) The establishment, deposit, investment, and 2200
application of special funds, and the safeguarding of moneys on 2201
hand or on deposit, in lieu of the applicability of provisions 2202
of Chapter 131. or 135. of the Revised Code, but subject to any 2203
special provisions of sections 151.01 to 151.11 or 151.40 of the 2204
Revised Code with respect to the application of particular funds 2205
or moneys. Any financial institution that acts as a depository 2206
of any moneys in special funds or other funds under the bond 2207
proceedings may furnish indemnifying bonds or pledge securities 2208
as required by the issuing authority. 2209

(4) Any or every provision of the bond proceedings being 2210
binding upon the issuing authority and upon such governmental 2211
agency or entity, officer, board, commission, authority, agency, 2212
department, institution, district, or other person or body as 2213

may from time to time be authorized to take actions as may be 2214
necessary to perform all or any part of the duty required by the 2215
provision; 2216

(5) The maintenance of each pledge or instrument 2217
comprising part of the bond proceedings until the state has 2218
fully paid or provided for the payment of the debt service on 2219
the obligations or met other stated conditions; 2220

(6) In the event of default in any payments required to be 2221
made by the bond proceedings, or by any other agreement of the 2222
issuing authority made as part of a contract under which the 2223
obligations were issued or secured, including a credit 2224
enhancement facility, the enforcement of those payments by 2225
mandamus, a suit in equity, an action at law, or any combination 2226
of those remedial actions; 2227

(7) The rights and remedies of the holders or owners of 2228
obligations or of book-entry interests in them, and of third 2229
parties under any credit enhancement facility, and provisions 2230
for protecting and enforcing those rights and remedies, 2231
including limitations on rights of individual holders or owners; 2232

(8) The replacement of mutilated, destroyed, lost, or 2233
stolen obligations; 2234

(9) The funding, refunding, or advance refunding, or other 2235
provision for payment, of obligations that will then no longer 2236
be outstanding for purposes of this section or of the applicable 2237
bond proceedings; 2238

(10) Amendment of the bond proceedings; 2239

(11) Any other or additional agreements with the owners of 2240
obligations, and such other provisions as the issuing authority 2241
determines, including limitations, conditions, or 2242

qualifications, relating to any of the foregoing. 2243

(F) The great seal of the state or a facsimile of it may 2244
be affixed to or printed on the obligations. The obligations 2245
requiring execution by or for the issuing authority shall be 2246
signed as provided in the bond proceedings. Any obligations may 2247
be signed by the individual who on the date of execution is the 2248
authorized signer although on the date of these obligations that 2249
individual is not an authorized signer. In case the individual 2250
whose signature or facsimile signature appears on any obligation 2251
ceases to be an authorized signer before delivery of the 2252
obligation, that signature or facsimile is nevertheless valid 2253
and sufficient for all purposes as if that individual had 2254
remained the authorized signer until delivery. 2255

(G) Obligations are investment securities under Chapter 2256
1308. of the Revised Code. Obligations may be issued in bearer 2257
or in registered form, registrable as to principal alone or as 2258
to both principal and interest, or both, or in certificated or 2259
uncertificated form, as the issuing authority determines. 2260
Provision may be made for the exchange, conversion, or transfer 2261
of obligations and for reasonable charges for registration, 2262
exchange, conversion, and transfer. Pending preparation of final 2263
obligations, the issuing authority may provide for the issuance 2264
of interim instruments to be exchanged for the final 2265
obligations. 2266

(H) Obligations may be sold at public sale or at private 2267
sale, in such manner, and at such price at, above or below par, 2268
all as determined by and provided by the issuing authority in 2269
the bond proceedings. 2270

(I) Except to the extent that rights are restricted by the 2271
bond proceedings, any owner of obligations or provider of a 2272

credit enhancement facility may by any suitable form of legal 2273
proceedings protect and enforce any rights relating to 2274
obligations or that facility under the laws of this state or 2275
granted by the bond proceedings. Those rights include the right 2276
to compel the performance of all applicable duties of the 2277
issuing authority and the state. Each duty of the issuing 2278
authority and that authority's officers, staff, and employees, 2279
and of each state entity or agency, or using district or using 2280
institution, and its officers, members, staff, or employees, 2281
undertaken pursuant to the bond proceedings, is hereby 2282
established as a duty of the entity or individual having 2283
authority to perform that duty, specifically enjoined by law and 2284
resulting from an office, trust, or station within the meaning 2285
of section 2731.01 of the Revised Code. The individuals who are 2286
from time to time the issuing authority, members or officers of 2287
the issuing authority, or those members' designees acting 2288
pursuant to section 151.02 of the Revised Code, or the issuing 2289
authority's officers, staff, or employees, are not liable in 2290
their personal capacities on any obligations or otherwise under 2291
the bond proceedings. 2292

(J) (1) Subject to Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, 2293
or 15, and Section 17, of Article VIII, Ohio Constitution and 2294
sections 151.01 to 151.11 or 151.40 of the Revised Code, the 2295
issuing authority may, in addition to the authority referred to 2296
in division (B) of this section, authorize and provide for the 2297
issuance of: 2298

(a) Obligations in the form of bond anticipation notes, 2299
and may provide for the renewal of those notes from time to time 2300
by the issuance of new notes. The holders of notes or 2301
appertaining interest coupons have the right to have debt 2302
service on those notes paid solely from the moneys and special 2303

funds that are or may be pledged to that payment, including the 2304
proceeds of bonds or renewal notes or both, as the issuing 2305
authority provides in the bond proceedings authorizing the 2306
notes. Notes may be additionally secured by covenants of the 2307
issuing authority to the effect that the issuing authority and 2308
the state will do all things necessary for the issuance of bonds 2309
or renewal notes in such principal amount and upon such terms as 2310
may be necessary to provide moneys to pay when due the debt 2311
service on the notes, and apply their proceeds to the extent 2312
necessary, to make full and timely payment of debt service on 2313
the notes as provided in the applicable bond proceedings. In the 2314
bond proceedings authorizing the issuance of bond anticipation 2315
notes the issuing authority shall set forth for the bonds 2316
anticipated an estimated schedule of annual principal payments 2317
the latest of which shall be no later than provided in division 2318
(C) of this section. While the notes are outstanding there shall 2319
be deposited, as shall be provided in the bond proceedings for 2320
those notes, from the sources authorized for payment of debt 2321
service on the bonds, amounts sufficient to pay the principal of 2322
the bonds anticipated as set forth in that estimated schedule 2323
during the time the notes are outstanding, which amounts shall 2324
be used solely to pay the principal of those notes or of the 2325
bonds anticipated. 2326

(b) Obligations for the refunding, including funding and 2327
retirement, and advance refunding with or without payment or 2328
redemption prior to maturity, of any obligations previously 2329
issued. Refunding obligations may be issued in amounts 2330
sufficient to pay or to provide for repayment of the principal 2331
amount, including principal amounts maturing prior to the 2332
redemption of the remaining prior obligations, any redemption 2333
premium, and interest accrued or to accrue to the maturity or 2334

redemption date or dates, payable on the prior obligations, and 2335
related financing costs and any expenses incurred or to be 2336
incurred in connection with that issuance and refunding. Subject 2337
to the applicable bond proceedings, the portion of the proceeds 2338
of the sale of refunding obligations issued under division (J) 2339
(1)(b) of this section to be applied to debt service on the 2340
prior obligations shall be credited to an appropriate separate 2341
account in the bond service fund and held in trust for the 2342
purpose by the issuing authority or by a corporate trustee. 2343
Obligations authorized under this division shall be considered 2344
to be issued for those purposes for which the prior obligations 2345
were issued. 2346

(2) Except as otherwise provided in sections 151.01 to 2347
151.11 or 151.40 of the Revised Code, bonds or notes authorized 2348
pursuant to division (J) of this section are subject to the 2349
provisions of those sections pertaining to obligations 2350
generally. 2351

(3) The principal amount of refunding or renewal 2352
obligations issued pursuant to division (J) of this section 2353
shall be in addition to the amount authorized by the general 2354
assembly as referred to in division (B) of the following 2355
sections: section 151.03, 151.04, 151.05, 151.06, 151.07, 2356
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 2357

(K) Obligations are lawful investments for banks, savings 2358
and loan associations, credit union share guaranty corporations, 2359
trust companies, trustees, fiduciaries, insurance companies, 2360
including domestic for life and domestic not for life, trustees 2361
or other officers having charge of sinking and bond retirement 2362
or other special funds of the state and political subdivisions 2363
and taxing districts of this state, the sinking fund, the 2364

administrator of workers' compensation subject to the approval 2365
of the workers' compensation board, the state teachers 2366
retirement system, the public employees retirement system, the 2367
school employees retirement system, and the Ohio police and fire 2368
pension fund, notwithstanding any other provisions of the 2369
Revised Code or rules adopted pursuant to those provisions by 2370
any state agency with respect to investments by them, and are 2371
also acceptable as security for the repayment of the deposit of 2372
public moneys. The exemptions from taxation in Ohio as provided 2373
for in particular sections of the Ohio Constitution and section 2374
5709.76 of the Revised Code apply to the obligations. 2375

(L) (1) Unless otherwise provided or provided for in any 2376
applicable bond proceedings, moneys to the credit of or in a 2377
special fund shall be disbursed on the order of the issuing 2378
authority. No such order is required for the payment, from the 2379
bond service fund or other special fund, when due of debt 2380
service or required payments under credit enhancement 2381
facilities. 2382

(2) Payments received by the state under interest rate 2383
hedges entered into as credit enhancement facilities under this 2384
chapter shall be deposited to the credit of the bond service 2385
fund for the obligations to which those credit enhancement 2386
facilities relate. 2387

(M) The full faith and credit, revenue, and taxing power 2388
of the state are and shall be pledged to the timely payment of 2389
debt service on outstanding obligations as it comes due, all in 2390
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15 of 2391
Article VIII, Ohio Constitution, and section 151.03, 151.04, 2392
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, or 151.11 of the 2393
Revised Code. Moneys referred to in Section 5a of Article XII, 2394

Ohio Constitution, may not be pledged or used for the payment of 2395
debt service except on obligations referred to in section 151.06 2396
of the Revised Code. Net state lottery proceeds, as provided for 2397
and referred to in section 3770.06 of the Revised Code, may not 2398
be pledged or used for the payment of debt service except on 2399
obligations referred to in section 151.03 of the Revised Code. 2400
The state covenants, and that covenant shall be controlling 2401
notwithstanding any other provision of law, that the state and 2402
the applicable officers and agencies of the state, including the 2403
general assembly, shall, so long as any obligations are 2404
outstanding in accordance with their terms, maintain statutory 2405
authority for and cause to be levied, collected and applied 2406
sufficient pledged excises, taxes, and revenues of the state so 2407
that the revenues shall be sufficient in amounts to pay debt 2408
service when due, to establish and maintain any reserves and 2409
other requirements, and to pay financing costs, including costs 2410
of or relating to credit enhancement facilities, all as provided 2411
for in the bond proceedings. Those excises, taxes, and revenues 2412
are and shall be deemed to be levied and collected, in addition 2413
to the purposes otherwise provided for by law, to provide for 2414
the payment of debt service and financing costs in accordance 2415
with sections 151.01 to 151.11 of the Revised Code and the bond 2416
proceedings. 2417

(N) The general assembly may from time to time repeal or 2418
reduce any excise, tax, or other source of revenue pledged to 2419
the payment of the debt service pursuant to Section 2k, 2l, 2m, 2420
2n, 2o, 2p, 2q, 2s, or 15 of Article VIII, Ohio Constitution, 2421
and sections 151.01 to 151.11 or 151.40 of the Revised Code, and 2422
may levy, collect and apply any new or increased excise, tax, or 2423
revenue to meet the pledge, to the payment of debt service on 2424
outstanding obligations, of the state's full faith and credit, 2425

revenue and taxing power, or of designated revenues and 2426
receipts, except fees, excises or taxes referred to in Section 2427
5a of Article XII, Ohio Constitution, for other than obligations 2428
referred to in section 151.06 of the Revised Code and except net 2429
state lottery proceeds for other than obligations referred to in 2430
section 151.03 of the Revised Code. Nothing in division (N) of 2431
this section authorizes any impairment of the obligation of this 2432
state to levy and collect sufficient excises, taxes, and 2433
revenues to pay debt service on obligations outstanding in 2434
accordance with their terms. 2435

(O) Each bond service fund is a trust fund and is hereby 2436
pledged to the payment of debt service on the applicable 2437
obligations. Payment of that debt service shall be made or 2438
provided for by the issuing authority in accordance with the 2439
bond proceedings without necessity for any act of appropriation. 2440
The bond proceedings may provide for the establishment of 2441
separate accounts in the bond service fund and for the 2442
application of those accounts only to debt service on specific 2443
obligations, and for other accounts in the bond service fund 2444
within the general purposes of that fund. 2445

(P) Subject to the bond proceedings pertaining to any 2446
obligations then outstanding in accordance with their terms, the 2447
issuing authority may in the bond proceedings pledge all, or 2448
such portion as the issuing authority determines, of the moneys 2449
in the bond service fund to the payment of debt service on 2450
particular obligations, and for the establishment and 2451
maintenance of any reserves for payment of particular debt 2452
service. 2453

(Q) The issuing authority shall by the fifteenth day of 2454
July of each fiscal year, certify or cause to be certified to 2455

the office of budget and management the total amount of moneys 2456
required during the current fiscal year to meet in full all debt 2457
service on the respective obligations and any related financing 2458
costs payable from the applicable bond service fund and not from 2459
the proceeds of refunding or renewal obligations. The issuing 2460
authority shall make or cause to be made supplemental 2461
certifications to the office of budget and management for each 2462
debt service payment date and at such other times during each 2463
fiscal year as may be provided in the bond proceedings or 2464
requested by that office. Debt service, costs of credit 2465
enhancement facilities, and other financing costs shall be set 2466
forth separately in each certification. If and so long as the 2467
moneys to the credit of the bond service fund, together with any 2468
other moneys available for the purpose, are insufficient to meet 2469
in full all payments when due of the amount required as stated 2470
in the certificate or otherwise, the office of budget and 2471
management shall at the times as provided in the bond 2472
proceedings, and consistent with any particular provisions in 2473
sections 151.03 to 151.11 and 151.40 of the Revised Code, 2474
transfer a sufficient amount to the bond service fund from the 2475
pledged revenues in the case of obligations issued pursuant to 2476
section 151.40 of the Revised Code, and in the case of other 2477
obligations from the revenues derived from excises, taxes, and 2478
other revenues, including net state lottery proceeds in the case 2479
of obligations referred to in section 151.03 of the Revised 2480
Code. 2481

(R) Unless otherwise provided in any applicable bond 2482
proceedings, moneys to the credit of special funds may be 2483
invested by or on behalf of the state only in one or more of the 2484
following: 2485

(1) Notes, bonds, or other direct obligations of the 2486

United States or of any agency or instrumentality of the United 2487
States, or in no-front-end-load money market mutual funds 2488
consisting exclusively of those obligations, or in repurchase 2489
agreements, including those issued by any fiduciary, secured by 2490
those obligations, or in collective investment funds consisting 2491
exclusively of those obligations; 2492

(2) Obligations of this state or any political subdivision 2493
of this state; 2494

(3) Certificates of deposit of any national bank located 2495
in this state and any bank, as defined in section 1101.01 of the 2496
Revised Code, subject to inspection by the superintendent of 2497
financial institutions; 2498

(4) The treasurer of state's pooled investment program 2499
under section ~~135.45~~113.07 of the Revised Code. 2500

The income from investments referred to in division (R) of 2501
this section shall, unless otherwise provided in sections 151.01 2502
to 151.11 or 151.40 of the Revised Code, be credited to special 2503
funds or otherwise as the issuing authority determines in the 2504
bond proceedings. Those investments may be sold or exchanged at 2505
times as the issuing authority determines, provides for, or 2506
authorizes. 2507

(S) The treasurer of state shall have responsibility for 2508
keeping records, making reports, and making payments, relating 2509
to any arbitrage rebate requirements under the applicable bond 2510
proceedings. 2511

Sec. 164.09. (A) The issuer is authorized to issue and 2512
sell, as provided in this section and in amounts from time to 2513
time authorized by the general assembly, general obligations of 2514
this state for the purpose of financing or assisting in the 2515

financing of the costs of public infrastructure capital 2516
improvements for local subdivisions. The full faith and credit, 2517
revenues, and taxing power of the state are and shall be pledged 2518
to the timely payment of bond service charges on outstanding 2519
obligations, all in accordance with Section 2k or 2m of Article 2520
VIII, Ohio Constitution and sections 164.09 to 164.12 of the 2521
Revised Code, excluding from that pledge fees, excises, or taxes 2522
relating to the registration, operation, or use of vehicles on 2523
the public highways, or to fuels used for propelling those 2524
vehicles, and so long as such obligations are outstanding there 2525
shall be levied and collected excises and taxes, excluding those 2526
excepted above, in amounts sufficient to pay the bond service 2527
charges on such obligations and costs relating to credit 2528
facilities. 2529

(B) (1) The total principal amount of obligations issued 2530
pursuant to Section 2k of Article VIII, Ohio Constitution shall 2531
not exceed one billion two hundred million dollars, and not more 2532
than one hundred twenty million dollars in principal amount of 2533
obligations may be issued in any calendar year, all determined 2534
as provided in sections 164.09 to 164.12 of the Revised Code. 2535

(2) The total principal amount of obligations issued for 2536
the purposes of this section pursuant to Section 2m of Article 2537
VIII, Ohio Constitution, shall not exceed one billion two 2538
hundred million dollars. Not more than one hundred twenty 2539
million dollars in principal amount of such obligations, plus 2540
the principal amount of such obligations that in any prior 2541
fiscal years could have been but were not issued within the one- 2542
hundred-twenty-million-dollar fiscal year limit, may be issued 2543
in any fiscal year. No obligations shall be issued for the 2544
purposes of this section pursuant to Section 2m of Article VIII, 2545
Ohio Constitution, until at least one billion one hundred 2546

ninety-nine million five hundred thousand dollars aggregate 2547
principal amount of obligations have been issued pursuant to 2548
Section 2k of Article VIII, Ohio Constitution. The amounts 2549
specified under division (B) (2) of this section shall be 2550
determined as provided in sections 164.09 to 164.12 of the 2551
Revised Code. 2552

(C) Each issue of obligations shall be authorized by order 2553
of the issuer. The bond proceedings shall provide for the 2554
principal amount or maximum principal amount of obligations of 2555
an issue, and shall provide for or authorize the manner or 2556
agency for determining the principal maturity or maturities, not 2557
exceeding the earlier of thirty years from the date of issuance 2558
of the particular obligations or thirty years from the date the 2559
debt represented by the particular obligations was originally 2560
contracted, the interest rate or rates, the date of and the 2561
dates of payment of interest on the obligations, their 2562
denominations, and the establishment within or without the state 2563
of a place or places of payment of bond service charges. 2564
Sections 9.96 and 9.98 to 9.983 of the Revised Code are 2565
applicable to the obligations. The purpose of the obligations 2566
may be stated in the bond proceedings as "financing or assisting 2567
in the financing of local subdivisions capital improvement 2568
projects." 2569

(D) The proceeds of the obligations, except for any 2570
portion to be deposited in special funds, or in escrow funds for 2571
the purpose of refunding outstanding obligations, all as may be 2572
provided in the bond proceedings, shall be deposited to the 2573
state capital improvements fund established by section 164.08 of 2574
the Revised Code. 2575

(E) The issuer may appoint paying agents, bond registrars, 2576

securities depositories, and transfer agents, and may retain the 2577
services of financial advisers and accounting experts, and 2578
retain or contract for the services of marketing, remarketing, 2579
indexing, and administrative agents, other consultants, and 2580
independent contractors, including printing services, as are 2581
necessary in the issuer's judgment to carry out sections 164.01 2582
to 164.12 of the Revised Code. Financing costs are payable, as 2583
provided in the bond proceedings, from the proceeds of the 2584
obligations, from special funds, or from other moneys available 2585
for the purpose. 2586

(F) The bond proceedings, including any trust agreement, 2587
may contain additional provisions customary or appropriate to 2588
the financing or to the obligations or to particular 2589
obligations, including but not limited to: 2590

(1) The redemption of obligations prior to maturity at the 2591
option of the state or of the holder or upon the occurrence of 2592
certain conditions at such price or prices and under such terms 2593
and conditions as are provided in the bond proceedings; 2594

(2) The form of and other terms of the obligations; 2595

(3) The establishment, deposit, investment, and 2596
application of special funds, and the safeguarding of moneys on 2597
hand or on deposit, without regard to Chapter 131. or 135. of 2598
the Revised Code, but subject to any special provisions of this 2599
section with respect to particular funds or moneys, and provided 2600
that any bank or trust company that acts as a depository of any 2601
moneys in special funds may furnish such indemnifying bonds or 2602
may pledge such securities as required by the issuer; 2603

(4) Any or every provision of the bond proceedings binding 2604
upon the issuer and such state agency or local subdivision, 2605

officer, board, commission, authority, agency, department, or 2606
other person or body as may from time to time have the authority 2607
under law to take such actions as may be necessary to perform 2608
all or any part of the duty required by such provision; 2609

(5) The maintenance of each pledge, any trust agreement, 2610
or other instrument comprising part of the bond proceedings 2611
until the state has fully paid or provided for the payment of 2612
the bond service charges on the obligations or met other stated 2613
conditions; 2614

(6) In the event of default in any payments required to be 2615
made by the bond proceedings, or any other agreement of the 2616
issuer made as a part of a contract under which the obligations 2617
were issued or secured, the enforcement of such payments or 2618
agreements by mandamus, suit in equity, action at law, or any 2619
combination of the foregoing; 2620

(7) The rights and remedies of the holders of obligations 2621
and of the trustee under any trust agreement, and provisions for 2622
protecting and enforcing them, including limitations on rights 2623
of individual holders of obligations; 2624

(8) The replacement of any obligations that become 2625
mutilated or are destroyed, lost, or stolen; 2626

(9) Provision for the funding, refunding, or advance 2627
refunding or other provision for payment of obligations which 2628
will then no longer be outstanding for purposes of this section 2629
or of the bond proceedings; 2630

(10) Any provision that may be made in bond proceedings or 2631
a trust agreement, including provision for amendment of the bond 2632
proceedings; 2633

(11) Such other provisions as the issuer determines, 2634

including limitations, conditions, or qualifications relating to 2635
any of the foregoing; 2636

(12) Any other or additional agreements with the holders 2637
of the obligations relating to the obligations or the security 2638
for the obligations. 2639

(G) The great seal of the state or a facsimile of that 2640
seal may be affixed to or printed on the obligations. The 2641
obligations requiring signature by the issuer shall be signed by 2642
or bear the facsimile signature of the issuer as provided in the 2643
bond proceedings. Any obligations may be signed by the person 2644
who, on the date of execution, is the authorized signer although 2645
on the date of such obligations such person was not the issuer. 2646
In case the person whose signature or a facsimile of whose 2647
signature appears on any obligation ceases to be the issuer 2648
before delivery of the obligation, such signature or facsimile 2649
is nevertheless valid and sufficient for all purposes as if the 2650
person had remained the member until such delivery, and in case 2651
the seal to be affixed to or printed on obligations has been 2652
changed after the seal has been affixed to or a facsimile of the 2653
seal has been printed on the obligations, that seal or facsimile 2654
seal shall continue to be sufficient as to those obligations and 2655
obligations issued in substitution or exchange therefor. 2656

(H) The obligations are negotiable instruments and 2657
securities under Chapter 1308. of the Revised Code, subject to 2658
the provisions of the bond proceedings as to registration. 2659
Obligations may be issued in coupon or in fully registered form, 2660
or both, as the issuer determines. Provision may be made for the 2661
registration of any obligations with coupons attached as to 2662
principal alone or as to both principal and interest, their 2663
exchange for obligations so registered, and for the conversion 2664

or reconversion into obligations with coupons attached of any 2665
obligations registered as to both principal and interest, and 2666
for reasonable charges for such registration, exchange, 2667
conversion, and reconversion. Pending preparation of definitive 2668
obligations, the issuer may issue interim receipts or 2669
certificates which shall be exchanged for such definitive 2670
obligations. 2671

(I) Obligations may be sold at public sale or at private 2672
sale, and at such price at, above, or below par, as determined 2673
by the issuer in the bond proceedings. 2674

(J) In the discretion of the issuer, obligations may be 2675
secured additionally by a trust agreement between the state and 2676
a corporate trustee which may be any trust company or bank 2677
having a place of business within the state. Any trust agreement 2678
may contain the order authorizing the issuance of the 2679
obligations, any provisions that may be contained in the bond 2680
proceedings, and other provisions that are customary or 2681
appropriate in an agreement of the type. 2682

(K) Except to the extent that their rights are restricted 2683
by the bond proceedings, any holder of obligations, or a trustee 2684
under the bond proceedings, may by any suitable form of legal 2685
proceedings protect and enforce any rights under the laws of 2686
this state or granted by the bond proceedings. Such rights 2687
include the right to compel the performance of all duties of the 2688
issuer and the state. Each duty of the issuer and the issuer's 2689
employees, and of each state agency and local public entity and 2690
its officers, members, or employees, undertaken pursuant to the 2691
bond proceedings, is hereby established as a duty of the issuer, 2692
and of each such agency, local subdivision, officer, member, or 2693
employee having authority to perform such duty, specifically 2694

enjoined by the law and resulting from an office, trust, or 2695
station within the meaning of section 2731.01 of the Revised 2696
Code. The persons who are at the time the issuer, or the 2697
issuer's employees, are not liable in their personal capacities 2698
on any obligations or any agreements of or with the issuer 2699
relating to obligations or under the bond proceedings. 2700

(L) Obligations are lawful investments for banks, 2701
societies for savings, savings and loan associations, deposit 2702
guarantee associations, trust companies, trustees, fiduciaries, 2703
insurance companies, including domestic for life and domestic 2704
not for life, trustees or other officers having charge of 2705
sinking and bond retirement or other special funds of political 2706
subdivisions and taxing districts of this state, the 2707
commissioners of the sinking fund, the administrator of workers' 2708
compensation, the state teachers retirement system, the public 2709
employees retirement system, the school employees retirement 2710
system, and the Ohio police and fire pension fund, 2711
notwithstanding any other provisions of the Revised Code or 2712
rules adopted pursuant thereto by any state agency with respect 2713
to investments by them, and are also acceptable as security for 2714
the deposit of public moneys. 2715

(M) Unless otherwise provided in any applicable bond 2716
proceedings, moneys to the credit of or in the special funds 2717
established by or pursuant to this section may be invested by or 2718
on behalf of the issuer only in notes, bonds, or other direct 2719
obligations of the United States or of any agency or 2720
instrumentality of the United States, in obligations of this 2721
state or any political subdivision of this state, in 2722
certificates of deposit of any national bank located in this 2723
state and any bank, as defined in section 1101.01 of the Revised 2724
Code, subject to inspection by the superintendent of financial 2725

institutions, in the Ohio subdivision's fund established 2726
pursuant to section ~~135.45~~ 113.07 of the Revised Code, in no- 2727
front-end-load money market mutual funds consisting exclusively 2728
of direct obligations of the United States or of an agency or 2729
instrumentality of the United States, and in repurchase 2730
agreements, including those issued by any fiduciary, secured by 2731
direct obligations of the United States or an agency or 2732
instrumentality of the United States, and in collective 2733
investment funds established in accordance with section 1111.14 2734
of the Revised Code and consisting exclusively of direct 2735
obligations of the United States or of an agency or 2736
instrumentality of the United States, notwithstanding division 2737
(A) (1) (c) of that section. The income from investments shall be 2738
credited to such special funds or otherwise as the issuer 2739
determines in the bond proceedings, and the investments may be 2740
sold or exchanged at such times as the issuer determines or 2741
authorizes. 2742

(N) Unless otherwise provided in any applicable bond 2743
proceedings, moneys to the credit of or in a special fund shall 2744
be disbursed on the order of the issuer, provided that no such 2745
order is required for the payment from the bond service fund or 2746
other special fund when due of bond service charges or required 2747
payments under credit facilities. 2748

(O) The issuer may covenant in the bond proceedings, and 2749
any such covenants shall be controlling notwithstanding any 2750
other provision of law, that the state and the applicable 2751
officers and agencies of the state, including the general 2752
assembly, so long as any obligations are outstanding in 2753
accordance with their terms, shall maintain statutory authority 2754
for and cause to be charged and collected taxes, excises, and 2755
other receipts of the state so that the receipts to the bond 2756

service fund shall be sufficient in amounts to meet bond service 2757
charges and for the establishment and maintenance of any 2758
reserves and other requirements, including payment of financing 2759
costs, provided for in the bond proceedings. 2760

(P) The obligations, and the transfer of, and the interest 2761
and other income from, including any profit made on the sale, 2762
transfer, or other disposition of, the obligations shall at all 2763
times be free from taxation, direct or indirect, within the 2764
state. 2765

(Q) Unless a judicial action or proceeding challenging the 2766
validity of obligations is commenced by personal service on the 2767
treasurer of state prior to the initial delivery of an issue of 2768
the obligations, the obligations of that issue and the bond 2769
proceedings pertaining to that issue are incontestable and those 2770
obligations shall be conclusively considered to be and to have 2771
been issued, secured, payable, sold, executed, and delivered, 2772
and the bond proceedings relating to them taken, in conformity 2773
with law if all of the following apply to the obligations: 2774

(1) They state that they are issued under the provisions 2775
of this section and comply on their face with those provisions; 2776

(2) They are issued within the limitations prescribed by 2777
this section; 2778

(3) Their purchase price has been paid in full; 2779

(4) They state that all the bond proceedings were held in 2780
compliance with law, which statement creates a conclusive 2781
presumption that the bond proceedings were held in compliance 2782
with all laws, including section 121.22 of the Revised Code, 2783
where applicable, and rules. 2784

(R) This section applies only with respect to obligations 2785

issued and delivered before September 30, 2000. 2786

Sec. 183.51. (A) As used in this section and in the 2787
applicable bond proceedings unless otherwise provided: 2788

(1) "Bond proceedings" means the resolutions, orders, 2789
indentures, purchase and sale and trust and other agreements 2790
including any amendments or supplements to them, and credit 2791
enhancement facilities, and amendments and supplements to them, 2792
or any one or more or combination of them, authorizing, 2793
awarding, or providing for the terms and conditions applicable 2794
to or providing for the security or liquidity of, the particular 2795
obligations, and the provisions contained in those obligations. 2796

(2) "Bond service fund" means the bond service fund 2797
created in the bond proceedings for the obligations. 2798

(3) "Capital facilities" means, as applicable, capital 2799
facilities or projects as referred to in section 151.03 or 2800
151.04 of the Revised Code. 2801

(4) "Consent decree" means the consent decree and final 2802
judgment entered November 25, 1998, in the court of common pleas 2803
of Franklin county, Ohio, as the same may be amended or 2804
supplemented from time to time. 2805

(5) "Cost of capital facilities" has the same meaning as 2806
in section 151.01 of the Revised Code, as applicable. 2807

(6) "Credit enhancement facilities," "financing costs," 2808
and "interest" or "interest equivalent" have the same meanings 2809
as in section 133.01 of the Revised Code. 2810

(7) "Debt service" means principal, including any 2811
mandatory sinking fund or redemption requirements for retirement 2812
of obligations, interest and other accreted amounts, interest 2813

equivalent, and any redemption premium, payable on obligations. 2814
If not prohibited by the applicable bond proceedings, "debt 2815
service" may include costs relating to credit enhancement 2816
facilities that are related to and represent, or are intended to 2817
provide a source of payment of or limitation on, other debt 2818
service. 2819

(8) "Improvement fund" means, as applicable, the school 2820
building program assistance fund created in section 3318.25 of 2821
the Revised Code and the higher education improvement fund 2822
created in section 154.21 of the Revised Code. 2823

(9) "Issuing authority" means the buckeye tobacco 2824
settlement financing authority created in section 183.52 of the 2825
Revised Code. 2826

(10) "Net proceeds" means amounts received from the sale 2827
of obligations, excluding amounts used to refund or retire 2828
outstanding obligations, amounts required to be deposited into 2829
special funds pursuant to the applicable bond proceedings, and 2830
amounts to be used to pay financing costs. 2831

(11) "Obligations" means bonds, notes, or other evidences 2832
of obligation of the issuing authority, including any 2833
appertaining interest coupons, issued by the issuing authority 2834
under this section and Section 2i of Article VIII, Ohio 2835
Constitution, for the purpose of providing funds to the state, 2836
in exchange for the assignment and sale described in division 2837
(B) of this section, for the purpose of paying costs of capital 2838
facilities for: (a) housing branches and agencies of state 2839
government limited to facilities for a system of common schools 2840
throughout the state and (b) state-supported or state-assisted 2841
institutions of higher education. 2842

(12) "Pledged receipts" means, as and to the extent 2843
provided for in the applicable bond proceedings: 2844

(a) Pledged tobacco settlement receipts; 2845

(b) Accrued interest received from the sale of 2846
obligations; 2847

(c) Income from the investment of the special funds; 2848

(d) Additional or any other specific revenues or receipts 2849
lawfully available to be pledged, and pledged, pursuant to the 2850
bond proceedings, including but not limited to amounts received 2851
under credit enhancement facilities, to the payment of debt 2852
service. 2853

(13) "Pledged tobacco settlement receipts" means all 2854
amounts received by the issuing authority pursuant to division 2855
(B) of this section. 2856

(14) "Principal amount" means the aggregate of the amount 2857
as stated or provided for in the applicable bond proceedings as 2858
the amount on which interest or interest equivalent on 2859
particular obligations is initially calculated. "Principal 2860
amount" does not include any premium paid to the issuing 2861
authority by the initial purchaser of the obligations. 2862
"Principal amount" of a capital appreciation bond, as defined in 2863
division (C) of section 3334.01 of the Revised Code, means its 2864
original face amount and not its accreted value, and "principal 2865
amount" of a zero coupon bond, as defined in division (J) of 2866
section 3334.01 of the Revised Code, means the discounted 2867
offering price at which the bond is initially sold to the 2868
public, disregarding any purchase price discount to the original 2869
purchaser, if provided in or for pursuant to the bond 2870
proceedings. 2871

(15) "Special funds" or "funds," unless the context 2872
indicates otherwise, means the bond service fund, and any other 2873
funds, including any reserve funds, created under the bond 2874
proceedings and stated to be special funds in those proceedings, 2875
including moneys and investments, and earnings from investments, 2876
credited and to be credited to the particular fund. "Special 2877
funds" does not include any improvement fund or investment 2878
earnings on amounts in any improvement fund, or other funds 2879
created by the bond proceedings that are not stated by those 2880
proceedings to be special funds. 2881

(B) The state may assign and sell to the issuing 2882
authority, and the issuing authority may accept and purchase, 2883
all or a portion of the amounts to be received by the state 2884
under the tobacco master settlement agreement for a purchase 2885
price payable by the issuing authority to the state consisting 2886
of the net proceeds of obligations and any residual interest, if 2887
any. Any such assignment and sale shall be irrevocable in 2888
accordance with its terms during the period any obligations 2889
secured by amounts so assigned and sold are outstanding under 2890
the applicable bond proceedings, and shall constitute a 2891
contractual obligation to the holders or owners of those 2892
obligations. Any such assignment and sale shall also be treated 2893
as an absolute transfer and true sale for all purposes, and not 2894
as a pledge or other security interest. The characterization of 2895
any such assignment and sale as a true sale and absolute 2896
transfer shall not be negated or adversely affected by only a 2897
portion of the amounts to be received under the tobacco master 2898
settlement agreement being transferred, the acquisition or 2899
retention by the state of a residual interest, the participation 2900
of any state officer or employee as a member or officer of, or 2901
providing staff support to, the issuing authority, any 2902

responsibility of an officer or employee of the state for 2903
collecting the amounts to be received under the tobacco master 2904
settlement agreement or otherwise enforcing that agreement or 2905
retaining any legal title to or interest in any portion of the 2906
amounts to be received under that agreement for the purpose of 2907
these collection activities, any characterization of the issuing 2908
authority or its obligations for purposes of accounting, 2909
taxation, or securities regulation, or by any other factors 2910
whatsoever. A true sale shall exist under this section 2911
regardless of whether the issuing authority has any recourse 2912
against the state or any other term of the bond proceedings or 2913
the treatment or characterization of the transfer as a financing 2914
for any purpose. Upon and following the assignment and sale, the 2915
state shall not have any right, title, or interest in the 2916
portion of the receipts under the tobacco master settlement 2917
agreement so assigned and sold, other than any residual interest 2918
that may be described in the applicable bond proceedings for 2919
those obligations, and that portion, if any, shall be the 2920
property of the issuing authority and not of the state, and 2921
shall be paid directly to the issuing authority, and shall be 2922
owned, received, held, and disbursed by the issuing authority 2923
and not by the state. 2924

The state may covenant, pledge, and agree in the bond 2925
proceedings, with and for the benefit of the issuing authority, 2926
the holders and owners of obligations, and providers of any 2927
credit enhancement facilities, that it shall: (1) maintain 2928
statutory authority for, and cause to be collected and paid 2929
directly to the issuing authority or its assignee, the pledged 2930
receipts, (2) enforce the rights of the issuing authority to 2931
receive the receipts under the tobacco master settlement 2932
agreement assigned and sold to the issuing authority, (3) not 2933

materially impair the rights of the issuing authority to fulfill 2934
the terms of its agreements with the holders or owners of 2935
outstanding obligations under the bond proceedings, (4) not 2936
materially impair the rights and remedies of the holders or 2937
owners of outstanding obligations or materially impair the 2938
security for those outstanding obligations, and (5) enforce 2939
Chapter 1346. of the Revised Code, the tobacco master settlement 2940
agreement, and the consent decree to effectuate the collection 2941
of the pledged tobacco settlement receipts. The bond proceedings 2942
may provide or authorize the manner for determining material 2943
impairment of the security for any outstanding obligations, 2944
including by assessing and evaluating the pledged receipts in 2945
the aggregate. 2946

As further provided for in division (H) of this section, 2947
the bond proceedings may also include such other covenants, 2948
pledges, and agreements by the state to protect and safeguard 2949
the security and rights of the holders and owners of the 2950
obligations, and of the providers of any credit enhancement 2951
facilities, including, without limiting the generality of the 2952
foregoing, any covenant, pledge, or agreement customary in 2953
transactions involving the issuance of securities the debt 2954
service on which is payable from or secured by amounts received 2955
under the tobacco master settlement agreement. Notwithstanding 2956
any other provision of law, any covenant, pledge, and agreement 2957
of the state, if and when made in the bond proceedings, shall be 2958
controlling and binding upon, and enforceable against the state 2959
in accordance with its terms for so long as any obligations are 2960
outstanding under the applicable bond proceedings. The bond 2961
proceedings may also include limitations on the remedies 2962
available to the issuing authority, the holders and owners of 2963
the obligations, and the providers of any credit enhancement 2964

facilities, including, without limiting the generality of the 2965
foregoing, a provision that those remedies may be limited to 2966
injunctive relief in circumstances where there has been no prior 2967
determination by a court of competent jurisdiction that the 2968
state has not enforced Chapter 1346. of the Revised Code, the 2969
tobacco master settlement agreement, or the consent decree as 2970
may have been covenanted or agreed in the bond proceedings under 2971
division (B) (5) of this section. 2972

Nothing in this section or the bond proceedings shall 2973
preclude or limit, or be construed to preclude or limit, the 2974
state from regulating or authorizing or permitting the 2975
regulation of smoking or from taxing and regulating the sale of 2976
cigarettes or other tobacco products, or from defending or 2977
prosecuting cases or other actions relating to the sale or use 2978
of cigarettes or other tobacco products. Except as otherwise may 2979
be agreed in writing by the attorney general, nothing in this 2980
section or the bond proceedings shall modify or limit, or be 2981
construed to modify or limit, the responsibility, power, 2982
judgment, and discretion of the attorney general to protect and 2983
discharge the duties, rights, and obligations of the state under 2984
the tobacco master settlement agreement, the consent decree, or 2985
Chapter 1346. of the Revised Code. 2986

The governor and the director of budget and management, in 2987
consultation with the attorney general, on behalf of the state, 2988
and any member or officer of the issuing authority as authorized 2989
by that issuing authority, on behalf of the issuing authority, 2990
may take any action and execute any documents, including any 2991
purchase and sale agreements, necessary to effect the assignment 2992
and sale and the acceptance of the assignment and title to the 2993
receipts including, providing irrevocable direction to the 2994
escrow agent acting under the tobacco master settlement 2995

agreement to transfer directly to the issuing authority the 2996
amounts to be received under that agreement that are subject to 2997
such assignment and sale. Any purchase and sale agreement or 2998
other bond proceedings may contain the terms and conditions 2999
established by the state and the issuing authority to carry out 3000
and effectuate the purposes of this section, including, without 3001
limitation, covenants binding the state in favor of the issuing 3002
authority and its assignees and the owners of the obligations. 3003
Any such purchase and sale agreement shall be sufficient to 3004
effectuate such purchase and sale without regard to any other 3005
laws governing other property sales or financial transactions by 3006
the state. 3007

Not later than two years following the date on which there 3008
are no longer any obligations outstanding under the bond 3009
proceedings, all assets of the issuing authority shall vest in 3010
the state, the issuing authority shall execute any necessary 3011
assignments or instruments, including any assignment of any 3012
right, title, or ownership to the state for receipt of amounts 3013
under the tobacco master settlement agreement, and the issuing 3014
authority shall be dissolved. 3015

(C) The issuing authority is authorized to issue and to 3016
sell obligations as provided in this section. The aggregate 3017
principal amount of obligations issued under this section shall 3018
not exceed six billion dollars, exclusive of obligations issued 3019
under division (M) (1) of this section to refund, renew, or 3020
advance refund other obligations issued or incurred. At least 3021
seventy-five per cent of the aggregate net proceeds of the 3022
obligations issued under the authority of this section, 3023
exclusive of obligations issued to refund, renew, or advance 3024
refund other obligations, shall be paid to the state for deposit 3025
into the school building program assistance fund created in 3026

section 3318.25 of the Revised Code. 3027

(D) Each issue of obligations shall be authorized by 3028
resolution or order of the issuing authority. The bond 3029
proceedings shall provide for or authorize the manner for 3030
determining the principal amount or maximum principal amount of 3031
obligations of an issue, the principal maturity or maturities, 3032
the interest rate or rates, the date of and the dates of payment 3033
of interest on the obligations, their denominations, and the 3034
place or places of payment of debt service which may be within 3035
or outside the state. Unless otherwise provided by law, the 3036
latest principal maturity may not be later than the earlier of 3037
the thirty-first day of December of the fiftieth calendar year 3038
after the year of issuance of the particular obligations or of 3039
the fiftieth calendar year after the year in which the original 3040
obligation to pay was issued or entered into. Sections 9.96, 3041
9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to the 3042
obligations. 3043

The purpose of the obligations may be stated in the bond 3044
proceedings in general terms, such as, as applicable, "paying 3045
costs of capital facilities for a system of common schools" and 3046
"paying costs of facilities for state-supported and state- 3047
assisted institutions of higher education." Unless otherwise 3048
provided in the bond proceedings or in division (C) of this 3049
section, the net proceeds from the issuance of the obligations 3050
shall be paid to the state for deposit into the applicable 3051
improvement fund. In addition to the investments authorized in 3052
Chapter 135. of the Revised Code, the net proceeds held in an 3053
improvement fund may be invested by the treasurer of state in 3054
guaranteed investment contracts with providers rated at the time 3055
of any investment in the three highest rating categories by two 3056
nationally recognized rating agencies, all subject to the terms 3057

and conditions set forth in those agreements or the bond 3058
proceedings. Notwithstanding anything to the contrary in Chapter 3059
3318. of the Revised Code, net proceeds of obligations deposited 3060
into the school building program assistance fund created in 3061
section 3318.25 of the Revised Code may be used to pay basic 3062
project costs under that chapter at the times determined by the 3063
Ohio facilities construction commission without regard to 3064
whether those expenditures are in proportion to the state's and 3065
the school district's respective shares of that basic project 3066
cost; provided that this shall not result in any change in the 3067
state or school district shares of the basic project costs as 3068
determined under that chapter. As used in the preceding 3069
sentence, "Ohio facilities construction commission" and "basic 3070
project costs" have the same meanings as in section 3318.01 of 3071
the Revised Code. 3072

(E) The issuing authority may, without need for any other 3073
approval, appoint or provide for the appointment of paying 3074
agents, bond registrars, securities depositories, credit 3075
enhancement providers or counterparties, clearing corporations, 3076
and transfer agents, and retain or contract for the services of 3077
underwriters, investment bankers, financial advisers, accounting 3078
experts, marketing, remarketing, indexing, and administrative 3079
agents, other consultants, and independent contractors, 3080
including printing services, as are necessary in the judgment of 3081
the issuing authority to carry out the issuing authority's 3082
functions under this section and section 183.52 of the Revised 3083
Code. The attorney general as counsel to the issuing authority 3084
shall represent the authority in the execution of its powers and 3085
duties, and shall institute and prosecute all actions on its 3086
behalf. The issuing authority, in consultation with the attorney 3087
general, shall select counsel, and the attorney general shall 3088

appoint the counsel selected, for the purposes of carrying out 3089
the functions under this section and related sections of the 3090
Revised Code. Financing costs are payable, as may be provided in 3091
the bond proceedings, from the proceeds of the obligations, from 3092
special funds, or from other moneys available for the purpose, 3093
including as to future financing costs, from the pledged 3094
receipts. 3095

(F) The issuing authority may irrevocably pledge and 3096
assign all, or such portion as the issuing authority determines, 3097
of the pledged receipts to the payment of the debt service 3098
charges on obligations issued under this section, and for the 3099
establishment and maintenance of any reserves, as provided in 3100
the bond proceedings, and make other provisions in the bond 3101
proceedings with respect to pledged receipts as authorized by 3102
this section, which provisions are controlling notwithstanding 3103
any other provisions of law pertaining to them. Any and all 3104
pledged receipts received by the issuing authority and required 3105
by the bond proceedings, consistent with this section, to be 3106
deposited, transferred, or credited to the bond service fund, 3107
and all other money transferred or allocated to or received for 3108
the purposes of that fund, shall be deposited and credited to 3109
the bond service fund created in the bond proceedings for the 3110
obligations, subject to any applicable provisions of those bond 3111
proceedings, but without necessity for any act of appropriation. 3112
Those pledged receipts shall immediately be subject to the lien 3113
of that pledge without any physical delivery thereof or further 3114
act, and shall not be subject to other court judgments. The lien 3115
of the pledge of those pledged receipts shall be valid and 3116
binding against all parties having claims of any kind against 3117
the issuing authority, irrespective of whether those parties 3118
have notice thereof. The pledge shall create a perfected 3119

security interest for all purposes of Chapter 1309. of the 3120
Revised Code and a perfected lien for purposes of any other 3121
interest, all without the necessity for separation or delivery 3122
of funds or for the filing or recording of the applicable bond 3123
proceedings by which that pledge is created or any certificate, 3124
statement, or other document with respect thereto. The pledge of 3125
the pledged receipts shall be effective and the money therefrom 3126
and thereof may be applied to the purposes for which pledged. 3127

(G) Obligations may be further secured, as determined by 3128
the issuing authority, by an indenture or a trust agreement 3129
between the issuing authority and a corporate trustee, which may 3130
be any trust company or bank having a place of business within 3131
the state. Any indenture or trust agreement may contain the 3132
resolution or order authorizing the issuance of the obligations, 3133
any provisions that may be contained in any bond proceedings, 3134
and other provisions that are customary or appropriate in an 3135
agreement of that type, including, but not limited to: 3136

(1) Maintenance of each pledge, indenture, trust 3137
agreement, or other instrument comprising part of the bond 3138
proceedings until the issuing authority has fully paid or 3139
provided for the payment of debt service on the obligations 3140
secured by it; 3141

(2) In the event of default in any payments required to be 3142
made by the bond proceedings, enforcement of those payments or 3143
agreements by mandamus, the appointment of a receiver, suit in 3144
equity, action at law, or any combination of them; 3145

(3) The rights and remedies of the holders or owners of 3146
obligations and of the trustee and provisions for protecting and 3147
enforcing them, including limitations on rights of individual 3148
holders and owners. 3149

(H) The bond proceedings may contain additional provisions 3150
customary or appropriate to the financing or to the obligations 3151
or to particular obligations including, but not limited to, 3152
provisions for: 3153

(1) The redemption of obligations prior to maturity at the 3154
option of the issuing authority or of the holder or upon the 3155
occurrence of certain conditions, and at a particular price or 3156
prices and under particular terms and conditions; 3157

(2) The form of and other terms of the obligations; 3158

(3) The establishment, deposit, investment, and 3159
application of special funds, and the safeguarding of moneys on 3160
hand or on deposit, in lieu of the applicability of provisions 3161
of Chapter 131. or 135. of the Revised Code, but subject to any 3162
special provisions of this section with respect to the 3163
application of particular funds or moneys. Any financial 3164
institution that acts as a depository of any moneys in special 3165
funds or other funds under the bond proceedings may furnish 3166
indemnifying bonds or pledge securities as required by the 3167
issuing authority. 3168

(4) Any or every provision of the bond proceedings being 3169
binding upon the issuing authority and upon such governmental 3170
agency or entity, officer, board, authority, agency, department, 3171
institution, district, or other person or body as may from time 3172
to time be authorized to take actions as may be necessary to 3173
perform all or any part of the duty required by the provision; 3174

(5) The maintenance of each pledge or instrument 3175
comprising part of the bond proceedings until the issuing 3176
authority has fully paid or provided for the payment of the debt 3177
service on the obligations or met other stated conditions; 3178

(6) In the event of default in any payments required to be 3179
made by the bond proceedings, or by any other agreement of the 3180
issuing authority made as part of a contract under which the 3181
obligations were issued or secured, including a credit 3182
enhancement facility, the enforcement of those payments by 3183
mandamus, a suit in equity, an action at law, or any combination 3184
of those remedial actions; 3185

(7) The rights and remedies of the holders or owners of 3186
obligations or of book-entry interests in them, and of third 3187
parties under any credit enhancement facility, and provisions 3188
for protecting and enforcing those rights and remedies, 3189
including limitations on rights of individual holders or owners; 3190

(8) The replacement of mutilated, destroyed, lost, or 3191
stolen obligations; 3192

(9) The funding, refunding, or advance refunding, or other 3193
provision for payment, of obligations that will then no longer 3194
be outstanding for purposes of this section or of the applicable 3195
bond proceedings; 3196

(10) Amendment of the bond proceedings; 3197

(11) Any other or additional agreements with the owners of 3198
obligations, and such other provisions as the issuing authority 3199
determines, including limitations, conditions, or 3200
qualifications, relating to any of the foregoing or the 3201
activities of the issuing authority in connection therewith. 3202

The bond proceedings shall make provision for the payment 3203
of the expenses of the enforcement activity of the attorney 3204
general referred to in division (B) of this section from the 3205
amounts from the tobacco master settlement agreement assigned 3206
and sold to the issuing authority under that division or from 3207

the proceeds of obligations, or a combination thereof, which may 3208
include provision for both annual payments and a special fund 3209
providing reserve amounts for the payment of those expenses. 3210

The issuing authority shall not, and shall covenant in the 3211
bond proceedings that it shall not, be authorized to and shall 3212
not file a voluntary petition under the United States Bankruptcy 3213
Code, 11 U.S.C. 101 et seq., as amended, or voluntarily commence 3214
any similar bankruptcy proceeding under state law including, 3215
without limitation, consenting to the appointment of a receiver 3216
or trustee or making a general or specific assignment for the 3217
benefit of creditors, and neither any public officer or any 3218
organization, entity, or other person shall authorize the 3219
issuing authority to be or become a debtor under the United 3220
States Bankruptcy Code or take any of those actions under the 3221
United States Bankruptcy Code or state law. The state hereby 3222
covenants, and the issuing authority shall covenant, with the 3223
holders or owners of the obligations, that the state shall not 3224
permit the issuing authority to file a voluntary petition under 3225
the United States Bankruptcy Code or take any of those actions 3226
under the United States Bankruptcy Code or state law during the 3227
period obligations are outstanding and for any additional period 3228
for which the issuing authority covenants in the bond 3229
proceedings, which additional period may, but need not, be a 3230
period of three hundred sixty-seven days or more. 3231

(I) The obligations requiring execution by or for the 3232
issuing authority shall be signed as provided in the bond 3233
proceedings, and may bear the official seal of the issuing 3234
authority or a facsimile thereof. Any obligation may be signed 3235
by the individual who, on the date of execution, is the 3236
authorized signer even though, on the date of the obligations, 3237
that individual is not an authorized signer. In case the 3238

individual whose signature or facsimile signature appears on any 3239
obligation ceases to be an authorized signer before delivery of 3240
the obligation, that signature or facsimile is nevertheless 3241
valid and sufficient for all purposes as if that individual had 3242
remained the authorized signer until delivery. 3243

(J) Obligations are investment securities under Chapter 3244
1308. of the Revised Code. Obligations may be issued in bearer 3245
or in registered form, registrable as to principal alone or as 3246
to both principal and interest, or both, or in certificated or 3247
uncertificated form, as the issuing authority determines. 3248
Provision may be made for the exchange, conversion, or transfer 3249
of obligations and for reasonable charges for registration, 3250
exchange, conversion, and transfer. Pending preparation of final 3251
obligations, the issuing authority may provide for the issuance 3252
of interim instruments to be exchanged for the final 3253
obligations. 3254

(K) Obligations may be sold at public sale or at private 3255
sale, in such manner, and at such price at, above, or below par, 3256
all as determined by and provided by the issuing authority in 3257
the bond proceedings. 3258

(L) Except to the extent that rights are restricted by the 3259
bond proceedings, any owner of obligations or provider of or 3260
counterparty to a credit enhancement facility may by any 3261
suitable form of legal proceedings protect and enforce any 3262
rights relating to obligations or that facility under the laws 3263
of this state or granted by the bond proceedings. Those rights 3264
include the right to compel the performance of all applicable 3265
duties of the issuing authority and the state. Each duty of the 3266
issuing authority and that issuing authority's officers, staff, 3267
and employees, and of each state entity or agency, or using 3268

district or using institution, and its officers, members, staff, 3269
or employees, undertaken pursuant to the bond proceedings, is 3270
hereby established as a duty of the entity or individual having 3271
authority to perform that duty, specifically enjoined by law and 3272
resulting from an office, trust, or station within the meaning 3273
of section 2731.01 of the Revised Code. The individuals who are 3274
from time to time members of the issuing authority, or their 3275
designees acting pursuant to section 183.52 of the Revised Code, 3276
or the issuing authority's officers, staff, agents, or 3277
employees, when acting within the scope of their employment or 3278
agency, shall not be liable in their personal capacities on any 3279
obligations or otherwise under the bond proceedings, or for 3280
otherwise exercising or carrying out any purposes or powers of 3281
the issuing authority. 3282

(M) (1) Subject to any applicable limitations in division 3283
(C) of this section, the issuing authority may also authorize 3284
and provide for the issuance of: 3285

(a) Obligations in the form of bond anticipation notes, 3286
and may authorize and provide for the renewal of those notes 3287
from time to time by the issuance of new notes. The holders of 3288
notes or appertaining interest coupons have the right to have 3289
debt service on those notes paid solely from the moneys and 3290
special funds, and all or any portion of the pledged receipts, 3291
that are or may be pledged to that payment, including the 3292
proceeds of bonds or renewal notes or both, as the issuing 3293
authority provides in the bond proceedings authorizing the 3294
notes. Notes may be additionally secured by covenants of the 3295
issuing authority to the effect that the issuing authority will 3296
do all things necessary for the issuance of bonds or renewal 3297
notes in such principal amount and upon such terms as may be 3298
necessary to provide moneys to pay when due the debt service on 3299

the notes, and apply their proceeds to the extent necessary, to 3300
make full and timely payment of debt service on the notes as 3301
provided in the applicable bond proceedings. In the bond 3302
proceedings authorizing the issuance of bond anticipation notes 3303
the issuing authority shall set forth for the bonds anticipated 3304
an estimated schedule of annual principal payments the latest of 3305
which shall be no later than provided in division (D) of this 3306
section. While the notes are outstanding there shall be 3307
deposited, as shall be provided in the bond proceedings for 3308
those notes, from the sources authorized for payment of debt 3309
service on the bonds, amounts sufficient to pay the principal of 3310
the bonds anticipated as set forth in that estimated schedule 3311
during the time the notes are outstanding, which amounts shall 3312
be used solely to pay the principal of those notes or of the 3313
bonds anticipated. 3314

(b) Obligations for the refunding, including funding and 3315
retirement, and advance refunding, with or without payment or 3316
redemption prior to maturity, of any obligations previously 3317
issued under this section and any bonds or notes previously 3318
issued for the purpose of paying costs of capital facilities 3319
for: (i) state-supported or state-assisted institutions of 3320
higher education as authorized by sections 151.01 and 151.04 of 3321
the Revised Code, pursuant to Sections 2i and 2n of Article 3322
VIII, Ohio Constitution, and (ii) housing branches and agencies 3323
of state government limited to facilities for a system of common 3324
schools throughout the state as authorized by sections 151.01 3325
and 151.03 of the Revised Code, pursuant to Sections 2i and 2n 3326
of Article VIII, Ohio Constitution. Refunding obligations may be 3327
issued in amounts sufficient to pay or to provide for repayment 3328
of the principal amount, including principal amounts maturing 3329
prior to the redemption of the remaining prior obligations or 3330

bonds or notes, any redemption premium, and interest accrued or 3331
to accrue to the maturity or redemption date or dates, payable 3332
on the prior obligations or bonds or notes, and related 3333
financing costs and any expenses incurred or to be incurred in 3334
connection with that issuance and refunding. Subject to the 3335
applicable bond proceedings, the portion of the proceeds of the 3336
sale of refunding obligations issued under division (M) (1) (b) of 3337
this section to be applied to debt service on the prior 3338
obligations or bonds or notes shall be credited to an 3339
appropriate separate account in the bond service fund and held 3340
in trust for the purpose by the issuing authority or by a 3341
corporate trustee, and may be invested as provided in the bond 3342
proceedings. Obligations authorized under this division shall be 3343
considered to be issued for those purposes for which the prior 3344
obligations or bonds or notes were issued. 3345

(2) The principal amount of refunding, advance refunding, 3346
or renewal obligations issued pursuant to division (M) of this 3347
section shall be in addition to the amount authorized in 3348
division (C) of this section. 3349

(N) Obligations are lawful investments for banks, savings 3350
and loan associations, credit union share guaranty corporations, 3351
trust companies, trustees, fiduciaries, insurance companies, 3352
including domestic for life and domestic not for life, trustees 3353
or other officers having charge of sinking and bond retirement 3354
or other special funds of the state and political subdivisions 3355
and taxing districts of this state, notwithstanding any other 3356
provisions of the Revised Code or rules adopted pursuant to 3357
those provisions by any state agency with respect to investments 3358
by them, and are also acceptable as security for the repayment 3359
of the deposit of public moneys. The exemptions from taxation in 3360
Ohio as provided for in particular sections of the Ohio 3361

Constitution and section 5709.76 of the Revised Code apply to 3362
the obligations. 3363

(O) (1) Unless otherwise provided or provided for in any 3364
applicable bond proceedings, moneys to the credit of or in a 3365
special fund shall be disbursed on the order of the issuing 3366
authority. No such order is required for the payment, from the 3367
bond service fund or other special fund, when due of debt 3368
service or required payments under credit enhancement 3369
facilities. 3370

(2) Payments received by the issuing authority under 3371
interest rate hedges entered into as credit enhancement 3372
facilities under this section shall be deposited as provided in 3373
the applicable bond proceedings. 3374

(P) The obligations shall not be general obligations of 3375
the state and the full faith and credit, revenue, and taxing 3376
power of the state shall not be pledged to the payment of debt 3377
service on them or to any guarantee of the payment of that debt 3378
service. The holders or owners of the obligations shall have no 3379
right to have any moneys obligated or pledged for the payment of 3380
debt service except as provided in this section and in the 3381
applicable bond proceedings. The rights of the holders and 3382
owners to payment of debt service are limited to all or that 3383
portion of the pledged receipts, and those special funds, 3384
pledged to the payment of debt service pursuant to the bond 3385
proceedings in accordance with this section, and each obligation 3386
shall bear on its face a statement to that effect. 3387

(Q) Each bond service fund is a trust fund and is hereby 3388
pledged to the payment of debt service on the applicable 3389
obligations. Payment of that debt service shall be made or 3390
provided for by the issuing authority in accordance with the 3391

bond proceedings without necessity for any act of appropriation. 3392
The bond proceedings may provide for the establishment of 3393
separate accounts in the bond service fund and for the 3394
application of those accounts only to debt service on specific 3395
obligations, and for other accounts in the bond service fund 3396
within the general purposes of that fund. 3397

(R) Subject to the bond proceedings pertaining to any 3398
obligations then outstanding in accordance with their terms, the 3399
issuing authority may in the bond proceedings pledge all, or 3400
such portion as the issuing authority determines, of the moneys 3401
in the bond service fund to the payment of debt service on 3402
particular obligations, and for the establishment and 3403
maintenance of any reserves for payment of particular debt 3404
service. 3405

(S) (1) Unless otherwise provided in any applicable bond 3406
proceedings, moneys to the credit of special funds may be 3407
invested by or on behalf of the issuing authority only in one or 3408
more of the following: 3409

(a) Notes, bonds, or other direct obligations of the 3410
United States or of any agency or instrumentality of the United 3411
States, or in no-front-end-load money market mutual funds 3412
consisting exclusively of those obligations, or in repurchase 3413
agreements, including those issued by any fiduciary, secured by 3414
those obligations, or in collective investment funds consisting 3415
exclusively of those obligations; 3416

(b) Obligations of this state or any political subdivision 3417
of this state; 3418

(c) Certificates of deposit of any national bank located 3419
in this state and any bank, as defined in section 1101.01 of the 3420

Revised Code, subject to inspection by the superintendent of 3421
financial institutions; 3422

(d) The treasurer of state's pooled investment program 3423
under section ~~135.45~~113.07 of the Revised Code; 3424

(e) Other investment agreements or repurchase agreements 3425
that are consistent with the ratings on the obligations. 3426

(2) The income from investments referred to in division 3427
(S) (1) of this section shall be credited to special funds or 3428
otherwise as the issuing authority determines in the bond 3429
proceedings. Those investments may be sold or exchanged at times 3430
as the issuing authority determines, provides for, or 3431
authorizes. 3432

(T) The treasurer of state shall have responsibility for 3433
keeping records, making reports, and making payments, relating 3434
to any arbitrage rebate requirements under the applicable bond 3435
proceedings. 3436

(U) The issuing authority shall make quarterly reports to 3437
the general assembly of the amounts in, and activities of, each 3438
improvement fund, including amounts and activities on the 3439
subfund level. Each report shall include a detailed description 3440
and analysis of the amount of proceeds remaining in each fund 3441
from the sale of obligations pursuant to this section, and any 3442
other deposits, credits, interest earnings, disbursements, 3443
expenses, transfers, or activities of each fund. 3444

(V) The costs of the annual audit of the authority 3445
conducted pursuant to section 117.112 of the Revised Code are 3446
payable, as may be provided in the bond proceedings, from the 3447
proceeds of the obligations, from special funds, or from other 3448
moneys available for the purpose, including as to future 3449

financing costs, from the pledged receipts. 3450

Sec. 317.36. (A) The county recorder shall collect the 3451
low- and moderate-income housing trust fund fee as specified in 3452
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 3453
4509.60, 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 5733.22, 3454
6101.09, and 6115.09 of the Revised Code. The amount of any 3455
housing trust fund fee the recorder is authorized to collect is 3456
equal to the amount of any base fee the recorder is authorized 3457
to collect for services. The housing trust fund fee shall be 3458
collected in addition to the base fee. 3459

(B) The recorder shall certify the amounts collected as 3460
housing trust fund fees pursuant to division (A) of this section 3461
into the county treasury as housing trust fund fees to be paid 3462
to the ~~treasurer of state~~ department of development pursuant to 3463
section 319.63 of the Revised Code. 3464

(C) The document preservation surcharge collected under 3465
section 317.32 of the Revised Code is not a base fee under this 3466
section. 3467

Sec. 319.63. (A) During the first thirty days of each 3468
calendar quarter, the county auditor shall pay to the ~~treasurer~~ 3469
~~of state~~ department of development all amounts that the county 3470
recorder collected as housing trust fund fees pursuant to 3471
section 317.36 of the Revised Code during the previous calendar 3472
quarter. If payment is made to the ~~treasurer of state~~ department 3473
of development within the first thirty days of the quarter, the 3474
county auditor may retain an administrative fee of one per cent 3475
of the amount of the trust fund fees collected during the 3476
previous calendar quarter. 3477

(B) The ~~treasurer of state~~ department of development shall 3478

deposit the housing trust fund fees received each year pursuant 3479
to this section into the low- and moderate-income housing trust 3480
fund created under section 174.02 of the Revised Code. 3481

(C) The county auditor shall deposit the administrative 3482
fee that the auditor is permitted to retain pursuant to division 3483
(A) of this section into the county general fund for the county 3484
recorder to use in administering the trust fund fee. 3485

Sec. 321.46. (A) To enhance the background and working 3486
knowledge of county treasurers ~~in governmental accounting,~~ 3487
~~portfolio reporting and compliance, investments, cybersecurity,~~ 3488
~~and cash management,~~ the auditor of state and the treasurer of 3489
state shall conduct education programs for persons elected for 3490
the first time to the office of county treasurer and shall hold 3491
~~biennial annual~~ continuing education ~~courses~~ programs for 3492
persons who continue to hold the office of county treasurer. 3493

~~Initial education programs for newly~~ (B) (1) (a) Newly 3494
~~elected or appointed~~ county treasurers shall ~~be held between the~~ 3495
~~first day of December and the first Monday of September next~~ 3496
~~following that person's election to the~~ complete at least 3497
thirteen hours of initial education within one hundred twenty 3498
days of taking the oath of office of county treasurer. Similar 3499
~~initial Initial~~ education programs may also be provided to any 3500
~~county treasurer who is appointed to fill a vacancy or who is~~ 3501
~~elected at a special election~~ hours earned under division (B) (1) 3502
(a) of this section may be completed up to one year prior to 3503
taking the oath of office. 3504

~~(B) (1) The auditor of state shall determine the manner and~~ 3505
~~content of the initial education programs in the subject areas~~ 3506
~~of governmental accounting and portfolio reporting and~~ 3507
~~compliance. In those areas, newly elected~~ (b) A county 3508

~~treasurers shall take at least~~ treasurer that accumulates more 3509
than thirteen hours of initial education before taking office may 3510
credit up to five education hours in excess of the thirteen 3511
hours to the next calendar year for application to continuing 3512
education requirements described in division (B) (3) (a) of this 3513
section. 3514

(c) A county treasurer who participates in a training 3515
program or seminar established under section 109.43 of the 3516
Revised Code may apply up to three hours of training to initial 3517
education requirements. 3518

(2) The treasurer of state shall ~~determine~~ adopt rules 3519
consistent with this section governing the implementation of 3520
this section including the manner and content of the initial 3521
education ~~programs in the subject areas of investments and cash~~ 3522
~~management. In those areas, newly elected county treasurers~~ 3523
~~shall take at least thirteen hours of education before taking~~ 3524
~~office.~~ The treasurer of state shall determine specific subject 3525
areas for content that are reasonably related to the duties of 3526
the office of county treasurer. 3527

(3) (a) After completing one year in office, a A county 3528
treasurer shall ~~take not less than twenty-four~~ complete at least 3529
ten hours of continuing education during each ~~biennial~~ 3530
~~cycle~~ calendar year that begins more than one hundred twenty days 3531
after the county treasurer takes the oath of office. ~~For~~ 3532
~~purposes of division (B) (3) (a) of this section, a biennial cycle~~ 3533
~~for continuing education shall be every two calendar years after~~ 3534
~~the treasurer's first year in office.~~ The treasurer of state 3535
~~shall determine the manner and content of the continuing~~ 3536
~~education courses in the subject areas of investments, cash~~ 3537
~~management, the collection of taxes, ethics, and any other~~ 3538

~~subject area that the treasurer of state determines is~~ 3539
~~reasonably related to the duties of the office of the county~~ 3540
~~treasurer. The auditor of state shall determine the manner and~~ 3541
~~content of the continuing education courses in the subject areas~~ 3542
~~of governmental accounting, portfolio reporting and compliance,~~ 3543
~~office management, cybersecurity, and any other subject area~~ 3544
~~that the auditor of state determines is reasonably related to~~ 3545
~~the duties of the office of the county treasurer~~ requirements of 3546
this section do not apply to county treasurers who provide a 3547
notice of exemption under division (A) of section 321.47 of the 3548
Revised Code. 3549

(b) A county treasurer who accumulates more than ~~twenty-~~ 3550
~~four-ten~~ hours of continuing education in a ~~biennial cycle-~~ 3551
~~described calendar year in division (B) (3) (a) of this section-~~ 3552
may credit ~~the up to five education~~ hours in excess of ~~twenty-~~ 3553
~~four-ten~~ continuing education hours to the next ~~biennial cycle.~~ 3554
~~However, regardless of the total number of hours earned, no more~~ 3555
~~than six hours in continuing education determined by the~~ 3556
~~treasurer of state pursuant to~~ calendar year requirements 3557
outlined in division (B) (3) (a) of this section ~~and six hours in~~ 3558
~~continuing education determined by the auditor of state pursuant~~ 3559
~~to that division shall be carried over to the next biennial-~~ 3560
~~cycle.~~ 3561

(c) A county treasurer who participates in a training 3562
program or seminar established under section 109.43 of the 3563
Revised Code may apply ~~the three-~~ up to one and one-half hours of 3564
training to the ~~twenty-four-ten~~ hours of continuing education 3565
required in a ~~biennial cycle under division (B) (3) (a) of this-~~ 3566
~~section~~ calendar year. 3567

(C) ~~The auditor of state and the treasurer of state may~~ 3568

~~each~~ charge counties a registration or annual fee that will meet 3569
actual and necessary expenses of the training of county 3570
treasurers, including instructor fees, site acquisition costs, 3571
~~and the cost of course materials,~~ and any other expense directly 3572
related to the training provided pursuant to this section. The 3573
necessary personal expenses of county treasurers as a result of 3574
attending the initial education programs and continuing 3575
education courses shall be borne by the counties the treasurers 3576
represent. 3577

(D) The ~~auditor of state and the~~ treasurer of state may 3578
allow any other interested person to attend any of the initial 3579
education programs or continuing education courses held pursuant 3580
to this section, provided that before attending any such program 3581
or course, the interested person shall pay ~~to either the auditor~~ 3582
~~of state or the treasurer of state, as appropriate,~~ the full 3583
registration fee set for the program or course. An interested 3584
person shall not be charged a registration fee if the person has 3585
paid the annual fee pursuant to section 135.22 of the Revised 3586
Code for the calendar year in which the program or course is 3587
offered. 3588

(E) (1) If a county treasurer fails to complete the initial 3589
education programs required by this section ~~before~~ within one 3590
hundred twenty days after taking the oath of office, the 3591
treasurer's authority to invest county funds and to manage the 3592
county portfolio immediately is suspended, and this authority is 3593
transferred to the county's investment advisory committee until 3594
full compliance with the initial education programs is 3595
determined by the treasurer of state. 3596

(2) If a county treasurer fails to complete continuing 3597
education as required by this section, the county treasurer is 3598

subject to ~~divisions (B) to (E)~~ of section 321.47 of the Revised 3599
Code, including possible suspension of the treasurer's authority 3600
to invest county funds and to manage the county portfolio and 3601
transfer of this authority to the county's investment advisory 3602
committee. 3603

(F) (1) Notwithstanding divisions (B) and (E) of this 3604
section, a county treasurer who fails to complete the initial 3605
education programs or continuing education required by this 3606
section shall invest only in the Ohio subdivisions fund pursuant 3607
to division (A) (6) of section 135.35 of the Revised Code, in no 3608
load money market mutual funds pursuant to division (A) (5) of 3609
section 135.35 of the Revised Code, or in time certificates of 3610
deposit or savings or deposit accounts pursuant to division (A) 3611
(3) of section 135.35 of the Revised Code. 3612

(2) A county treasurer who has failed to complete the 3613
initial education programs required by this section and invests 3614
in other than the investments permitted by division (F) (1) of 3615
this section immediately shall have the county treasurer's 3616
authority to invest county funds and to manage the county 3617
portfolio suspended, and this authority shall be transferred to 3618
the county's investment advisory committee until full compliance 3619
with the initial education programs is determined by the 3620
treasurer of state. 3621

(3) If a county treasurer fails to complete continuing 3622
education required by this section and invests in other than the 3623
investments permitted by division (F) (1) of this section, the 3624
county treasurer is subject to ~~divisions (B) to (E)~~ of section 3625
321.47 of the Revised Code, including possible suspension of the 3626
treasurer's authority to invest county funds and to manage the 3627
county portfolio and transfer of this authority to the county's 3628

investment advisory committee. 3629

~~(G) (1)~~ (G) There is hereby created in the state treasury 3630
the county treasurer education fund, to be used by the treasurer 3631
of state for actual and necessary expenses of initial education 3632
programs and continuing education held pursuant to this section 3633
and section 135.22 of the Revised Code. All registration fees 3634
collected by the treasurer of state under this section and 3635
section 135.22 of the Revised Code shall be paid into that fund. 3636

~~(2) All registration fees collected by the auditor of~~ 3637
~~state under this section shall be paid into the auditor of state~~ 3638
~~training program fund established under section 117.44 of the~~ 3639
~~Revised Code.~~ 3640

~~(H) The treasurer of state, with the advice and consent of~~ 3641
~~the auditor of state, may adopt reasonable rules not~~ 3642
~~inconsistent with this section for the implementation of this~~ 3643
~~section.~~ 3644

Sec. 321.47. (A) By the ~~fifteenth~~ thirty-first day of 3645
January ~~following completion of each biennial cycle described in~~ 3646
~~division (B) (3) (a) of section 321.46 of the Revised Code, each~~ 3647
county treasurer shall submit to the auditor treasurer of state 3648
~~shall notify the treasurer of state a complete listing of the~~ 3649
continuing education hours completed ~~under the auditor of~~ 3650
~~state's supervision by each county treasurer for that biennial~~ 3651
~~cycle the preceding calendar year pursuant to section 321.46 of~~ 3652
the Revised Code. 3653

If the county treasurer makes no investments or invests 3654
only in those investments permitted by division (F) (2) of 3655
section 321.46 of the Revised Code, the county treasurer is not 3656
subject to the continuing education requirements and shall 3657

provide a notice of exemption to the treasurer of state. 3658

(B) ~~By the thirty-first day of January following~~ 3659
~~completion of each biennial cycle described in division (B) (3)~~ 3660
~~(a) of section 321.46 of the Revised Code, the~~ The treasurer of 3661
state shall determine whether any county treasurer has failed to 3662
comply with the county treasurer's continuing education 3663
requirements pursuant to section 321.46 of the Revised Code and, 3664
by certified mail, shall notify any county treasurer who has not 3665
complied with the requirements. The notice shall contain all of 3666
the following: 3667

(1) Notification that the county treasurer is deficient in 3668
continuing education hours; 3669

(2) Notification that if the county treasurer believes the 3670
treasurer of state's records are in error, the county treasurer 3671
has one month to submit proof to the treasurer of state that the 3672
county treasurer is in compliance with the continuing education 3673
requirements; 3674

(3) Notification that completion of the continuing 3675
education requirements also may be obtained by attending courses 3676
approved by the auditor of state or the treasurer of state, but 3677
that the county treasurer must comply fully with the continuing 3678
education requirements and that the treasurer of state must have 3679
proof of full compliance by the last day of April ~~following~~ 3680
~~completion of each biennial cycle;~~ 3681

(4) Notification that if the county treasurer has failed 3682
to comply fully with the continuing education requirements by 3683
the last day of April ~~following completion of each biennial~~ 3684
~~cycle,~~ the treasurer of state will notify the prosecuting 3685
attorney of that treasurer's county of that fact immediately. 3686

(C) (1) Upon receipt of the notice described in division 3687
(B) (4) of this section, the prosecuting attorney shall petition 3688
the court of common pleas of that county for an order suspending 3689
the county treasurer's authority to invest county funds and to 3690
manage the county investment portfolio. The petition shall 3691
contain a brief statement of the facts and shall show that the 3692
county treasurer has failed to comply with the continuing 3693
education requirements of section 321.46 of the Revised Code. 3694
Before or simultaneously with the filing of the petition, the 3695
prosecuting attorney shall serve a copy of the petition upon the 3696
county treasurer personally or by certified mail, together with 3697
a copy of this section. Upon the filing of the petition, the 3698
court, on the motion of the prosecuting attorney, shall enter an 3699
order fixing a date for hearing not later than two weeks after 3700
the date of filing and shall require that a copy of the order be 3701
given to the county treasurer in the manner in which a summons 3702
is required to be served or substituted service is required to 3703
be made in other cases. 3704

(2) On the date fixed for the hearing described in 3705
division (C) (1) of this section, or any adjournment of it, the 3706
court shall determine from the petition and evidence submitted 3707
by either party whether the county treasurer has met the 3708
continuing education requirements of section 321.46 of the 3709
Revised Code for the preceding ~~biennial cycle described in~~ 3710
~~division (B) (3) (a) of section 321.46 of the Revised Code~~ calendar 3711
year. If the court finds that the county treasurer has failed to 3712
meet these continuing education requirements, it shall enter an 3713
order transferring the county treasurer's authority to invest 3714
county funds and to manage the county portfolio to the county's 3715
investment advisory committee until such time as the county 3716
treasurer complies fully with the continuing education 3717

requirements. 3718

(3) The costs of the proceeding shall be assessed or 3719
apportioned as the court considers equitable. 3720

(D) Upon receiving proof of completion of continuing 3721
education requirements for the preceding ~~biennial cycle~~ 3722
~~described in division (B) (3) (a) of section 321.46 of the Revised~~ 3723
~~Code~~ decadal year, the treasurer of state shall notify the 3724
prosecuting attorney that the county treasurer has complied 3725
fully with the continuing education requirements. The 3726
prosecuting attorney shall submit this information to the court, 3727
and the court shall enter an order terminating the authority of 3728
the county's investment advisory committee to invest county 3729
funds and to manage the county portfolio and restoring such 3730
authority to the county treasurer. 3731

(E) The proceedings described in divisions (C) and (D) of 3732
this section are special proceedings, and final orders in the 3733
proceedings may be reviewed and affirmed, modified, or reversed 3734
on appeal pursuant to the Rules of Appellate Procedure and, to 3735
the extent not in conflict with those rules, pursuant to Chapter 3736
2505. of the Revised Code. 3737

Sec. 323.611. (A) At the request of the county treasurer, 3738
a board of county commissioners may enter into a contract with 3739
any financial institution under which the financial institution, 3740
in accordance with the terms of the contract, receives real 3741
property and manufactured home tax payments at a post office 3742
box, opens the mail delivered to that box, processes the checks 3743
and other payments received in such mail and deposits them into 3744
the treasurer's account, and provides the county treasurer daily 3745
receipt information with respect to such payments. The contract 3746
shall not be entered into unless: 3747

(1) The contract is awarded in accordance with sections 3748
307.86 to 307.92 of the Revised Code; 3749

(2) The treasurer's surety bond includes within its 3750
coverage any loss that might occur as the result of the 3751
contract; 3752

(3) The provisions of the contract do not conflict with 3753
accounting and reporting requirements prescribed by the auditor 3754
of state. 3755

(B) The records of the financial institution are subject 3756
to examination by the auditor of state to the same extent as if 3757
the services that the financial institution has agreed to 3758
perform were being performed by the county treasurer ~~of state~~. 3759

Sec. 956.13. (A) The director of agriculture, after 3760
providing an opportunity for an adjudication hearing under 3761
Chapter 119. of the Revised Code, may assess a civil penalty 3762
against a person who has violated or is violating sections 3763
956.01 to 956.18 of the Revised Code or rules adopted under 3764
section 956.03 of the Revised Code. 3765

(B) A person who is assessed a civil penalty under this 3766
section is liable for a civil penalty of not more than two 3767
thousand five hundred dollars for a first violation, not more 3768
than five thousand dollars for a second violation, and not more 3769
than ten thousand dollars for a third or subsequent violation. 3770

Each day that a violation continues constitutes a separate 3771
violation. 3772

(C) Any person assessed a civil penalty under this section 3773
shall pay the amount prescribed to the department of 3774
agriculture. The department shall remit all money collected 3775
under this section ~~to the treasurer of state~~ for deposit in the 3776

commercial dog breeding fund created under section 956.18 of the 3777
Revised Code. 3778

Sec. 1557.03. (A) (1) The commissioners of the sinking fund 3779
are authorized to issue and sell, as provided in this section 3780
and in amounts from time to time authorized by the general 3781
assembly, general obligations of this state for the purpose of 3782
financing or assisting in the financing of the costs of 3783
projects. The full faith and credit, revenues, and taxing power 3784
of the state are and shall be pledged to the timely payment of 3785
debt charges on outstanding obligations, all in accordance with 3786
Section 21 of Article VIII, Ohio Constitution, and Chapter 1557. 3787
of the Revised Code, excluding from that pledge fees, excises, 3788
or taxes relating to the registration, operation, or use of 3789
vehicles on the public highways, or to fuels used for propelling 3790
those vehicles, and so long as such obligations are outstanding 3791
there shall be levied and collected excises and taxes, excluding 3792
those excepted above, in amount sufficient to pay the debt 3793
charges on such obligations and financing costs relating to 3794
credit enhancement facilities. 3795

(2) For meetings of the commissioners of the sinking fund 3796
pertaining to the obligations under this chapter, each of the 3797
commissioners may designate an employee or officer of that 3798
commissioner's office to attend meetings when that commissioner 3799
is absent for any reason, and such designee, when present, shall 3800
be counted in determining whether a quorum is present at any 3801
meeting and may vote and participate in all proceedings and 3802
actions of the commissioners at that meeting pertaining to the 3803
obligations, provided, that such designee shall not execute or 3804
cause a facsimile of the designee's signature to be placed on 3805
any obligation, or execute any trust agreement or indenture of 3806
the commissioners. Such designation shall be in writing, 3807

executed by the designating member, and shall be filed with the 3808
secretary of the commissioners and such designation may be 3809
changed from time to time by a similar written designation. 3810

(B) The total principal amount of obligations outstanding 3811
at any one time shall not exceed two hundred million dollars, 3812
and not more than fifty million dollars in principal amount of 3813
obligations to pay costs of projects may be issued in any fiscal 3814
year, all determined as provided in Chapter 1557. of the Revised 3815
Code. 3816

(C) The state may participate by grants or contributions 3817
in financing projects under this section made by local 3818
government entities. Of the proceeds of the first two hundred 3819
million dollars principal amount in obligations issued under 3820
this section to pay costs of projects, at least twenty per cent 3821
shall be allocated in accordance with section 1557.06 of the 3822
Revised Code to grants or contributions to local government 3823
entities. The director of budget and management shall establish 3824
and maintain records in such manner as to show that the proceeds 3825
credited to the Ohio parks and natural resources fund have been 3826
expended for the purposes and in accordance with the limitations 3827
set forth herein. 3828

(D) Each issue of obligations shall be authorized by 3829
resolution of the commissioners of the sinking fund. The bond 3830
proceedings shall provide for the principal amount or maximum 3831
principal amount of obligations of an issue, and shall provide 3832
for or authorize the manner or agency for determining the 3833
principal maturity or maturities, not exceeding the earlier of 3834
twenty-five years from the date the debt represented by the 3835
particular obligations was originally contracted, the interest 3836
rate or rates, the date of and the dates of payment of interest 3837

on the obligations, their denominations, and the establishment 3838
within or without the state of a place or places of payment of 3839
debt charges. Sections 9.96 and 9.98 to 9.983 of the Revised 3840
Code are applicable to the obligations. The purpose of the 3841
obligations may be stated in the bond proceedings as "financing 3842
or assisting in the financing of projects as provided in Section 3843
21 of Article VIII, Ohio Constitution." 3844

(E) The proceeds of the obligations, except for any 3845
portion to be deposited in special funds, or in escrow funds for 3846
the purpose of refunding outstanding obligations, all as may be 3847
provided in the bond proceedings, shall be deposited in the Ohio 3848
parks and natural resources fund established by section 1557.02 3849
of the Revised Code. 3850

(F) The commissioners of the sinking fund may appoint 3851
paying agents, bond registrars, securities depositories, and 3852
transfer agents, and may retain the services of financial 3853
advisers and accounting experts, and retain or contract for the 3854
services of marketing, remarketing, indexing, and administrative 3855
agents, other consultants, and independent contractors, 3856
including printing services, as are necessary in the judgment of 3857
the commissioners to carry out this chapter of the Revised Code. 3858
Financing costs are payable, as provided in the bond 3859
proceedings, from the proceeds of the obligations, from special 3860
funds, or from other moneys available for the purpose. 3861

(G) The bond proceedings, including any trust agreement, 3862
may contain additional provisions customary or appropriate to 3863
the financing or to the obligations or to particular 3864
obligations, including, but not limited to: 3865

(1) The redemption of obligations prior to maturity at the 3866
option of the state or of the holder or upon the occurrence of 3867

certain conditions at such price or prices and under such terms 3868
and conditions as are provided in the bond proceedings; 3869

(2) The form of and other terms of the obligations; 3870

(3) The establishment, deposit, investment, and 3871
application of special funds, and the safeguarding of moneys on 3872
hand or on deposit, without regard to Chapter 131. or 135. of 3873
the Revised Code, provided that any bank or trust company that 3874
acts as a depository of any moneys in special funds may furnish 3875
such indemnifying bonds or may pledge such securities as 3876
required by the commissioners of the sinking fund; 3877

(4) Any or every provision of the bond proceedings binding 3878
upon the commissioners of the sinking fund and such state agency 3879
or local government entities, officer, board, commission, 3880
authority, agency, department, or other person or body as may 3881
from time to time have the authority under law to take such 3882
actions as may be necessary to perform all or any part of the 3883
duty required by such provision; 3884

(5) The maintenance of each pledge, any trust agreement, 3885
or other instrument composing part of the bond proceedings until 3886
the state has fully paid or provided for the payment of the debt 3887
charges on the obligations or met other stated conditions; 3888

(6) In the event of default in any payments required to be 3889
made by the bond proceedings, or any other agreement of the 3890
commissioners of the sinking fund made as part of a contract 3891
under which the obligations were issued or secured, the 3892
enforcement of such payments or agreements by mandamus, suit in 3893
equity, action at law, or any combination of the foregoing; 3894

(7) The rights and remedies of the holders of obligations 3895
and of the trustee under any trust agreement, and provisions for 3896

protecting and enforcing them, including limitations on rights 3897
of individual holders of obligations; 3898

(8) The replacement of any obligations that become 3899
mutilated or are destroyed, lost, or stolen; 3900

(9) Provision for the funding, refunding, or advance 3901
refunding or other provision for payment of obligations which 3902
will then no longer be or be deemed to be outstanding for 3903
purposes of this section or of the bond proceedings; 3904

(10) Any provision that may be made in bond proceedings or 3905
a trust agreement, including provision for amendment of the bond 3906
proceedings; 3907

(11) Such other provisions as the commissioners of the 3908
sinking fund determine, including limitations, conditions, or 3909
qualifications relating to any of the foregoing; 3910

(12) Any other or additional agreements with the holders 3911
of the obligations relating to the obligations or the security 3912
for the obligations. 3913

(H) The great seal of the state or a facsimile of that 3914
seal may be affixed to or printed on the obligations. The 3915
obligations shall be signed by or bear the facsimile signatures 3916
of two or more of the commissioners of the sinking fund as 3917
provided in the bond proceedings. Any obligations may be signed 3918
by the person who, on the date of execution, is the authorized 3919
signer although on the date of such obligations such person was 3920
not a commissioner. In case the individual whose signature or a 3921
facsimile of whose signature appears on any obligation ceases to 3922
be a commissioner before delivery of the obligation, such 3923
signature or facsimile is nevertheless valid and sufficient for 3924
all purposes as if the individual had remained the member until 3925

such delivery, and in case the seal to be affixed to or printed 3926
on obligations has been changed after the seal has been affixed 3927
to or a facsimile of the seal has been printed on the 3928
obligations, that seal or facsimile seal shall continue to be 3929
sufficient as to those obligations and obligations issued in 3930
substitution or exchange therefor. 3931

(I) Obligations may be issued in coupon or in fully 3932
registered form, or both, as the commissioners of the sinking 3933
fund determine. Provision may be made for the registration of 3934
any obligations with coupons attached as to principal alone or 3935
as to both principal and interest, their exchange for 3936
obligations so registered, and for the conversion or 3937
reconversion into obligations with coupons attached of any 3938
obligations registered as to both principal and interest, and 3939
for reasonable charges for such registration, exchange, 3940
conversion, and reconversion. Pending preparation of definitive 3941
obligations, the commissioners of the sinking fund may issue 3942
interim receipts or certificates which shall be exchanged for 3943
such definitive obligations. 3944

(J) Obligations may be sold at public sale or at private 3945
sale, and at such price at, above, or below par, as determined 3946
by the commissioners of the sinking fund in the bond 3947
proceedings. 3948

(K) In the discretion of the commissioners of the sinking 3949
fund, obligations may be secured additionally by a trust 3950
agreement between the state and a corporate trustee which may be 3951
any trust company or bank having a place of business within the 3952
state. Any trust agreement may contain the resolution 3953
authorizing the issuance of the obligations, any provisions that 3954
may be contained in the bond proceedings, and other provisions 3955

that are customary or appropriate in an agreement of the type. 3956

(L) Except to the extent that their rights are restricted 3957
by the bond proceedings, any holder of obligations, or a trustee 3958
under the bond proceedings, may by any suitable form of legal 3959
proceedings protect and enforce any rights under the laws of 3960
this state or granted by the bond proceedings. Such rights 3961
include the right to compel the performance of all duties of the 3962
commissioners and the state. Each duty of the commissioners and 3963
employees of the commissioners, and of each state agency and 3964
local public entity and its officers, members, or employees, 3965
undertaken pursuant to the bond proceedings, is hereby 3966
established as a duty of the commissioners, and of each such 3967
agency, local government entity, officer, member, or employee 3968
having authority to perform such duty, specifically enjoined by 3969
the law and resulting from an office, trust, or station within 3970
the meaning of section 2731.01 of the Revised Code. The persons 3971
who are at the time the commissioners, or employees of the 3972
commissioners, are not liable in their personal capacities on 3973
any obligations or any agreements of or with the commissioners 3974
relating to obligations or under the bond proceedings. 3975

(M) Obligations are lawful investments for banks, 3976
societies for savings, savings and loan associations, deposit 3977
guarantee associations, trust companies, trustees, fiduciaries, 3978
insurance companies, including domestic for life and domestic 3979
not for life, trustees or other officers having charge of 3980
sinking and bond retirement or other special funds of political 3981
subdivisions and taxing districts of this state, the 3982
commissioners of the sinking fund, the administrator of workers' 3983
compensation, the state teachers retirement system, the public 3984
employees retirement system, the school employees retirement 3985
system, and the Ohio police and fire pension fund, 3986

notwithstanding any other provisions of the Revised Code or 3987
rules adopted pursuant thereto by any state agency with respect 3988
to investments by them, and are also acceptable as security for 3989
the deposit of public moneys. 3990

(N) Unless otherwise provided in any applicable bond 3991
proceedings, moneys to the credit of or in the special funds 3992
established by or pursuant to this section may be invested by or 3993
on behalf of the commissioners of the sinking fund only in 3994
notes, bonds, or other direct obligations of the United States 3995
or of any agency or instrumentality of the United States, in 3996
obligations of this state or any political subdivision of this 3997
state, in certificates of deposit of any national bank located 3998
in this state and any bank, as defined in section 1101.01 of the 3999
Revised Code, subject to inspection by the superintendent of 4000
financial institutions, in the Ohio subdivision's fund 4001
established pursuant to section ~~135.45~~113.07 of the Revised 4002
Code, in no-front-end-load money market mutual funds consisting 4003
exclusively of direct obligations of the United States or of an 4004
agency or instrumentality of the United States, and in 4005
repurchase agreements, including those issued by any fiduciary, 4006
secured by direct obligations of the United States or an agency 4007
or instrumentality of the United States, and in collective 4008
investment funds established in accordance with section 1111.14 4009
of the Revised Code and consisting exclusively of direct 4010
obligations of the United States or of an agency or 4011
instrumentality of the United States, notwithstanding division 4012
(A) (1) (c) of that section. The income from investments shall be 4013
credited to such special funds or otherwise as the commissioners 4014
of the sinking fund determine in the bond proceedings, and the 4015
investments may be sold or exchanged at such times as the 4016
commissioners determine or authorize. 4017

(O) Unless otherwise provided in any applicable bond 4018
proceedings, moneys to the credit of or in a special fund shall 4019
be disbursed on the order of the commissioners of the sinking 4020
fund, provided that no such order is required for the payment 4021
from the bond service fund or other special fund when due of 4022
debt charges or required payments under credit enhancement 4023
facilities. 4024

(P) The commissioners of the sinking fund may covenant in 4025
the bond proceedings, and any such covenants shall be 4026
controlling notwithstanding any other provision of law, that the 4027
state and the applicable officers and agencies of the state, 4028
including the general assembly, so long as any obligations are 4029
outstanding in accordance with their terms, shall maintain 4030
statutory authority for and cause to be charged and collected 4031
taxes, excises, and other receipts of the state so that the 4032
receipts to the bond service fund shall be sufficient in amounts 4033
to meet debt charges and for the establishment and maintenance 4034
of any reserves and other requirements, including payment of the 4035
costs of credit enhancement facilities, provided for in the bond 4036
proceedings. 4037

(Q) The obligations, the transfer thereof, and the 4038
interest, other accreted amounts, and other income therefrom, 4039
including any profit made on the sale thereof, at all times 4040
shall be free from taxation, direct or indirect, within the 4041
state. 4042

(R) This section applies only with respect to obligations 4043
issued and delivered before September 30, 2000. 4044

Sec. 3307.12. The treasurer of state shall be the 4045
custodian ~~of the funds~~ of the state teachers retirement system_ 4046
funds created under section 3307.14 of the Revised Code, and all 4047

disbursements therefrom shall be paid by ~~him~~ the treasurer of 4048
state only upon instruments duly authorized by the state 4049
teachers retirement board and bearing the signatures of the 4050
~~chairman~~ chairperson and secretary of the board. Such signatures 4051
may be affixed through the use of a mechanical check signing 4052
device. 4053

The treasurer of state shall give a separate and 4054
additional bond in such amount as is fixed by the governor and 4055
with sureties selected by the board and approved by the 4056
governor, conditioned for the faithful performance of the duties 4057
of the treasurer of state as custodian of the funds of the 4058
system. Such bond shall be deposited with the secretary of state 4059
and kept in ~~his~~ the secretary of state's office. The governor 4060
may require the treasurer of state to give additional bonds, as 4061
the funds of the system increase, in such amounts and at such 4062
times as are fixed by the governor, which additional bonds shall 4063
be conditioned, filed, and obtained as is provided for the 4064
original bond of the treasurer of state covering the funds of 4065
the system. The premium on all bonds shall be paid by the board. 4066

The money held in the depository accounts of any entity 4067
established directly or indirectly to facilitate the investment 4068
of funds pursuant to section 3307.15 of the Revised Code are not 4069
public moneys or public deposits for the purposes of Chapters 4070
113. and 135. of the Revised Code and shall not be considered to 4071
be in the custody of the treasurer of state ~~shall deposit any~~ 4072
~~portion of the funds of the~~ . The state teachers retirement 4073
~~system not needed for immediate use in the same manner as state~~ 4074
~~funds are deposited, and subject to all law with respect to the~~ 4075
~~deposit of state funds, by the treasurer of state, and all~~ 4076
~~interest earned by such portion of the retirement funds as is~~ 4077
~~deposited by the treasurer of state shall be collected by him and~~ 4078

~~placed to the credit of the board~~ shall have sole responsibility 4079
for such depository accounts. 4080

Sec. 3333.374. (A) The chancellor of higher education, ~~—~~ 4081
~~with the approval of the treasurer of state,~~ shall adopt rules, 4082
in accordance with Chapter 119. of the Revised Code, 4083
establishing policy guidelines for the implementation of the 4084
scholarship and fellowship programs. 4085

(B) Nothing in this section shall prevent the chancellor, ~~—~~ 4086
~~with the approval of the treasurer of state,~~ from amending or 4087
rescinding rules adopted pursuant to division (A) of this 4088
section, or from adopting new rules, in accordance with Chapter 4089
119. of the Revised Code, from time to time as are necessary to 4090
further the purposes of sections 3333.37 to 3333.375 of the 4091
Revised Code. 4092

Sec. 3334.08. (A) Subject to division (B) of this section, 4093
in addition to any other powers conferred by this chapter, the 4094
Ohio tuition trust authority may do any of the following: 4095

(1) Impose reasonable residency requirements for 4096
beneficiaries of tuition units; 4097

(2) Impose reasonable limits on the number of tuition unit 4098
participants; 4099

(3) Impose and collect administrative fees and charges in 4100
connection with any transaction under this chapter; 4101

(4) Purchase insurance from insurers licensed to do 4102
business in this state providing for coverage against any loss 4103
in connection with the authority's property, assets, or 4104
activities or to further ensure the value of tuition units; 4105

(5) Indemnify or purchase policies of insurance on behalf 4106

of members, officers, and employees of the authority from 4107
insurers licensed to do business in this state providing for 4108
coverage for any liability incurred in connection with any civil 4109
action, demand, or claim against a director, officer, or 4110
employee by reason of an act or omission by the director, 4111
officer, or employee that was not manifestly outside the scope 4112
of the employment or official duties of the director, officer, 4113
or employee or with malicious purpose, in bad faith, or in a 4114
wanton or reckless manner; 4115

(6) Make, execute, and deliver contracts, conveyances, and 4116
other instruments necessary to the exercise and discharge of the 4117
powers and duties of the authority; 4118

(7) Promote, advertise, and publicize the Ohio college 4119
savings program and the variable college savings program; 4120

(8) Adopt rules under section 111.15 of the Revised Code 4121
for the implementation of the Ohio college savings program; 4122

(9) Contract, for the provision of all or part of the 4123
services necessary for the management and operation of the Ohio 4124
college savings program and the variable college savings 4125
program, with a bank, trust company, savings and loan 4126
association, insurance company, or licensed dealer in securities 4127
if the bank, company, association, or dealer is authorized to do 4128
business in this state and information about the contract is 4129
filed with the controlling board pursuant to division (D)(6) of 4130
section 127.16 of the Revised Code; provided, however, that any 4131
funds of the Ohio college savings program and the variable 4132
college savings program that are not needed for immediate use 4133
shall be deposited by the treasurer of state in the same manner 4134
provided under Chapter 135. of the Revised Code for public 4135
moneys of the state. All interest earned on those deposits shall 4136

be credited to the Ohio college savings program or the variable 4137
college savings program, as applicable. 4138

(10) Contract for other services, or for goods, needed by 4139
the authority in the conduct of its business, including but not 4140
limited to credit card services; 4141

(11) Employ an executive director and other personnel as 4142
necessary to carry out its responsibilities under this chapter, 4143
and fix the compensation of these persons. All employees of the 4144
authority shall be in the unclassified civil service and shall 4145
be eligible for membership in the public employees retirement 4146
system. In the hiring of the executive director, the Ohio 4147
tuition trust authority shall obtain the advice and consent of 4148
the Ohio tuition trust investment board created in section 4149
3334.03 of the Revised Code, provided that the executive 4150
director shall not be hired unless a majority of the board votes 4151
in favor of the hiring. In addition, the board may remove the 4152
executive director at any time subject to the advice and consent 4153
of the chancellor of higher education. 4154

(12) Contract with financial consultants, actuaries, 4155
auditors, and other consultants as necessary to carry out its 4156
responsibilities under this chapter; 4157

(13) Enter into agreements with any agency of the state or 4158
its political subdivisions or with private employers under which 4159
an employee may agree to have a designated amount deducted in 4160
each payroll period from the wages or salary due the employee 4161
for the purpose of purchasing tuition units pursuant to a 4162
tuition payment contract or making contributions pursuant to a 4163
variable college savings program contract; 4164

(14) ~~Enter into an agreement with the treasurer of state~~ 4165

~~under which the treasurer of state will receive, and credit to~~ 4166
~~the Ohio tuition trust fund or variable college savings program~~ 4167
~~fund, from any bank or savings and loan association authorized~~ 4168
~~to do business in this state, amounts that a depositor of the~~ 4169
~~bank or association authorizes the bank or association to~~ 4170
~~withdraw periodically from the depositor's account for the~~ 4171
~~purpose of purchasing tuition units pursuant to a tuition~~ 4172
~~payment contract or making contributions pursuant to a variable~~ 4173
~~college savings program contract;~~ 4174

~~(15)~~ Solicit and accept gifts, grants, and loans from any 4175
person or governmental agency and participate in any 4176
governmental program; 4177

~~(16)~~ (15) Impose limits on the number of units which may be 4178
purchased on behalf of or assigned or awarded to any beneficiary 4179
and on the total amount of contributions that may be made on 4180
behalf of a beneficiary; 4181

~~(17)~~ (16) Impose restrictions on the substitution of 4182
another individual for the original beneficiary under the Ohio 4183
college savings program; 4184

~~(18)~~ (17) Impose a limit on the age of a beneficiary, above 4185
which tuition units may not be purchased on behalf of that 4186
beneficiary; 4187

~~(19) Enter into a cooperative agreement with the treasurer~~ 4188
~~of state to provide for the direct disbursement of payments~~ 4189
~~under tuition payment or variable college savings program~~ 4190
~~contracts;~~ 4191

~~(20)~~ (18) Terminate any tuition payment or variable college 4192
savings program contract if no purchases or contributions are 4193
made for a period of three years or more and there are fewer 4194

than a total of five tuition units or less than a dollar amount 4195
set by rule on account, provided that notice of a possible 4196
termination shall be provided in advance, explaining any options 4197
to prevent termination, and a reasonable amount of time shall be 4198
provided within which to act to prevent a termination; 4199

~~(21)~~ (19) Maintain a separate account for each tuition 4200
payment or variable college savings program contract; 4201

~~(22)~~ (20) Perform all acts necessary and proper to carry 4202
out the duties and responsibilities of the authority pursuant to 4203
this chapter. 4204

(B) The authority shall adopt rules under section 111.15 4205
of the Revised Code for the implementation and administration of 4206
the variable college savings program. The rules shall provide 4207
taxpayers with the maximum tax advantages and flexibility 4208
consistent with section 529 of the Internal Revenue Code and 4209
regulations adopted thereunder with regard to disposition of 4210
contributions and earnings, designation of beneficiaries, and 4211
rollover of account assets to other programs. 4212

(C) Except as otherwise specified in this chapter, the 4213
provisions of Chapters 123. and 4117. of the Revised Code shall 4214
not apply to the authority and Chapter 125. of the Revised Code 4215
shall not apply to contracts approved under the powers of the 4216
Ohio tuition trust authority investment board under section 4217
3334.03 of the Revised Code. 4218

Sec. 3334.11. (A) The assets of the Ohio tuition trust 4219
authority reserved for payment of the obligations of the 4220
authority pursuant to tuition payment contracts shall be placed 4221
in a fund, which is hereby created and shall be known as the 4222
Ohio tuition trust fund. The fund shall be in the custody of the 4223

treasurer of state, but shall not be part of the state treasury. 4224
That portion of payments received by the authority or the 4225
treasurer of state from persons purchasing tuition units under 4226
tuition payment contracts that the authority determines is 4227
actuarially necessary for the payment of obligations of the 4228
authority pursuant to tuition payment contracts, all interest 4229
and investment income earned by the fund, and all other receipts 4230
of the authority from any other source that the authority 4231
determines appropriate, shall be deposited in the fund. No 4232
purchaser or beneficiary of tuition units shall have any claim 4233
against the funds of any state institution of higher education. 4234
All investment fees and other costs incurred in connection with 4235
the exercise of the investment powers of the authority pursuant 4236
to divisions (D) and (E) of this section shall be paid from the 4237
assets of the fund. 4238

(B) Unless otherwise provided by the authority, the assets 4239
of the Ohio tuition trust fund shall be expended in the 4240
following order: 4241

(1) To make payments to beneficiaries, or institutions of 4242
higher education on behalf of beneficiaries, under division (B) 4243
of section 3334.09 of the Revised Code; 4244

(2) To make refunds as provided in divisions (A) and (C) 4245
of section 3334.10 of the Revised Code; 4246

(3) To pay the investment fees and other costs of 4247
administering the fund. 4248

(C) (1) ~~Except as may be provided in an agreement under~~ 4249
~~division (A) (19) of section 3334.08 of the Revised Code, all~~ All 4250
disbursements from the Ohio tuition trust fund shall be made by 4251
the treasurer of state on order of a designee of the authority. 4252

(2) The treasurer of state shall deposit any portion of 4253
the Ohio tuition trust fund not needed for immediate use in the 4254
same manner as state funds are deposited. 4255

(D) The authority is the trustee of the Ohio tuition trust 4256
fund. The authority shall have full power to invest the assets 4257
of the fund and in exercising this power shall be subject to the 4258
limitations and requirements contained in divisions (K) to (M) 4259
of this section and sections 145.112 and 145.113 of the Revised 4260
Code. The evidences of title of all investments shall be 4261
delivered to the treasurer of state or to a qualified trustee 4262
designated by the treasurer of state as provided in section 4263
135.18 of the Revised Code. Assets of the fund shall be 4264
administered by the authority in a manner designed to be 4265
actuarially sound so that the assets of the fund will be 4266
sufficient to satisfy the obligations of the authority pursuant 4267
to tuition payment contracts and defray the reasonable expenses 4268
of administering the fund. 4269

(E) The authority may enter into an agreement with any 4270
business, entity, or governmental agency to perform the 4271
investment duties of the authority as set forth in division (D) 4272
of this section. The investment powers shall be exercised by the 4273
business, entity, or governmental agency that entered into an 4274
agreement with the authority in a manner agreed upon by the 4275
authority that maximizes the return on investment and minimizes 4276
the administrative expenses. 4277

(F) (1) The authority shall maintain a separate account for 4278
each tuition payment contract entered into pursuant to division 4279
(A) of section 3334.09 of the Revised Code for the purchase of 4280
tuition units on behalf of a beneficiary or beneficiaries 4281
showing the beneficiary or beneficiaries of that contract and 4282

the number of tuition units purchased pursuant to that contract. 4283
Upon request of any beneficiary or person who has entered into a 4284
tuition payment contract, the authority shall provide a 4285
statement indicating, in the case of a beneficiary, the number 4286
of tuition units purchased on behalf of the beneficiary, or in 4287
the case of a person who has entered into a tuition payment 4288
contract, the number of tuition units purchased, used, or 4289
refunded pursuant to that contract. A beneficiary and person 4290
that have entered into a tuition payment contract each may file 4291
only one request under this division in any year. 4292

(2) The authority shall maintain an account for each 4293
scholarship program showing the number of tuition units that 4294
have been purchased for or donated to the program and the number 4295
of tuition units that have been used. Upon the request of the 4296
entity that established the scholarship program, the authority 4297
shall provide a statement indicating these numbers. 4298

(G) (1) In addition to the Ohio tuition trust fund, there 4299
is hereby established a reserve fund that shall be in the 4300
custody of the treasurer of state but shall not be part of the 4301
state treasury, and shall be known as the Ohio tuition trust 4302
reserve fund, and an operating fund that shall be part of the 4303
state treasury, and shall be known as the Ohio tuition trust 4304
operating fund. That portion of payments received by the 4305
authority or the treasurer of state from persons purchasing 4306
tuition units under tuition payment contracts that the authority 4307
determines is not actuarially necessary for the payment of 4308
obligations of the authority pursuant to tuition payment 4309
contracts, any interest and investment income earned by the 4310
reserve fund, any administrative charges and fees imposed by the 4311
authority on transactions under this chapter or on purchasers or 4312
beneficiaries of tuition units, and all other receipts from any 4313

other source that the authority determines appropriate, shall be 4314
deposited in the reserve fund to pay the operating expenses of 4315
the authority and the costs of administering the program. The 4316
assets of the reserve fund may be invested in the same manner 4317
and subject to the same limitations set forth in divisions (D), 4318
(E), and (K) to (M) of this section and sections 145.112 and 4319
145.113 of the Revised Code. All investment fees and other costs 4320
incurred in connection with the exercise of the investment 4321
powers shall be paid from the assets of the reserve fund. Except 4322
as otherwise provided for in this chapter, all operating 4323
expenses of the authority and costs of administering the program 4324
shall be paid from the operating fund. 4325

(2) The treasurer of state shall, upon request of the 4326
authority, transfer funds from the reserve fund to the operating 4327
fund as the authority determines appropriate to pay those 4328
current operating expenses of the authority and costs of 4329
administering the program as the authority designates. Any 4330
interest or investment income earned on the assets of the 4331
operating fund shall be deposited in the operating fund. 4332

(3) The treasurer of state shall, upon request by the 4333
chancellor of higher education and approval by the director of 4334
budget and management, transfer funds from the reserve fund to 4335
the strategic square footage reduction fund created under 4336
section 3333.96 of the Revised Code. 4337

(H) In January of each year the authority shall report to 4338
each person who received any payments or refunds from the 4339
authority during the preceding year information relative to the 4340
value of the payments or refunds to assist in determining that 4341
person's tax liability. 4342

(I) The authority shall report to the tax commissioner any 4343

information, and at the times, as the tax commissioner requires 4344
to determine any tax liability that a person may have incurred 4345
during the preceding year as a result of having received any 4346
payments or refunds from the authority. 4347

(J) All records of the authority indicating the identity 4348
of purchasers and beneficiaries of tuition units or college 4349
savings bonds, the number of tuition units purchased, used, or 4350
refunded under a tuition payment contract, and the number of 4351
college savings bonds purchased, held, or redeemed are not 4352
public records within the meaning of section 149.43 of the 4353
Revised Code. 4354

(K) (1) The authority and other fiduciaries shall discharge 4355
their duties with respect to the funds with care, skill, 4356
prudence, and diligence under the circumstances then prevailing 4357
that a prudent person acting in a like capacity and familiar 4358
with such matters would use in the conduct of an enterprise of a 4359
like character and with like aims; and by diversifying the 4360
investments of the assets of the funds so as to minimize the 4361
risk of large losses, unless under the circumstances it is 4362
clearly prudent not to do so. 4363

(2) To facilitate investment of the funds, the authority 4364
may establish a partnership, trust, limited liability company, 4365
corporation, including a corporation exempt from taxation under 4366
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 4367
amended, or any other legal entity authorized to transact 4368
business in this state. 4369

(L) In exercising its fiduciary responsibility with 4370
respect to the investment of the assets of the funds, it shall 4371
be the intent of the authority to give consideration to 4372
investments that enhance the general welfare of the state and 4373

its citizens where the investments offer quality, return, and 4374
safety comparable to other investments currently available to 4375
the authority. In fulfilling this intent, equal consideration 4376
shall also be given to investments otherwise qualifying under 4377
this section that involve minority owned and controlled firms 4378
and firms owned and controlled by women, either alone or in 4379
joint venture with other firms. 4380

The authority shall adopt, in regular meeting, policies, 4381
objectives, or criteria for the operation of the investment 4382
program that include asset allocation targets and ranges, risk 4383
factors, asset class benchmarks, time horizons, total return 4384
objectives, and performance evaluation guidelines. In adopting 4385
policies and criteria for the selection of agents with whom the 4386
authority may contract for the administration of the assets of 4387
the funds, the authority shall give equal consideration to 4388
minority owned and controlled firms, firms owned and controlled 4389
by women, and ventures involving minority owned and controlled 4390
firms and firms owned and controlled by women that otherwise 4391
meet the policies and criteria established by the authority. 4392
Amendments and additions to the policies and criteria shall be 4393
adopted in regular meeting. The authority shall publish its 4394
policies, objectives, and criteria under this provision no less 4395
often than annually and shall make copies available to 4396
interested parties. 4397

When reporting on the performance of investments, the 4398
authority shall comply with the performance presentation 4399
standards established by the association for investment 4400
management and research. 4401

(M) All investments shall be purchased at current market 4402
prices and the evidences of title of the investments shall be 4403

placed in the hands of the treasurer of state, who is hereby 4404
designated as custodian thereof, or in the hands of the 4405
treasurer of state's authorized agent. The treasurer of state or 4406
the agent shall collect the principal, dividends, distributions, 4407
and interest thereon as they become due and payable and place 4408
them when so collected into the custodial funds. 4409

The treasurer of state shall pay for investments purchased 4410
by the authority on receipt of written or electronic 4411
instructions from the authority or the authority's designated 4412
agent authorizing the purchase and pending receipt of the 4413
evidence of title of the investment by the treasurer of state or 4414
the treasurer of state's authorized agent. The authority may 4415
sell investments held by the authority, and the treasurer of 4416
state or the treasurer of state's authorized agent shall accept 4417
payment from the purchaser and deliver evidence of title of the 4418
investment to the purchaser on receipt of written or electronic 4419
instructions from the authority or the authority's designated 4420
agent authorizing the sale, and pending receipt of the moneys 4421
for the investments. The amount received shall be placed in the 4422
custodial funds. The authority and the treasurer of state may 4423
enter into agreements to establish procedures for the purchase 4424
and sale of investments under this division and the custody of 4425
the investments. 4426

No purchase or sale of any investment shall be made under 4427
this section except as authorized by the authority. 4428

Any statement of financial position distributed by the 4429
authority shall include fair value, as of the statement date, of 4430
all investments held by the authority under this section. 4431

Sec. 3705.242. (A) (1) The director of health, a person 4432
authorized by the director, a local commissioner of health, or a 4433

local registrar of vital statistics shall charge and collect a 4434
fee of one dollar and fifty cents for each certified copy of a 4435
birth record, each certification of birth, and each copy of a 4436
death record. The fee is in addition to the fee imposed by 4437
section 3705.24 or any other section of the Revised Code. A 4438
local commissioner of health or local registrar of vital 4439
statistics may retain an amount of each additional fee 4440
collected, not to exceed three per cent of the amount of the 4441
additional fee, to be used for costs directly related to the 4442
collection of the fee and the forwarding of the fee to the 4443
department of health. 4444

The additional fees collected by the director of health or 4445
a person authorized by the director and the additional fees 4446
collected but not retained by a local commissioner of health or 4447
a local registrar of vital statistics shall be forwarded to the 4448
department of health not later than thirty days following the 4449
end of each quarter. Not later than two days after the fees are 4450
forwarded to the department each quarter, the department shall 4451
~~pay deposit the collected fees to into the treasurer of state in~~ 4452
~~accordance with rules adopted by the treasurer of state under~~ 4453
~~section 113.08 of the Revised Code~~treasury to the credit of the 4454
family violence prevention fund. 4455

(2) On the filing of a divorce decree under section 4456
3105.10 or a decree of dissolution under section 3105.65 of the 4457
Revised Code, a court of common pleas shall charge and collect a 4458
fee of five dollars and fifty cents. The fee is in addition to 4459
any other court costs or fees. The county clerk of courts may 4460
retain an amount of each additional fee collected, not to exceed 4461
three per cent of the amount of the additional fee, to be used 4462
for costs directly related to the collection of the fee and the 4463
forwarding of the fee to the treasurer of state. The additional 4464

fees collected, but not retained, under division (A) (2) of this 4465
section shall be forwarded to the treasurer of state not later 4466
than twenty days following the end of each month. The treasurer 4467
of state shall deposit the fees paid or forwarded under this 4468
section in the state treasury to the credit of the family 4469
violence prevention fund, which is hereby created. 4470

~~(B) The treasurer of state shall deposit the fees paid or~~ 4471
~~forwarded under this section in the state treasury to the credit~~ 4472
~~of the family violence prevention fund, which is hereby created.~~ 4473
A person or government entity that fails to pay or forward the 4474
fees in the manner described in this section, shall send to the 4475
department of public safety a penalty equal to ten per cent of 4476
the fees. The department of public safety shall forward deposit 4477
all collected late fees ~~to the treasurer of state for deposit~~ 4478
~~into the family violence prevention fund in accordance with~~ 4479
~~rules adopted by the treasurer of state under section 113.08 of~~ 4480
~~the Revised Code.~~ 4481

The treasurer of state shall invest the moneys in the 4482
fund. All earnings resulting from investment of the fund shall 4483
be credited to the fund, except that actual administration costs 4484
incurred by the treasurer of state in administering the fund may 4485
be deducted from the earnings resulting from investments. The 4486
amount that may be deducted shall not exceed three per cent of 4487
the total amount of fees credited to the fund in each fiscal 4488
year. The balance of the investment earnings shall be credited 4489
to the fund. 4490

(C) The director of public safety shall use money credited 4491
to the fund to provide grants to family violence shelters in 4492
Ohio and to operate the division of criminal justice services. 4493

Sec. 3737.945. Moneys in the funds of the petroleum 4494

underground storage tank release compensation board, except as 4495
otherwise provided in any resolution authorizing the issuance of 4496
its revenue bonds or in any trust agreement securing the same, 4497
in excess of current needs, may be invested by the board in 4498
notes, bonds, or other obligations of the United States, or of 4499
any agency or instrumentality thereof, or in obligations of this 4500
state or any political subdivision thereof, or the treasurer of 4501
state's investment pool authorized under section ~~135.45~~113.07 4502
of the Revised Code. Income from all such investments of moneys 4503
in any fund shall be credited to such funds as the board 4504
determines, subject to the provisions of any resolution or trust 4505
agreement, and the investments may be sold as the board 4506
determines. 4507

Sec. 3953.231. (A) (1) Each title insurance agent or title 4508
insurance company shall establish and maintain an interest- 4509
bearing trust account for the deposit of all non-directed escrow 4510
funds that meet the requirements of sections 1349.20 to 1349.22 4511
of the Revised Code. 4512

(2) The account shall be established and maintained in any 4513
federally insured bank, savings and loan association, credit 4514
union, or savings bank that is authorized to transact business 4515
in this state. 4516

(3) The account shall be in the name of the title 4517
insurance agent or company, and shall be identified as an 4518
"interest on trust account" or "IOTA." The name of the account 4519
may contain additional identifying information to distinguish it 4520
from other accounts. 4521

(4) The title insurance agent or company establishing the 4522
account shall submit, in writing, to the superintendent of 4523
insurance the name, account number, and location of the bank, 4524

savings and loan association, credit union, or savings bank in 4525
which the trust account is maintained. 4526

(B) Each title insurance agent or company shall deposit 4527
all non-directed escrow funds that are nominal in amount or are 4528
to be held for a short period of time into the account 4529
established under division (A) of this section no later than the 4530
next business day after receipt. 4531

(C) Each account established under division (A) of this 4532
section shall comply with all of the following: 4533

(1) All funds in the account shall be subject to 4534
withdrawal or transfer upon request and without delay, or as 4535
soon as permitted by law; 4536

(2) The rate of interest payable on the account shall not 4537
be less than the rate paid by the bank, savings and loan, credit 4538
union, or savings bank to its regular depositors. The rate may 4539
be higher if there is no impairment of the right to the 4540
immediate withdrawal or transfer of the principal; 4541

(3) All interest earned on the account, net of service 4542
charges and other related charges, shall be transmitted to the 4543
~~treasurer of state~~ public defender for deposit in the legal aid 4544
fund established under section 120.52 of the Revised Code. No 4545
part of the interest earned shall be paid to the title insurance 4546
agent or company. 4547

(D) The title insurance agent or company establishing an 4548
account under division (A) of this section shall direct the 4549
bank, savings and loan association, credit union, or savings 4550
bank to do both of the following: 4551

(1) Remit interest or dividends on the average monthly 4552
balance in the account, or as otherwise computed in accordance 4553

with the standard accounting practice of the bank, savings and 4554
loan association, credit union, or savings bank, less reasonable 4555
service charges and other related charges, to the ~~treasurer of~~ 4556
state public defender at least quarterly for deposit in the 4557
legal aid fund established under section 120.52 of the Revised 4558
Code; 4559

(2) At the time of each remittance, transmit to the 4560
~~treasurer of~~ state public defender, and if requested, to the 4561
Ohio access to justice foundation, and the title insurance agent 4562
or company, a statement showing the name of the title insurance 4563
agent or company for whom the remittance is sent, the rate of 4564
interest applied, the accounting period, the net amount remitted 4565
to the ~~treasurer of~~ state public defender for each account, the 4566
total remitted, the average account balance for each month of 4567
the period for which the report is made, and the amount deducted 4568
for service charges and other related charges. 4569

(E) The statements and reports submitted by the bank, 4570
savings and loan association, credit union, or savings bank 4571
under this section, are not public records subject to section 4572
149.43 of the Revised Code and shall be used only to administer 4573
the legal aid fund. 4574

(F) No funds belonging to a title insurance agent or 4575
company shall be deposited into an account established under 4576
division (A) of this section except funds necessary to pay 4577
service charges and other related charges of the bank, savings 4578
and loan association, credit union, or savings bank that are in 4579
excess of earnings on the account. 4580

(G) No liability arising out of any negligent act or 4581
omission of any title insurance agent or company with respect to 4582
any account established under division (A) of this section shall 4583

be imputed to the bank, savings and loan association, credit 4584
union, or savings bank. 4585

(H) No liability or responsibility arising out of any 4586
negligent act or omission of any title insurance agent with 4587
respect to any account established under division (A) of this 4588
section shall be imputed to a title insurance company. 4589

(I) The superintendent may adopt, in accordance with 4590
Chapter 119. of the Revised Code, rules that pertain to the use 4591
of accounts established under division (A) of this section and 4592
to the enforcement of this section. 4593

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 4594
streetcar, or trackless trolley within this state, if, at the 4595
time of the operation, any of the following apply: 4596

(a) The person is under the influence of alcohol, a drug 4597
of abuse, or a combination of them. 4598

(b) The person has a concentration of eight-hundredths of 4599
one per cent or more but less than seventeen-hundredths of one 4600
per cent by weight per unit volume of alcohol in the person's 4601
whole blood. 4602

(c) The person has a concentration of ninety-six- 4603
thousandths of one per cent or more but less than two hundred 4604
four-thousandths of one per cent by weight per unit volume of 4605
alcohol in the person's blood serum or plasma. 4606

(d) The person has a concentration of eight-hundredths of 4607
one gram or more but less than seventeen-hundredths of one gram 4608
by weight of alcohol per two hundred ten liters of the person's 4609
breath. 4610

(e) The person has a concentration of eleven-hundredths of 4611

one gram or more but less than two hundred thirty-eight- 4612
thousandths of one gram by weight of alcohol per one hundred 4613
milliliters of the person's urine. 4614

(f) The person has a concentration of seventeen-hundredths 4615
of one per cent or more by weight per unit volume of alcohol in 4616
the person's whole blood. 4617

(g) The person has a concentration of two hundred four- 4618
thousandths of one per cent or more by weight per unit volume of 4619
alcohol in the person's blood serum or plasma. 4620

(h) The person has a concentration of seventeen-hundredths 4621
of one gram or more by weight of alcohol per two hundred ten 4622
liters of the person's breath. 4623

(i) The person has a concentration of two hundred thirty- 4624
eight-thousandths of one gram or more by weight of alcohol per 4625
one hundred milliliters of the person's urine. 4626

(j) Except as provided in division (K) of this section, 4627
the person has a concentration of any of the following 4628
controlled substances or metabolites of a controlled substance 4629
in the person's whole blood, blood serum or plasma, or urine 4630
that equals or exceeds any of the following: 4631

(i) The person has a concentration of amphetamine in the 4632
person's urine of at least five hundred nanograms of amphetamine 4633
per milliliter of the person's urine or has a concentration of 4634
amphetamine in the person's whole blood or blood serum or plasma 4635
of at least one hundred nanograms of amphetamine per milliliter 4636
of the person's whole blood or blood serum or plasma. 4637

(ii) The person has a concentration of cocaine in the 4638
person's urine of at least one hundred fifty nanograms of 4639
cocaine per milliliter of the person's urine or has a 4640

concentration of cocaine in the person's whole blood or blood 4641
serum or plasma of at least fifty nanograms of cocaine per 4642
milliliter of the person's whole blood or blood serum or plasma. 4643

(iii) The person has a concentration of cocaine metabolite 4644
in the person's urine of at least one hundred fifty nanograms of 4645
cocaine metabolite per milliliter of the person's urine or has a 4646
concentration of cocaine metabolite in the person's whole blood 4647
or blood serum or plasma of at least fifty nanograms of cocaine 4648
metabolite per milliliter of the person's whole blood or blood 4649
serum or plasma. 4650

(iv) The person has a concentration of heroin in the 4651
person's urine of at least two thousand nanograms of heroin per 4652
milliliter of the person's urine or has a concentration of 4653
heroin in the person's whole blood or blood serum or plasma of 4654
at least fifty nanograms of heroin per milliliter of the 4655
person's whole blood or blood serum or plasma. 4656

(v) The person has a concentration of heroin metabolite 4657
(6-monoacetyl morphine) in the person's urine of at least ten 4658
nanograms of heroin metabolite (6-monoacetyl morphine) per 4659
milliliter of the person's urine or has a concentration of 4660
heroin metabolite (6-monoacetyl morphine) in the person's whole 4661
blood or blood serum or plasma of at least ten nanograms of 4662
heroin metabolite (6-monoacetyl morphine) per milliliter of the 4663
person's whole blood or blood serum or plasma. 4664

(vi) The person has a concentration of L.S.D. in the 4665
person's urine of at least twenty-five nanograms of L.S.D. per 4666
milliliter of the person's urine or a concentration of L.S.D. in 4667
the person's whole blood or blood serum or plasma of at least 4668
ten nanograms of L.S.D. per milliliter of the person's whole 4669
blood or blood serum or plasma. 4670

(vii) The person has a concentration of marihuana in the 4671
person's urine of at least ten nanograms of marihuana per 4672
milliliter of the person's urine or has a concentration of 4673
marihuana in the person's whole blood or blood serum or plasma 4674
of at least two nanograms of marihuana per milliliter of the 4675
person's whole blood or blood serum or plasma. 4676

(viii) Either of the following applies: 4677

(I) The person is under the influence of alcohol, a drug 4678
of abuse, or a combination of them, and the person has a 4679
concentration of marihuana metabolite in the person's urine of 4680
at least fifteen nanograms of marihuana metabolite per 4681
milliliter of the person's urine or has a concentration of 4682
marihuana metabolite in the person's whole blood or blood serum 4683
or plasma of at least five nanograms of marihuana metabolite per 4684
milliliter of the person's whole blood or blood serum or plasma. 4685

(II) The person has a concentration of marihuana 4686
metabolite in the person's urine of at least thirty-five 4687
nanograms of marihuana metabolite per milliliter of the person's 4688
urine or has a concentration of marihuana metabolite in the 4689
person's whole blood or blood serum or plasma of at least fifty 4690
nanograms of marihuana metabolite per milliliter of the person's 4691
whole blood or blood serum or plasma. 4692

(ix) The person has a concentration of methamphetamine in 4693
the person's urine of at least five hundred nanograms of 4694
methamphetamine per milliliter of the person's urine or has a 4695
concentration of methamphetamine in the person's whole blood or 4696
blood serum or plasma of at least one hundred nanograms of 4697
methamphetamine per milliliter of the person's whole blood or 4698
blood serum or plasma. 4699

(x) The person has a concentration of phencyclidine in the 4700
person's urine of at least twenty-five nanograms of 4701
phencyclidine per milliliter of the person's urine or has a 4702
concentration of phencyclidine in the person's whole blood or 4703
blood serum or plasma of at least ten nanograms of phencyclidine 4704
per milliliter of the person's whole blood or blood serum or 4705
plasma. 4706

(xi) The state board of pharmacy has adopted a rule 4707
pursuant to section 4729.041 of the Revised Code that specifies 4708
the amount of salvia divinorum and the amount of salvinorin A 4709
that constitute concentrations of salvia divinorum and 4710
salvinorin A in a person's urine, in a person's whole blood, or 4711
in a person's blood serum or plasma at or above which the person 4712
is impaired for purposes of operating any vehicle, streetcar, or 4713
trackless trolley within this state, the rule is in effect, and 4714
the person has a concentration of salvia divinorum or salvinorin 4715
A of at least that amount so specified by rule in the person's 4716
urine, in the person's whole blood, or in the person's blood 4717
serum or plasma. 4718

(2) No person who, within twenty years of the conduct 4719
described in division (A) (2) (a) of this section, previously has 4720
been convicted of or pleaded guilty to a violation of this 4721
division, a violation of division (A) (1) of this section, or any 4722
other equivalent offense shall do both of the following: 4723

(a) Operate any vehicle, streetcar, or trackless trolley 4724
within this state while under the influence of alcohol, a drug 4725
of abuse, or a combination of them; 4726

(b) Subsequent to being arrested for operating the 4727
vehicle, streetcar, or trackless trolley as described in 4728
division (A) (2) (a) of this section, being asked by a law 4729

enforcement officer to submit to a chemical test or tests under 4730
section 4511.191 of the Revised Code, and being advised by the 4731
officer in accordance with section 4511.192 of the Revised Code 4732
of the consequences of the person's refusal or submission to the 4733
test or tests, refuse to submit to the test or tests. 4734

(B) No person under twenty-one years of age shall operate 4735
any vehicle, streetcar, or trackless trolley within this state, 4736
if, at the time of the operation, any of the following apply: 4737

(1) The person has a concentration of at least two- 4738
hundredths of one per cent but less than eight-hundredths of one 4739
per cent by weight per unit volume of alcohol in the person's 4740
whole blood. 4741

(2) The person has a concentration of at least three- 4742
hundredths of one per cent but less than ninety-six-thousandths 4743
of one per cent by weight per unit volume of alcohol in the 4744
person's blood serum or plasma. 4745

(3) The person has a concentration of at least two- 4746
hundredths of one gram but less than eight-hundredths of one 4747
gram by weight of alcohol per two hundred ten liters of the 4748
person's breath. 4749

(4) The person has a concentration of at least twenty- 4750
eight one-thousandths of one gram but less than eleven- 4751
hundredths of one gram by weight of alcohol per one hundred 4752
milliliters of the person's urine. 4753

(C) In any proceeding arising out of one incident, a 4754
person may be charged with a violation of division (A) (1) (a) or 4755
(A) (2) and a violation of division (B) (1), (2), or (3) of this 4756
section, but the person may not be convicted of more than one 4757
violation of these divisions. 4758

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

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the presence and concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, oral fluid, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in division (A) of section 4511.192 of the Revised Code as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the presence and concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, oral fluid, or other bodily substance test at the request of a law enforcement officer under section 4511.191 of the Revised Code or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate,

an emergency medical technician-paramedic, or a qualified 4790
technician, chemist, or phlebotomist shall withdraw a blood 4791
sample for the purpose of determining the alcohol, drug, 4792
controlled substance, metabolite of a controlled substance, or 4793
combination content of the whole blood, blood serum, or blood 4794
plasma. This limitation does not apply to the taking of breath, 4795
oral fluid, or urine specimens. A person authorized to withdraw 4796
blood under this division may refuse to withdraw blood under 4797
this division, if in that person's opinion, the physical welfare 4798
of the person would be endangered by the withdrawing of blood. 4799

The bodily substance withdrawn under division (D) (1) (b) of 4800
this section shall be analyzed in accordance with methods 4801
approved by the director of health by an individual possessing a 4802
valid permit issued by the director pursuant to section 3701.143 4803
of the Revised Code. 4804

(c) As used in division (D) (1) (b) of this section, 4805
"emergency medical technician-intermediate" and "emergency 4806
medical technician-paramedic" have the same meanings as in 4807
section 4765.01 of the Revised Code. 4808

(2) In a criminal prosecution or juvenile court proceeding 4809
for a violation of division (A) of this section or for an 4810
equivalent offense that is vehicle-related, if there was at the 4811
time the bodily substance was withdrawn a concentration of less 4812
than the applicable concentration of alcohol specified in 4813
divisions (A) (1) (b), (c), (d), and (e) of this section or less 4814
than the applicable concentration of a listed controlled 4815
substance or a listed metabolite of a controlled substance 4816
specified for a violation of division (A) (1) (j) of this section, 4817
that fact may be considered with other competent evidence in 4818
determining the guilt or innocence of the defendant. This 4819

division does not limit or affect a criminal prosecution or 4820
juvenile court proceeding for a violation of division (B) of 4821
this section or for an equivalent offense that is substantially 4822
equivalent to that division. 4823

(3) Upon the request of the person who was tested, the 4824
results of the chemical test shall be made available to the 4825
person or the person's attorney, immediately upon the completion 4826
of the chemical test analysis. 4827

If the chemical test was obtained pursuant to division (D) 4828
(1)(b) of this section, the person tested may have a physician, 4829
a registered nurse, or a qualified technician, chemist, or 4830
phlebotomist of the person's own choosing administer a chemical 4831
test or tests, at the person's expense, in addition to any 4832
administered at the request of a law enforcement officer. If the 4833
person was under arrest as described in division (A)(5) of 4834
section 4511.191 of the Revised Code, the arresting officer 4835
shall advise the person at the time of the arrest that the 4836
person may have an independent chemical test taken at the 4837
person's own expense. If the person was under arrest other than 4838
described in division (A)(5) of section 4511.191 of the Revised 4839
Code, the form to be read to the person to be tested, as 4840
required under section 4511.192 of the Revised Code, shall state 4841
that the person may have an independent test performed at the 4842
person's expense. The failure or inability to obtain an 4843
additional chemical test by a person shall not preclude the 4844
admission of evidence relating to the chemical test or tests 4845
taken at the request of a law enforcement officer. 4846

(4)(a) As used in divisions (D)(4)(b) and (c) of this 4847
section, "national highway traffic safety administration" means 4848
the national highway traffic safety administration established 4849

as an administration of the United States department of 4850
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 4851

(b) In any criminal prosecution or juvenile court 4852
proceeding for a violation of division (A) or (B) of this 4853
section, of a municipal ordinance relating to operating a 4854
vehicle while under the influence of alcohol, a drug of abuse, 4855
or alcohol and a drug of abuse, or of a municipal ordinance 4856
relating to operating a vehicle with a prohibited concentration 4857
of alcohol, a controlled substance, or a metabolite of a 4858
controlled substance in the whole blood, blood serum or plasma, 4859
breath, oral fluid, or urine, if a law enforcement officer has 4860
administered a field sobriety test to the operator of the 4861
vehicle involved in the violation and if it is shown by clear 4862
and convincing evidence that the officer administered the test 4863
in substantial compliance with the testing standards for any 4864
reliable, credible, and generally accepted field sobriety tests 4865
that were in effect at the time the tests were administered, 4866
including, but not limited to, any testing standards then in 4867
effect that were set by the national highway traffic safety 4868
administration, all of the following apply: 4869

(i) The officer may testify concerning the results of the 4870
field sobriety test so administered. 4871

(ii) The prosecution may introduce the results of the 4872
field sobriety test so administered as evidence in any 4873
proceedings in the criminal prosecution or juvenile court 4874
proceeding. 4875

(iii) If testimony is presented or evidence is introduced 4876
under division (D) (4) (b) (i) or (ii) of this section and if the 4877
testimony or evidence is admissible under the Rules of Evidence, 4878
the court shall admit the testimony or evidence and the trier of 4879

fact shall give it whatever weight the trier of fact considers 4880
to be appropriate. 4881

(c) Division (D) (4) (b) of this section does not limit or 4882
preclude a court, in its determination of whether the arrest of 4883
a person was supported by probable cause or its determination of 4884
any other matter in a criminal prosecution or juvenile court 4885
proceeding of a type described in that division, from 4886
considering evidence or testimony that is not otherwise 4887
disallowed by division (D) (4) (b) of this section. 4888

(E) (1) Subject to division (E) (3) of this section, in any 4889
criminal prosecution or juvenile court proceeding for a 4890
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 4891
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 4892
an equivalent offense that is substantially equivalent to any of 4893
those divisions, a laboratory report from any laboratory 4894
personnel issued a permit by the department of health 4895
authorizing an analysis as described in this division that 4896
contains an analysis of the whole blood, blood serum or plasma, 4897
breath, urine, or other bodily substance tested and that 4898
contains all of the information specified in this division shall 4899
be admitted as prima-facie evidence of the information and 4900
statements that the report contains. The laboratory report shall 4901
contain all of the following: 4902

(a) The signature, under oath, of any person who performed 4903
the analysis; 4904

(b) Any findings as to the identity and quantity of 4905
alcohol, a drug of abuse, a controlled substance, a metabolite 4906
of a controlled substance, or a combination of them that was 4907
found; 4908

(c) A copy of a notarized statement by the laboratory 4909
director or a designee of the director that contains the name of 4910
each certified analyst or test performer involved with the 4911
report, the analyst's or test performer's employment 4912
relationship with the laboratory that issued the report, and a 4913
notation that performing an analysis of the type involved is 4914
part of the analyst's or test performer's regular duties; 4915

(d) An outline of the analyst's or test performer's 4916
education, training, and experience in performing the type of 4917
analysis involved and a certification that the laboratory 4918
satisfies appropriate quality control standards in general and, 4919
in this particular analysis, under rules of the department of 4920
health. 4921

(2) Notwithstanding any other provision of law regarding 4922
the admission of evidence, a report of the type described in 4923
division (E) (1) of this section is not admissible against the 4924
defendant to whom it pertains in any proceeding, other than a 4925
preliminary hearing or a grand jury proceeding, unless the 4926
prosecutor has served a copy of the report on the defendant's 4927
attorney or, if the defendant has no attorney, on the defendant. 4928

(3) A report of the type described in division (E) (1) of 4929
this section shall not be prima-facie evidence of the contents, 4930
identity, or amount of any substance if, within seven days after 4931
the defendant to whom the report pertains or the defendant's 4932
attorney receives a copy of the report, the defendant or the 4933
defendant's attorney demands the testimony of the person who 4934
signed the report. The judge in the case may extend the seven- 4935
day time limit in the interest of justice. 4936

(F) Except as otherwise provided in this division, any 4937
physician, registered nurse, emergency medical technician- 4938

intermediate, emergency medical technician-paramedic, or 4939
qualified technician, chemist, or phlebotomist who withdraws 4940
blood from a person pursuant to this section or section 4511.191 4941
or 4511.192 of the Revised Code, and any hospital, first-aid 4942
station, or clinic at which blood is withdrawn from a person 4943
pursuant to this section or section 4511.191 or 4511.192 of the 4944
Revised Code, is immune from criminal liability and civil 4945
liability based upon a claim of assault and battery or any other 4946
claim that is not a claim of malpractice, for any act performed 4947
in withdrawing blood from the person. The immunity provided in 4948
this division also extends to an emergency medical service 4949
organization that employs an emergency medical technician- 4950
intermediate or emergency medical technician-paramedic who 4951
withdraws blood under this section. The immunity provided in 4952
this division is not available to a person who withdraws blood 4953
if the person engages in willful or wanton misconduct. 4954

As used in this division, "emergency medical technician- 4955
intermediate" and "emergency medical technician-paramedic" have 4956
the same meanings as in section 4765.01 of the Revised Code. 4957

(G) (1) Whoever violates any provision of divisions (A) (1) 4958
(a) to (i) or (A) (2) of this section is guilty of operating a 4959
vehicle under the influence of alcohol, a drug of abuse, or a 4960
combination of them. Whoever violates division (A) (1) (j) of this 4961
section is guilty of operating a vehicle while under the 4962
influence of a listed controlled substance or a listed 4963
metabolite of a controlled substance. The court shall sentence 4964
the offender for either offense under Chapter 2929. of the 4965
Revised Code, except as otherwise authorized or required by 4966
divisions (G) (1) (a) to (e) of this section: 4967

(a) Except as otherwise provided in division (G) (1) (b), 4968

(c), (d), or (e) of this section, the offender is guilty of a 4969
misdemeanor of the first degree, and the court shall sentence 4970
the offender to all of the following: 4971

(i) If the sentence is being imposed for a violation of 4972
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 4973
a mandatory jail term of three consecutive days. As used in this 4974
division, three consecutive days means seventy-two consecutive 4975
hours. The court may sentence an offender to both an 4976
intervention program and a jail term. The court may impose a 4977
jail term in addition to the three-day mandatory jail term or 4978
intervention program. However, in no case shall the cumulative 4979
jail term imposed for the offense exceed six months. 4980

The court may suspend the execution of the three-day jail 4981
term under this division if the court, in lieu of that suspended 4982
term, places the offender under a community control sanction 4983
pursuant to section 2929.25 of the Revised Code and requires the 4984
offender to attend, for three consecutive days, a drivers' 4985
intervention program certified under section 5119.38 of the 4986
Revised Code. The court also may suspend the execution of any 4987
part of the three-day jail term under this division if it places 4988
the offender under a community control sanction pursuant to 4989
section 2929.25 of the Revised Code for part of the three days, 4990
requires the offender to attend for the suspended part of the 4991
term a drivers' intervention program so certified, and sentences 4992
the offender to a jail term equal to the remainder of the three 4993
consecutive days that the offender does not spend attending the 4994
program. The court may require the offender, as a condition of 4995
community control and in addition to the required attendance at 4996
a drivers' intervention program, to attend and satisfactorily 4997
complete any treatment or education programs that comply with 4998
the minimum standards adopted pursuant to Chapter 5119. of the 4999

Revised Code by the director of mental health and addiction 5000
services that the operators of the drivers' intervention program 5001
determine that the offender should attend and to report 5002
periodically to the court on the offender's progress in the 5003
programs. The court also may impose on the offender any other 5004
conditions of community control that it considers necessary. 5005

If the court grants unlimited driving privileges to a 5006
first-time offender under section 4510.022 of the Revised Code, 5007
all penalties imposed upon the offender by the court under 5008
division (G) (1) (a) (i) of this section for the offense apply, 5009
except that the court shall suspend any mandatory or additional 5010
jail term imposed by the court under division (G) (1) (a) (i) of 5011
this section upon granting unlimited driving privileges in 5012
accordance with section 4510.022 of the Revised Code. 5013

(ii) If the sentence is being imposed for a violation of 5014
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 5015
section, except as otherwise provided in this division, a 5016
mandatory jail term of at least three consecutive days and a 5017
requirement that the offender attend, for three consecutive 5018
days, a drivers' intervention program that is certified pursuant 5019
to section 5119.38 of the Revised Code. As used in this 5020
division, three consecutive days means seventy-two consecutive 5021
hours. If the court determines that the offender is not 5022
conducive to treatment in a drivers' intervention program, if 5023
the offender refuses to attend a drivers' intervention program, 5024
or if the jail at which the offender is to serve the jail term 5025
imposed can provide a driver's intervention program, the court 5026
shall sentence the offender to a mandatory jail term of at least 5027
six consecutive days. 5028

If the court grants unlimited driving privileges to a 5029

first-time offender under section 4510.022 of the Revised Code, 5030
all penalties imposed upon the offender by the court under 5031
division (G)(1)(a)(ii) of this section for the offense apply, 5032
except that the court shall suspend any mandatory or additional 5033
jail term imposed by the court under division (G)(1)(a)(ii) of 5034
this section upon granting unlimited driving privileges in 5035
accordance with section 4510.022 of the Revised Code. 5036

The court may require the offender, under a community 5037
control sanction imposed under section 2929.25 of the Revised 5038
Code, to attend and satisfactorily complete any treatment or 5039
education programs that comply with the minimum standards 5040
adopted pursuant to Chapter 5119. of the Revised Code by the 5041
director of mental health and addiction services, in addition to 5042
the required attendance at drivers' intervention program, that 5043
the operators of the drivers' intervention program determine 5044
that the offender should attend and to report periodically to 5045
the court on the offender's progress in the programs. The court 5046
also may impose any other conditions of community control on the 5047
offender that it considers necessary. 5048

(iii) In all cases, a fine of not less than five hundred 5049
sixty-five and not more than one thousand seventy-five dollars; 5050

(iv) In all cases, a suspension of the offender's driver's 5051
or commercial driver's license or permit or nonresident 5052
operating privilege for a definite period of one to three years. 5053
The court may grant limited driving privileges relative to the 5054
suspension under sections 4510.021 and 4510.13 of the Revised 5055
Code. The court may grant unlimited driving privileges with an 5056
ignition interlock device relative to the suspension and may 5057
reduce the period of suspension as authorized under section 5058
4510.022 of the Revised Code. 5059

(b) Except as otherwise provided in division (G) (1) (e) of 5060
this section, an offender who, within ten years of the offense, 5061
previously has been convicted of or pleaded guilty to one 5062
violation of division (A) of this section or one other 5063
equivalent offense is guilty of a misdemeanor of the first 5064
degree. The court shall sentence the offender to all of the 5065
following: 5066

(i) If the sentence is being imposed for a violation of 5067
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 5068
a mandatory jail term of ten consecutive days. The court shall 5069
impose the ten-day mandatory jail term under this division 5070
unless, subject to division (G) (3) of this section, it instead 5071
imposes a sentence under that division consisting of both a jail 5072
term and a term of house arrest with electronic monitoring, with 5073
continuous alcohol monitoring, or with both electronic 5074
monitoring and continuous alcohol monitoring. The court may 5075
impose a jail term in addition to the ten-day mandatory jail 5076
term. The cumulative jail term imposed for the offense shall not 5077
exceed six months. 5078

In addition to the jail term or the term of house arrest 5079
with electronic monitoring or continuous alcohol monitoring or 5080
both types of monitoring and jail term, the court shall require 5081
the offender to be assessed by a community addiction services 5082
provider that is authorized by section 5119.21 of the Revised 5083
Code, subject to division (I) of this section, and shall order 5084
the offender to follow the treatment recommendations of the 5085
services provider. The purpose of the assessment is to determine 5086
the degree of the offender's alcohol usage and to determine 5087
whether or not treatment is warranted. Upon the request of the 5088
court, the services provider shall submit the results of the 5089
assessment to the court, including all treatment recommendations 5090

and clinical diagnoses related to alcohol use. 5091

(ii) If the sentence is being imposed for a violation of 5092
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5093
section, except as otherwise provided in this division, a 5094
mandatory jail term of twenty consecutive days. The court shall 5095
impose the twenty-day mandatory jail term under this division 5096
unless, subject to division (G)(3) of this section, it instead 5097
imposes a sentence under that division consisting of both a jail 5098
term and a term of house arrest with electronic monitoring, with 5099
continuous alcohol monitoring, or with both electronic 5100
monitoring and continuous alcohol monitoring. The court may 5101
impose a jail term in addition to the twenty-day mandatory jail 5102
term. The cumulative jail term imposed for the offense shall not 5103
exceed six months. 5104

In addition to the jail term or the term of house arrest 5105
with electronic monitoring or continuous alcohol monitoring or 5106
both types of monitoring and jail term, the court shall require 5107
the offender to be assessed by a community addiction service 5108
provider that is authorized by section 5119.21 of the Revised 5109
Code, subject to division (I) of this section, and shall order 5110
the offender to follow the treatment recommendations of the 5111
services provider. The purpose of the assessment is to determine 5112
the degree of the offender's alcohol usage and to determine 5113
whether or not treatment is warranted. Upon the request of the 5114
court, the services provider shall submit the results of the 5115
assessment to the court, including all treatment recommendations 5116
and clinical diagnoses related to alcohol use. 5117

(iii) In all cases, notwithstanding the fines set forth in 5118
Chapter 2929. of the Revised Code, a fine of not less than seven 5119
hundred fifteen and not more than one thousand six hundred 5120

twenty-five dollars; 5121

(iv) In all cases, a suspension of the offender's driver's 5122
license, commercial driver's license, temporary instruction 5123
permit, probationary license, or nonresident operating privilege 5124
for a definite period of one to seven years. The court may grant 5125
limited driving privileges relative to the suspension under 5126
sections 4510.021 and 4510.13 of the Revised Code. 5127

(v) In all cases, if the vehicle is registered in the 5128
offender's name, immobilization of the vehicle involved in the 5129
offense for ninety days in accordance with section 4503.233 of 5130
the Revised Code and impoundment of the license plates of that 5131
vehicle for ninety days. 5132

(c) Except as otherwise provided in division (G) (1) (e) of 5133
this section, an offender who, within ten years of the offense, 5134
previously has been convicted of or pleaded guilty to two 5135
violations of division (A) of this section or other equivalent 5136
offenses is guilty of a misdemeanor. The court shall sentence 5137
the offender to all of the following: 5138

(i) If the sentence is being imposed for a violation of 5139
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 5140
a mandatory jail term of thirty consecutive days. The court 5141
shall impose the thirty-day mandatory jail term under this 5142
division unless, subject to division (G) (3) of this section, it 5143
instead imposes a sentence under that division consisting of 5144
both a jail term and a term of house arrest with electronic 5145
monitoring, with continuous alcohol monitoring, or with both 5146
electronic monitoring and continuous alcohol monitoring. The 5147
court may impose a jail term in addition to the thirty-day 5148
mandatory jail term. Notwithstanding the jail terms set forth in 5149
sections 2929.21 to 2929.28 of the Revised Code, the additional 5150

jail term shall not exceed one year, and the cumulative jail 5151
term imposed for the offense shall not exceed one year. 5152

(ii) If the sentence is being imposed for a violation of 5153
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5154
section, a mandatory jail term of sixty consecutive days. The 5155
court shall impose the sixty-day mandatory jail term under this 5156
division unless, subject to division (G)(3) of this section, it 5157
instead imposes a sentence under that division consisting of 5158
both a jail term and a term of house arrest with electronic 5159
monitoring, with continuous alcohol monitoring, or with both 5160
electronic monitoring and continuous alcohol monitoring. The 5161
court may impose a jail term in addition to the sixty-day 5162
mandatory jail term. Notwithstanding the jail terms set forth in 5163
sections 2929.21 to 2929.28 of the Revised Code, the additional 5164
jail term shall not exceed one year, and the cumulative jail 5165
term imposed for the offense shall not exceed one year. 5166

(iii) In all cases, notwithstanding the fines set forth in 5167
Chapter 2929. of the Revised Code, a fine of not less than one 5168
thousand forty and not more than two thousand seven hundred 5169
fifty dollars; 5170

(iv) In all cases, a suspension of the offender's driver's 5171
license, commercial driver's license, temporary instruction 5172
permit, probationary license, or nonresident operating privilege 5173
for a definite period of two to twelve years. The court may 5174
grant limited driving privileges relative to the suspension 5175
under sections 4510.021 and 4510.13 of the Revised Code. 5176

(v) In all cases, if the vehicle is registered in the 5177
offender's name, criminal forfeiture of the vehicle involved in 5178
the offense in accordance with section 4503.234 of the Revised 5179
Code. Division (G)(6) of this section applies regarding any 5180

vehicle that is subject to an order of criminal forfeiture under 5181
this division. 5182

(vi) In all cases, the court shall order the offender to 5183
participate with a community addiction services provider 5184
authorized by section 5119.21 of the Revised Code, subject to 5185
division (I) of this section, and shall order the offender to 5186
follow the treatment recommendations of the services provider. 5187
The operator of the services provider shall determine and assess 5188
the degree of the offender's alcohol dependency and shall make 5189
recommendations for treatment. Upon the request of the court, 5190
the services provider shall submit the results of the assessment 5191
to the court, including all treatment recommendations and 5192
clinical diagnoses related to alcohol use. 5193

(d) Except as otherwise provided in division (G)(1)(e) of 5194
this section, an offender who, within ten years of the offense, 5195
previously has been convicted of or pleaded guilty to three or 5196
four violations of division (A) of this section or other 5197
equivalent offenses, an offender who, within twenty years of the 5198
offense, previously has been convicted of or pleaded guilty to 5199
five or more violations of that nature, or an offender who 5200
previously has been convicted of or pleaded guilty to a 5201
specification of the type described in section 2941.1413 of the 5202
Revised Code, is guilty of a felony of the fourth degree. The 5203
court shall sentence the offender to all of the following: 5204

(i) If the sentence is being imposed for a violation of 5205
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 5206
a mandatory prison term of one, two, three, four, or five years 5207
as required by and in accordance with division (G)(2) of section 5208
2929.13 of the Revised Code if the offender also is convicted of 5209
or also pleads guilty to a specification of the type described 5210

in section 2941.1413 of the Revised Code or, in the discretion 5211
of the court, either a mandatory term of local incarceration of 5212
sixty consecutive days in accordance with division (G) (1) of 5213
section 2929.13 of the Revised Code or a mandatory prison term 5214
of sixty consecutive days in accordance with division (G) (2) of 5215
that section if the offender is not convicted of and does not 5216
plead guilty to a specification of that type. If the court 5217
imposes a mandatory term of local incarceration, it may impose a 5218
jail term in addition to the sixty-day mandatory term, the 5219
cumulative total of the mandatory term and the jail term for the 5220
offense shall not exceed one year, and, except as provided in 5221
division (A) (1) of section 2929.13 of the Revised Code, no 5222
prison term is authorized for the offense. If the court imposes 5223
a mandatory prison term, notwithstanding division (A) (4) of 5224
section 2929.14 of the Revised Code, it also may sentence the 5225
offender to a definite prison term that shall be not less than 5226
six months and not more than thirty months and the prison terms 5227
shall be imposed as described in division (G) (2) of section 5228
2929.13 of the Revised Code. If the court imposes a mandatory 5229
prison term or mandatory prison term and additional prison term, 5230
in addition to the term or terms so imposed, the court also may 5231
sentence the offender to a community control sanction for the 5232
offense, but the offender shall serve all of the prison terms so 5233
imposed prior to serving the community control sanction. 5234

(ii) If the sentence is being imposed for a violation of 5235
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 5236
section, a mandatory prison term of one, two, three, four, or 5237
five years as required by and in accordance with division (G) (2) 5238
of section 2929.13 of the Revised Code if the offender also is 5239
convicted of or also pleads guilty to a specification of the 5240
type described in section 2941.1413 of the Revised Code or, in 5241

the discretion of the court, either a mandatory term of local 5242
incarceration of one hundred twenty consecutive days in 5243
accordance with division (G) (1) of section 2929.13 of the 5244
Revised Code or a mandatory prison term of one hundred twenty 5245
consecutive days in accordance with division (G) (2) of that 5246
section if the offender is not convicted of and does not plead 5247
guilty to a specification of that type. If the court imposes a 5248
mandatory term of local incarceration, it may impose a jail term 5249
in addition to the one hundred twenty-day mandatory term, the 5250
cumulative total of the mandatory term and the jail term for the 5251
offense shall not exceed one year, and, except as provided in 5252
division (A) (1) of section 2929.13 of the Revised Code, no 5253
prison term is authorized for the offense. If the court imposes 5254
a mandatory prison term, notwithstanding division (A) (4) of 5255
section 2929.14 of the Revised Code, it also may sentence the 5256
offender to a definite prison term that shall be not less than 5257
six months and not more than thirty months and the prison terms 5258
shall be imposed as described in division (G) (2) of section 5259
2929.13 of the Revised Code. If the court imposes a mandatory 5260
prison term or mandatory prison term and additional prison term, 5261
in addition to the term or terms so imposed, the court also may 5262
sentence the offender to a community control sanction for the 5263
offense, but the offender shall serve all of the prison terms so 5264
imposed prior to serving the community control sanction. 5265

(iii) In all cases, notwithstanding section 2929.18 of the 5266
Revised Code, a fine of not less than one thousand five hundred 5267
forty nor more than ten thousand five hundred dollars; 5268

(iv) In all cases, a class two license suspension of the 5269
offender's driver's license, commercial driver's license, 5270
temporary instruction permit, probationary license, or 5271
nonresident operating privilege from the range specified in 5272

division (A) (2) of section 4510.02 of the Revised Code. The 5273
court may grant limited driving privileges relative to the 5274
suspension under sections 4510.021 and 4510.13 of the Revised 5275
Code. 5276

(v) In all cases, if the vehicle is registered in the 5277
offender's name, criminal forfeiture of the vehicle involved in 5278
the offense in accordance with section 4503.234 of the Revised 5279
Code. Division (G) (6) of this section applies regarding any 5280
vehicle that is subject to an order of criminal forfeiture under 5281
this division. 5282

(vi) In all cases, the court shall order the offender to 5283
participate with a community addiction services provider 5284
authorized by section 5119.21 of the Revised Code, subject to 5285
division (I) of this section, and shall order the offender to 5286
follow the treatment recommendations of the services provider. 5287
The operator of the services provider shall determine and assess 5288
the degree of the offender's alcohol dependency and shall make 5289
recommendations for treatment. Upon the request of the court, 5290
the services provider shall submit the results of the assessment 5291
to the court, including all treatment recommendations and 5292
clinical diagnoses related to alcohol use. 5293

(vii) In all cases, if the court sentences the offender to 5294
a mandatory term of local incarceration, in addition to the 5295
mandatory term, the court, pursuant to section 2929.17 of the 5296
Revised Code, may impose a term of house arrest with electronic 5297
monitoring. The term shall not commence until after the offender 5298
has served the mandatory term of local incarceration. 5299

(e) An offender who previously has been convicted of or 5300
pleaded guilty to a violation of division (A) of this section 5301
that was a felony, regardless of when the violation and the 5302

conviction or guilty plea occurred, is guilty of a felony of the 5303
third degree. The court shall sentence the offender to all of 5304
the following: 5305

(i) If the offender is being sentenced for a violation of 5306
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 5307
a mandatory prison term of one, two, three, four, or five years 5308
as required by and in accordance with division (G)(2) of section 5309
2929.13 of the Revised Code if the offender also is convicted of 5310
or also pleads guilty to a specification of the type described 5311
in section 2941.1413 of the Revised Code or a mandatory prison 5312
term of sixty consecutive days in accordance with division (G) 5313
(2) of section 2929.13 of the Revised Code if the offender is 5314
not convicted of and does not plead guilty to a specification of 5315
that type. The court may impose a prison term in addition to the 5316
mandatory prison term. The cumulative total of a sixty-day 5317
mandatory prison term and the additional prison term for the 5318
offense shall not exceed five years. In addition to the 5319
mandatory prison term or mandatory prison term and additional 5320
prison term the court imposes, the court also may sentence the 5321
offender to a community control sanction for the offense, but 5322
the offender shall serve all of the prison terms so imposed 5323
prior to serving the community control sanction. 5324

(ii) If the sentence is being imposed for a violation of 5325
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5326
section, a mandatory prison term of one, two, three, four, or 5327
five years as required by and in accordance with division (G)(2) 5328
of section 2929.13 of the Revised Code if the offender also is 5329
convicted of or also pleads guilty to a specification of the 5330
type described in section 2941.1413 of the Revised Code or a 5331
mandatory prison term of one hundred twenty consecutive days in 5332
accordance with division (G)(2) of section 2929.13 of the 5333

Revised Code if the offender is not convicted of and does not 5334
plead guilty to a specification of that type. The court may 5335
impose a prison term in addition to the mandatory prison term. 5336
The cumulative total of a one hundred twenty-day mandatory 5337
prison term and the additional prison term for the offense shall 5338
not exceed five years. In addition to the mandatory prison term 5339
or mandatory prison term and additional prison term the court 5340
imposes, the court also may sentence the offender to a community 5341
control sanction for the offense, but the offender shall serve 5342
all of the prison terms so imposed prior to serving the 5343
community control sanction. 5344

(iii) In all cases, notwithstanding section 2929.18 of the 5345
Revised Code, a fine of not less than one thousand five hundred 5346
forty nor more than ten thousand five hundred dollars; 5347

(iv) In all cases, a class two license suspension of the 5348
offender's driver's license, commercial driver's license, 5349
temporary instruction permit, probationary license, or 5350
nonresident operating privilege from the range specified in 5351
division (A)(2) of section 4510.02 of the Revised Code. The 5352
court may grant limited driving privileges relative to the 5353
suspension under sections 4510.021 and 4510.13 of the Revised 5354
Code. 5355

(v) In all cases, if the vehicle is registered in the 5356
offender's name, criminal forfeiture of the vehicle involved in 5357
the offense in accordance with section 4503.234 of the Revised 5358
Code. Division (G)(6) of this section applies regarding any 5359
vehicle that is subject to an order of criminal forfeiture under 5360
this division. 5361

(vi) In all cases, the court shall order the offender to 5362
participate with a community addiction services provider 5363

authorized by section 5119.21 of the Revised Code, subject to 5364
division (I) of this section, and shall order the offender to 5365
follow the treatment recommendations of the services provider. 5366
The operator of the services provider shall determine and assess 5367
the degree of the offender's alcohol dependency and shall make 5368
recommendations for treatment. Upon the request of the court, 5369
the services provider shall submit the results of the assessment 5370
to the court, including all treatment recommendations and 5371
clinical diagnoses related to alcohol use. 5372

(2) An offender who is convicted of or pleads guilty to a 5373
violation of division (A) of this section and who subsequently 5374
seeks reinstatement of the driver's or occupational driver's 5375
license or permit or nonresident operating privilege suspended 5376
under this section as a result of the conviction or guilty plea 5377
shall pay a reinstatement fee as provided in division (F) (2) of 5378
section 4511.191 of the Revised Code. 5379

(3) If an offender is sentenced to a jail term under 5380
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 5381
section and if, within sixty days of sentencing of the offender, 5382
the court issues a written finding on the record that, due to 5383
the unavailability of space at the jail where the offender is 5384
required to serve the term, the offender will not be able to 5385
begin serving that term within the sixty-day period following 5386
the date of sentencing, the court may impose an alternative 5387
sentence under this division that includes a term of house 5388
arrest with electronic monitoring, with continuous alcohol 5389
monitoring, or with both electronic monitoring and continuous 5390
alcohol monitoring. 5391

As an alternative to a mandatory jail term of ten 5392
consecutive days required by division (G) (1) (b) (i) of this 5393

section, the court, under this division, may sentence the 5394
offender to five consecutive days in jail and not less than 5395
eighteen consecutive days of house arrest with electronic 5396
monitoring, with continuous alcohol monitoring, or with both 5397
electronic monitoring and continuous alcohol monitoring. The 5398
cumulative total of the five consecutive days in jail and the 5399
period of house arrest with electronic monitoring, continuous 5400
alcohol monitoring, or both types of monitoring shall not exceed 5401
six months. The five consecutive days in jail do not have to be 5402
served prior to or consecutively to the period of house arrest. 5403

As an alternative to the mandatory jail term of twenty 5404
consecutive days required by division (G)(1)(b)(ii) of this 5405
section, the court, under this division, may sentence the 5406
offender to ten consecutive days in jail and not less than 5407
thirty-six consecutive days of house arrest with electronic 5408
monitoring, with continuous alcohol monitoring, or with both 5409
electronic monitoring and continuous alcohol monitoring. The 5410
cumulative total of the ten consecutive days in jail and the 5411
period of house arrest with electronic monitoring, continuous 5412
alcohol monitoring, or both types of monitoring shall not exceed 5413
six months. The ten consecutive days in jail do not have to be 5414
served prior to or consecutively to the period of house arrest. 5415

As an alternative to a mandatory jail term of thirty 5416
consecutive days required by division (G)(1)(c)(i) of this 5417
section, the court, under this division, may sentence the 5418
offender to fifteen consecutive days in jail and not less than 5419
fifty-five consecutive days of house arrest with electronic 5420
monitoring, with continuous alcohol monitoring, or with both 5421
electronic monitoring and continuous alcohol monitoring. The 5422
cumulative total of the fifteen consecutive days in jail and the 5423
period of house arrest with electronic monitoring, continuous 5424

alcohol monitoring, or both types of monitoring shall not exceed 5425
one year. The fifteen consecutive days in jail do not have to be 5426
served prior to or consecutively to the period of house arrest. 5427

As an alternative to the mandatory jail term of sixty 5428
consecutive days required by division (G)(1)(c)(ii) of this 5429
section, the court, under this division, may sentence the 5430
offender to thirty consecutive days in jail and not less than 5431
one hundred ten consecutive days of house arrest with electronic 5432
monitoring, with continuous alcohol monitoring, or with both 5433
electronic monitoring and continuous alcohol monitoring. The 5434
cumulative total of the thirty consecutive days in jail and the 5435
period of house arrest with electronic monitoring, continuous 5436
alcohol monitoring, or both types of monitoring shall not exceed 5437
one year. The thirty consecutive days in jail do not have to be 5438
served prior to or consecutively to the period of house arrest. 5439

(4) If an offender's driver's or occupational driver's 5440
license or permit or nonresident operating privilege is 5441
suspended under division (G) of this section and if section 5442
4510.13 of the Revised Code permits the court to grant limited 5443
driving privileges, the court may grant the limited driving 5444
privileges in accordance with that section. If division (A)(7) 5445
of that section requires that the court impose as a condition of 5446
the privileges that the offender must display on the vehicle 5447
that is driven subject to the privileges restricted license 5448
plates that are issued under section 4503.231 of the Revised 5449
Code, except as provided in division (B) of that section, the 5450
court shall impose that condition as one of the conditions of 5451
the limited driving privileges granted to the offender, except 5452
as provided in division (B) of section 4503.231 of the Revised 5453
Code. 5454

(5) Fines imposed under this section for a violation of 5455
division (A) of this section shall be distributed as follows: 5456

(a) Twenty-five dollars of the fine imposed under division 5457
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 5458
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 5459
fine imposed under division (G) (1) (c) (iii), and two hundred ten 5460
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 5461
(iii) of this section shall be paid to an enforcement and 5462
education fund established by the legislative authority of the 5463
law enforcement agency in this state that primarily was 5464
responsible for the arrest of the offender, as determined by the 5465
court that imposes the fine. The agency shall use this share to 5466
pay only those costs it incurs in enforcing this section or a 5467
municipal OVI ordinance and in informing the public of the laws 5468
governing the operation of a vehicle while under the influence 5469
of alcohol, the dangers of the operation of a vehicle under the 5470
influence of alcohol, and other information relating to the 5471
operation of a vehicle under the influence of alcohol and the 5472
consumption of alcoholic beverages. 5473

(b) Fifty dollars of the fine imposed under division (G) 5474
(1) (a) (iii) of this section shall be paid to the political 5475
subdivision that pays the cost of housing the offender during 5476
the offender's term of incarceration. If the offender is being 5477
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 5478
(e), or (j) of this section and was confined as a result of the 5479
offense prior to being sentenced for the offense but is not 5480
sentenced to a term of incarceration, the fifty dollars shall be 5481
paid to the political subdivision that paid the cost of housing 5482
the offender during that period of confinement. The political 5483
subdivision shall use the share under this division to pay or 5484
reimburse incarceration or treatment costs it incurs in housing 5485

or providing drug and alcohol treatment to persons who violate 5486
this section or a municipal OVI ordinance, costs of any 5487
immobilizing or disabling device used on the offender's vehicle, 5488
and costs of electronic house arrest equipment needed for 5489
persons who violate this section. 5490

(c) Twenty-five dollars of the fine imposed under division 5491
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 5492
division (G) (1) (b) (iii) of this section shall be deposited into 5493
the county or municipal indigent drivers' alcohol treatment fund 5494
under the control of that court, as created by the county or 5495
municipal corporation under division (H) of section 4511.191 of 5496
the Revised Code. 5497

(d) One hundred fifteen dollars of the fine imposed under 5498
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 5499
the fine imposed under division (G) (1) (c) (iii), and four hundred 5500
forty dollars of the fine imposed under division (G) (1) (d) (iii) 5501
or (e) (iii) of this section shall be paid to the political 5502
subdivision that pays the cost of housing the offender during 5503
the offender's term of incarceration. The political subdivision 5504
shall use this share to pay or reimburse incarceration or 5505
treatment costs it incurs in housing or providing drug and 5506
alcohol treatment to persons who violate this section or a 5507
municipal OVI ordinance, costs for any immobilizing or disabling 5508
device used on the offender's vehicle, and costs of electronic 5509
house arrest equipment needed for persons who violate this 5510
section. 5511

(e) One hundred twenty-five dollars of the fine imposed 5512
under divisions (G) (1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), 5513
(G) (1) (d) (iii), and (G) (1) (e) (iii) of this section shall be 5514
deposited into the special projects fund of the court in which 5515

the offender was convicted and that is established under 5516
division (E) (1) of section 2303.201, division (B) (1) of section 5517
1901.26, or division (B) (1) of section 1907.24 of the Revised 5518
Code, to be used exclusively to cover the cost of immobilizing 5519
or disabling devices, including certified ignition interlock 5520
devices, and remote alcohol monitoring devices for indigent 5521
offenders who are required by a judge to use either of these 5522
devices. If the court in which the offender was convicted does 5523
not have a special projects fund that is established under 5524
division (E) (1) of section 2303.201, division (B) (1) of section 5525
1901.26, or division (B) (1) of section 1907.24 of the Revised 5526
Code, the one hundred twenty-five dollars shall be ~~deposited~~ 5527
transmitted to the treasurer of state for deposit into the 5528
indigent drivers interlock and alcohol monitoring fund under 5529
division (I) of section 4511.191 of the Revised Code. 5530

(f) Seventy-five dollars of the fine imposed under 5531
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 5532
fine imposed under division (G) (1) (b) (iii), two hundred fifty 5533
dollars of the fine imposed under division (G) (1) (c) (iii), and 5534
five hundred dollars of the fine imposed under division (G) (1) 5535
(d) (iii) or (e) (iii) of this section shall be transmitted to the 5536
treasurer of state for deposit into the indigent defense support 5537
fund established under section 120.08 of the Revised Code. 5538

(g) One hundred fifteen dollars shall be ~~credited~~ 5539
transmitted to the treasurer of state for deposit into the 5540
statewide treatment and prevention fund created by section 5541
4301.30 of the Revised Code. Money credited to the fund under 5542
this section shall be used for purposes identified under section 5543
5119.22 of the Revised Code. 5544

(h) The balance of the fine imposed under division (G) (1) 5545

(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 5546
section shall be disbursed as otherwise provided by law. 5547

(6) If title to a motor vehicle that is subject to an 5548
order of criminal forfeiture under division (G) (1) (c), (d), or 5549
(e) of this section is assigned or transferred and division (B) 5550
(2) or (3) of section 4503.234 of the Revised Code applies, in 5551
addition to or independent of any other penalty established by 5552
law, the court may fine the offender the value of the vehicle as 5553
determined by publications of the national automobile dealers 5554
association. The proceeds of any fine so imposed shall be 5555
distributed in accordance with division (C) (2) of that section. 5556

(7) In all cases in which an offender is sentenced under 5557
division (G) of this section, the offender shall provide the 5558
court with proof of financial responsibility as defined in 5559
section 4509.01 of the Revised Code. If the offender fails to 5560
provide that proof of financial responsibility, the court, in 5561
addition to any other penalties provided by law, may order 5562
restitution pursuant to section 2929.18 or 2929.28 of the 5563
Revised Code in an amount not exceeding five thousand dollars 5564
for any economic loss arising from an accident or collision that 5565
was the direct and proximate result of the offender's operation 5566
of the vehicle before, during, or after committing the offense 5567
for which the offender is sentenced under division (G) of this 5568
section. 5569

(8) A court may order an offender to reimburse a law 5570
enforcement agency for any costs incurred by the agency with 5571
respect to a chemical test or tests administered to the offender 5572
if all of the following apply: 5573

(a) The offender is convicted of or pleads guilty to a 5574
violation of division (A) of this section. 5575

(b) The test or tests were of the offender's whole blood, 5576
blood serum or plasma, oral fluid, or urine. 5577

(c) The test or tests indicated that the offender had one 5578
of the following at the time of the offense: 5579

(i) A prohibited concentration of a controlled substance 5580
or a metabolite of a controlled substance in the offender's 5581
whole blood, blood serum or plasma, or urine; 5582

(ii) A drug of abuse or a metabolite of a drug of abuse in 5583
the offender's oral fluid. 5584

(9) A court may warn any person who is convicted of or who 5585
pleads guilty to a violation of division (A) of this section or 5586
an equivalent offense that a subsequent violation of this 5587
section or an equivalent offense that results in the death of 5588
another or the unlawful termination of another's pregnancy may 5589
result in the person being guilty of aggravated vehicular 5590
homicide under section 2903.06 of the Revised Code. The court 5591
may warn the person of the applicable penalties for that 5592
violation under sections 2903.06 and 2929.142 of the Revised 5593
Code. 5594

(10) As used in division (G) of this section, "electronic 5595
monitoring," "mandatory prison term," and "mandatory term of 5596
local incarceration" have the same meanings as in section 5597
2929.01 of the Revised Code. 5598

(H) Whoever violates division (B) of this section is 5599
guilty of operating a vehicle after underage alcohol consumption 5600
and shall be punished as follows: 5601

(1) Except as otherwise provided in division (H) (2) of 5602
this section, the offender is guilty of a misdemeanor of the 5603
fourth degree. In addition to any other sanction imposed for the 5604

offense, the court shall impose a class six suspension of the 5605
offender's driver's license, commercial driver's license, 5606
temporary instruction permit, probationary license, or 5607
nonresident operating privilege from the range specified in 5608
division (A)(6) of section 4510.02 of the Revised Code. The 5609
court may grant limited driving privileges relative to the 5610
suspension under sections 4510.021 and 4510.13 of the Revised 5611
Code. The court may grant unlimited driving privileges with an 5612
ignition interlock device relative to the suspension and may 5613
reduce the period of suspension as authorized under section 5614
4510.022 of the Revised Code. If the court grants unlimited 5615
driving privileges under section 4510.022 of the Revised Code, 5616
the court shall suspend any jail term imposed under division (H) 5617
(1) of this section as required under that section. 5618

(2) If, within one year of the offense, the offender 5619
previously has been convicted of or pleaded guilty to one or 5620
more violations of division (A) of this section or other 5621
equivalent offenses, the offender is guilty of a misdemeanor of 5622
the third degree. In addition to any other sanction imposed for 5623
the offense, the court shall impose a class four suspension of 5624
the offender's driver's license, commercial driver's license, 5625
temporary instruction permit, probationary license, or 5626
nonresident operating privilege from the range specified in 5627
division (A)(4) of section 4510.02 of the Revised Code. The 5628
court may grant limited driving privileges relative to the 5629
suspension under sections 4510.021 and 4510.13 of the Revised 5630
Code. 5631

(3) The offender shall provide the court with proof of 5632
financial responsibility as defined in section 4509.01 of the 5633
Revised Code. If the offender fails to provide that proof of 5634
financial responsibility, then, in addition to any other 5635

penalties provided by law, the court may order restitution 5636
pursuant to section 2929.28 of the Revised Code in an amount not 5637
exceeding five thousand dollars for any economic loss arising 5638
from an accident or collision that was the direct and proximate 5639
result of the offender's operation of the vehicle before, 5640
during, or after committing the violation of division (B) of 5641
this section. 5642

(I) (1) No court shall sentence an offender to an alcohol 5643
treatment program under this section unless the treatment 5644
program complies with the minimum standards for alcohol 5645
treatment programs adopted under Chapter 5119. of the Revised 5646
Code by the director of mental health and addiction services. 5647

(2) An offender who stays in a drivers' intervention 5648
program or in an alcohol treatment program under an order issued 5649
under this section shall pay the cost of the stay in the 5650
program. However, if the court determines that an offender who 5651
stays in an alcohol treatment program under an order issued 5652
under this section is unable to pay the cost of the stay in the 5653
program, the court may order that the cost be paid from the 5654
court's indigent drivers' alcohol treatment fund. 5655

(J) If a person whose driver's or commercial driver's 5656
license or permit or nonresident operating privilege is 5657
suspended under this section files an appeal regarding any 5658
aspect of the person's trial or sentence, the appeal itself does 5659
not stay the operation of the suspension. 5660

(K) Division (A) (1) (j) of this section does not apply to a 5661
person who operates a vehicle, streetcar, or trackless trolley 5662
while the person has a concentration of a listed controlled 5663
substance or a listed metabolite of a controlled substance in 5664
the person's whole blood, blood serum or plasma, or urine that 5665

equals or exceeds the amount specified in that division, if both 5666
of the following apply: 5667

(1) The person obtained the controlled substance pursuant 5668
to a prescription issued by a licensed health professional 5669
authorized to prescribe drugs. 5670

(2) The person injected, ingested, or inhaled the 5671
controlled substance in accordance with the health 5672
professional's directions. 5673

(L) The prohibited concentrations of a controlled 5674
substance or a metabolite of a controlled substance listed in 5675
division (A)(1)(j) of this section also apply in a prosecution 5676
of a violation of division (D) of section 2923.16 of the Revised 5677
Code in the same manner as if the offender is being prosecuted 5678
for a prohibited concentration of alcohol. 5679

(M) All terms defined in section 4510.01 of the Revised 5680
Code apply to this section. If the meaning of a term defined in 5681
section 4510.01 of the Revised Code conflicts with the meaning 5682
of the same term as defined in section 4501.01 or 4511.01 of the 5683
Revised Code, the term as defined in section 4510.01 of the 5684
Revised Code applies to this section. 5685

(N)(1) The Ohio Traffic Rules in effect on January 1, 5686
2004, as adopted by the supreme court under authority of section 5687
2937.46 of the Revised Code, do not apply to felony violations 5688
of this section. Subject to division (N)(2) of this section, the 5689
Rules of Criminal Procedure apply to felony violations of this 5690
section. 5691

(2) If, on or after January 1, 2004, the supreme court 5692
modifies the Ohio Traffic Rules to provide procedures to govern 5693
felony violations of this section, the modified rules shall 5694

apply to felony violations of this section. 5695

Sec. 4705.09. (A) (1) Any person admitted to the practice 5696
of law in this state by order of the supreme court in accordance 5697
with its prescribed and published rules, or any law firm or 5698
legal professional association, may establish and maintain an 5699
interest-bearing trust account, for purposes of depositing 5700
client funds held by the attorney, firm, or association that are 5701
nominal in amount or are to be held by the attorney, firm, or 5702
association for a short period of time, with any bank, savings 5703
bank, or savings and loan association that is authorized to do 5704
business in this state and is insured by the federal deposit 5705
insurance corporation or the successor to that corporation, or 5706
any credit union insured by the national credit union 5707
administration operating under the "Federal Credit Union Act," 5708
84 Stat. 994 (1970), 12 U.S.C. 1751, or insured by a credit 5709
union share guaranty corporation established under Chapter 1761. 5710
of the Revised Code. Each account established under this 5711
division shall be in the name of the attorney, firm, or 5712
association that established and is maintaining it and shall be 5713
identified as an IOLTA or an interest on lawyer's trust account. 5714
The name of the account may contain additional identifying 5715
features to distinguish it from other trust accounts established 5716
and maintained by the attorney, firm, or association. 5717

(2) Each attorney who receives funds belonging to a client 5718
shall do one of the following: 5719

(a) Establish and maintain one or more interest-bearing 5720
trust accounts in accordance with division (A) (1) of this 5721
section or maintain one or more interest-bearing trust accounts 5722
previously established in accordance with that division, and 5723
deposit all client funds held that are nominal in amount or are 5724

to be held by the attorney for a short period of time in the 5725
account or accounts; 5726

(b) If the attorney is affiliated with a law firm or legal 5727
professional association, comply with division (A)(2)(a) of this 5728
section or deposit all client funds held that are nominal in 5729
amount or are to be held by the attorney for a short period of 5730
time in one or more interest-bearing trust accounts established 5731
and maintained by the firm or association in accordance with 5732
division (A)(1) of this section. 5733

(3) No funds belonging to any attorney, firm, or legal 5734
professional association shall be deposited in any interest- 5735
bearing trust account established under division (A)(1) or (2) 5736
of this section, except that funds sufficient to pay or enable a 5737
waiver of depository institution service charges on the account 5738
shall be deposited in the account and other funds belonging to 5739
the attorney, firm, or association may be deposited as 5740
authorized by the Code of Professional Responsibility adopted by 5741
the supreme court. The determinations of whether funds held are 5742
nominal or more than nominal in amount and of whether funds are 5743
to be held for a short period or longer than a short period of 5744
time rests in the sound judgment of the particular attorney. No 5745
imputation of professional misconduct shall arise from the 5746
attorney's exercise of judgment in these matters. 5747

(B) All interest earned on funds deposited in an interest- 5748
bearing trust account established under division (A)(1) or (2) 5749
of this section shall be transmitted to the ~~treasurer of state~~ 5750
public defender for deposit in the legal aid fund established 5751
under section 120.52 of the Revised Code. No part of the 5752
interest earned on funds deposited in an interest-bearing trust 5753
account established under division (A)(1) or (2) of this section 5754

shall be paid to, or inure to the benefit of, the attorney, the 5755
attorney's law firm or legal professional association, the 5756
client or other person who owns or has a beneficial ownership of 5757
the funds deposited, or any other person other than in 5758
accordance with this section, section 4705.10, and sections 5759
120.51 to 120.55 of the Revised Code. 5760

(C) No liability arising out of any act or omission by any 5761
attorney, law firm, or legal professional association with 5762
respect to any interest-bearing trust account established under 5763
division (A) (1) or (2) of this section shall be imputed to the 5764
depository institution. 5765

(D) The supreme court may adopt and enforce rules of 5766
professional conduct that pertain to the use, by attorneys, law 5767
firms, or legal professional associations, of interest-bearing 5768
trust accounts established under division (A) (1) or (2) of this 5769
section, and that pertain to the enforcement of division (A) (2) 5770
of this section. Any rules adopted by the supreme court under 5771
this authority shall conform to the provisions of this section, 5772
section 4705.10, and sections 120.51 to 120.55 of the Revised 5773
Code. 5774

Sec. 4705.10. (A) All of the following apply to an 5775
interest-bearing trust account established under authority of 5776
section 4705.09 of the Revised Code: 5777

(1) All funds in the account shall be subject to 5778
withdrawal upon request and without delay, or as soon as is 5779
permitted by federal law; 5780

(2) The rate of interest payable on the account shall not 5781
be less than the rate paid by the depository institution to 5782
regular, nonattorney depositors. Higher rates offered by the 5783

institution to customers whose deposits exceed certain time or 5784
quantity qualifications, such as those offered in the form of 5785
certificates of deposit, may be obtained by a person or law firm 5786
establishing the account if there is no impairment of the right 5787
to withdraw or transfer principal immediately. 5788

(3) The depository institution shall be directed, by the 5789
person or law firm establishing the account, to do all of the 5790
following: 5791

(a) Remit interest or dividends, whichever is applicable, 5792
on the average monthly balance in the account or as otherwise 5793
computed in accordance with the institution's standard 5794
accounting practice, less reasonable service charges, to the 5795
~~treasurer of state~~ public defender at least quarterly for 5796
deposit in the legal aid fund established under section 120.52 5797
of the Revised Code; 5798

(b) Transmit to the ~~treasurer of state~~ public defender, 5799
upon its request, to the Ohio access to justice foundation, and 5800
the depositing attorney, law firm, or legal professional 5801
association upon the attorney's, firm's, or association's 5802
request, at the time of each remittance required by division (A) 5803

(3) (a) of this section, a statement showing the name of the 5804
attorney for whom or the law firm or legal professional 5805
association for which the remittance is sent, the rate of 5806
interest applied, the accounting period, the net amount remitted 5807
to the ~~treasurer of state~~ public defender for each account, the 5808
total remitted, the average account balance for each month of 5809
the period for which the report is made, and the amount deducted 5810
for service charges; 5811

(4) The depository institution shall notify the office of 5812
disciplinary counsel or other entity designated by the supreme 5813

court on each occasion when a properly payable instrument is 5814
presented for payment from the account, and the account contains 5815
insufficient funds. The depository institution shall provide 5816
this notice without regard to whether the instrument is honored 5817
by the depository institution. The depository institution shall 5818
provide the notice described in division (A) (4) of this section 5819
by electronic or other means within five banking days of the 5820
date that the instrument was honored or returned as dishonored. 5821
The notice shall contain all of the following: 5822

(a) The name and address of the depository institution; 5823

(b) The name and address of the lawyer, law firm, or legal 5824
professional association that maintains the account; 5825

(c) The account number and either the amount of the 5826
overdraft and the date issued or the amount of the dishonored 5827
instrument and the date returned. 5828

(B) (1) The statements and reports of individual depositor 5829
information made under divisions (A) (3) and (4) of this section 5830
are confidential and shall be used only for purposes of 5831
administering the legal aid fund and for enforcement of the 5832
rules of professional conduct adopted by the supreme court. 5833

(2) A depository institution may charge the lawyer, law 5834
firm, or legal professional association that maintains the 5835
account with fees associated with producing and mailing a notice 5836
required by division (A) (4) of this section but shall not deduct 5837
such fees from the interest earned on the account. 5838

Sec. 5528.54. (A) The commissioners of the sinking fund 5839
are authorized to issue and sell, as provided in this section 5840
and in amounts from time to time authorized by the general 5841
assembly, general obligations of this state for the purpose of 5842

financing or assisting in the financing of the costs of 5843
projects. The full faith and credit, revenues, and taxing power 5844
of the state are and shall be pledged to the timely payment of 5845
bond service charges on outstanding obligations, all in 5846
accordance with Section 2m of Article VIII, Ohio Constitution, 5847
and sections 5528.51 to 5528.53 of the Revised Code, and so long 5848
as such obligations are outstanding there shall be levied and 5849
collected excises, taxes, and other revenues in amounts 5850
sufficient to pay the bond service charges on such obligations 5851
and costs relating to credit enhancement facilities. 5852

(B) Not more than two hundred twenty million dollars 5853
principal amount of obligations, plus the principal amount of 5854
obligations that in any prior fiscal years could have been, but 5855
were not issued within that two-hundred-twenty-million-dollar 5856
fiscal year limit, may be issued in any fiscal year, and not 5857
more than one billion two hundred million dollars principal 5858
amount of obligations may be outstanding at any one time, all 5859
determined as provided in sections 5528.51 to 5528.53 of the 5860
Revised Code. 5861

(C) The state may participate in financing projects by 5862
grants, loans, or contributions to local government entities. 5863

(D) Each issue of obligations shall be authorized by 5864
resolution of the commissioners. The bond proceedings shall 5865
provide for the principal amount or maximum principal amount of 5866
obligations of an issue, and shall provide for or authorize the 5867
manner for determining the principal maturity or maturities, not 5868
exceeding the earlier of thirty years from the date of issuance 5869
of the particular obligations or thirty years from the date the 5870
debt represented by the particular obligations was originally 5871
contracted, the interest rate or rates, the date of and the 5872

dates of payment of interest on the obligations, their 5873
denominations, and the establishment within or outside the state 5874
of a place or places of payment of bond service charges. 5875
Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code 5876
are applicable to the obligations. The purpose of the 5877
obligations may be stated in the bond proceedings as "financing 5878
or assisting in the financing of highway capital improvement 5879
projects as provided in Section 2m of Article VIII, Ohio 5880
Constitution." 5881

(E) The proceeds of the obligations, except for any 5882
portion to be deposited into special funds, or into escrow funds 5883
for the purpose of refunding outstanding obligations, all as may 5884
be provided in the bond proceedings, shall be deposited into the 5885
highway capital improvement fund established by section 5528.53 5886
of the Revised Code. 5887

(F) The commissioners may appoint or provide for the 5888
appointment of paying agents, bond registrars, securities 5889
depositories, and transfer agents, and may retain the services 5890
of financial advisers and accounting experts, and retain or 5891
contract for the services of marketing, remarketing, indexing, 5892
and administrative agents, other consultants, and independent 5893
contractors, including printing services, as are necessary in 5894
the judgment of the commissioners to carry out sections 5528.51 5895
to 5528.53 of the Revised Code. Financing costs are payable, as 5896
provided in the bond proceedings, from the proceeds of the 5897
obligations, from special funds, or from other moneys available 5898
for the purpose. 5899

(G) The bond proceedings, including any trust agreement, 5900
may contain additional provisions customary or appropriate to 5901
the financing or to the obligations or to particular obligations 5902

including, but not limited to: 5903

(1) The redemption of obligations prior to maturity at the 5904
option of the state or of the holder or upon the occurrence of 5905
certain conditions at such price or prices and under such terms 5906
and conditions as are provided in the bond proceedings; 5907

(2) The form of and other terms of the obligations; 5908

(3) The establishment, deposit, investment, and 5909
application of special funds, and the safeguarding of moneys on 5910
hand or on deposit, in lieu of otherwise applicable provisions 5911
of Chapter 131. or 135. of the Revised Code, but subject to any 5912
special provisions of this section with respect to particular 5913
funds or moneys, and provided that any bank or trust company 5914
that acts as a depository of any moneys in special funds may 5915
furnish such indemnifying bonds or may pledge such securities as 5916
required by the commissioners; 5917

(4) Any or every provision of the bond proceedings binding 5918
upon the commissioners and such state agency or local government 5919
entities, officer, board, commission, authority, agency, 5920
department, or other person or body as may from time to time 5921
have the authority under law to take such actions as may be 5922
necessary to perform all or any part of the duty required by 5923
such provision; 5924

(5) The maintenance of each pledge, any trust agreement, 5925
or other instrument composing part of the bond proceedings until 5926
the state has fully paid or provided for the payment of the bond 5927
service charges on the obligations or met other stated 5928
conditions; 5929

(6) In the event of default in any payments required to be 5930
made by the bond proceedings, or any other agreement of the 5931

commissioners made as part of a contract under which the 5932
obligations were issued or secured, the enforcement of such 5933
payments or agreements by mandamus, suit in equity, action at 5934
law, or any combination of the foregoing; 5935

(7) The rights and remedies of the holders of obligations 5936
and of the trustee under any trust agreement, and provisions for 5937
protecting and enforcing them, including limitations on rights 5938
of individual holders of obligations; 5939

(8) The replacement of any obligations that become 5940
mutilated or are destroyed, lost, or stolen; 5941

(9) Provision for the funding, refunding, or advance 5942
refunding or other provision for payment of obligations that 5943
will then no longer be outstanding for purposes of sections 5944
5528.51 to 5528.56 of the Revised Code or of the bond 5945
proceedings; 5946

(10) Any provision that may be made in bond proceedings or 5947
a trust agreement, including provision for amendment of the bond 5948
proceedings; 5949

(11) Any other or additional agreements with the holders 5950
of the obligations relating to any of the foregoing; 5951

(12) Such other provisions as the commissioners determine, 5952
including limitations, conditions, or qualifications relating to 5953
any of the foregoing. 5954

(H) The great seal of the state or a facsimile of that 5955
seal may be affixed to or printed on the obligations. The 5956
obligations requiring signatures by the commissioners shall be 5957
signed by or bear the facsimile signatures of two or more of the 5958
commissioners as provided in the bond proceedings. Any 5959
obligations may be signed by the person who, on the date of 5960

execution, is the authorized signer although on the date of such 5961
obligations such person was not a commissioner. In case the 5962
individual whose signature or a facsimile of whose signature 5963
appears on any obligation ceases to be a commissioner before 5964
delivery of the obligation, such signature or facsimile is 5965
nevertheless valid and sufficient for all purposes as if that 5966
individual had remained the member until such delivery, and in 5967
case the seal to be affixed to or printed on obligations has 5968
been changed after the seal has been affixed to or a facsimile 5969
of the seal has been printed on the obligations, that seal or 5970
facsimile seal shall continue to be sufficient as to those 5971
obligations and obligations issued in substitution or exchange 5972
therefor. 5973

(I) The obligations are negotiable instruments and 5974
securities under Chapter 1308. of the Revised Code, subject to 5975
the provisions of the bond proceedings as to registration. 5976
Obligations may be issued in coupon or in fully registered form, 5977
or both, as the commissioners determine. Provision may be made 5978
for the registration of any obligations with coupons attached as 5979
to principal alone or as to both principal and interest, their 5980
exchange for obligations so registered, and for the conversion 5981
or reconversion into obligations with coupons attached of any 5982
obligations registered as to both principal and interest, and 5983
for reasonable charges for such registration, exchange, 5984
conversion, and reconversion. Pending preparation of definitive 5985
obligations, the commissioners may issue interim receipts or 5986
certificates which shall be exchanged for such definitive 5987
obligations. 5988

(J) Obligations may be sold at public sale or at private 5989
sale, and at such price at, above, or below par, as determined 5990
by the commissioners in the bond proceedings. 5991

(K) In the discretion of the commissioners, obligations 5992
may be secured additionally by a trust agreement between the 5993
state and a corporate trustee which may be any trust company or 5994
bank having a place of business within the state. Any trust 5995
agreement may contain the resolution authorizing the issuance of 5996
the obligations, any provisions that may be contained in the 5997
bond proceedings, and other provisions that are customary or 5998
appropriate in an agreement of the type. 5999

(L) Except to the extent that their rights are restricted 6000
by the bond proceedings, any holder of obligations, or a trustee 6001
under the bond proceedings may by any suitable form of legal 6002
proceedings protect and enforce any rights under the laws of 6003
this state or granted by the bond proceedings. Such rights 6004
include the right to compel the performance of all duties of the 6005
commissioners and the state. Each duty of the commissioners and 6006
its employees, and of each state agency and local government 6007
entity and its officers, members, or employees, undertaken 6008
pursuant to the bond proceedings, is hereby established as a 6009
duty of the commissioners, and of each such agency, local 6010
government entity, officer, member, or employee having authority 6011
to perform such duty, specifically enjoined by the law and 6012
resulting from an office, trust, or station within the meaning 6013
of section 2731.01 of the Revised Code. The persons who are at 6014
the time the commissioners of the sinking fund, or its 6015
employees, are not liable in their personal capacities on any 6016
obligations or any agreements of or with the commissioners 6017
relating to obligations or under the bond proceedings. 6018

(M) Obligations are lawful investments for banks, 6019
societies for savings, savings and loan associations, deposit 6020
guarantee associations, trust companies, trustees, fiduciaries, 6021
insurance companies, including domestic for life and domestic 6022

not for life, trustees or other officers having charge of 6023
sinking and bond retirement or other special funds of political 6024
subdivisions and taxing districts of this state, the 6025
commissioners of the sinking fund, the administrator of workers' 6026
compensation, subject to the approval of the workers' 6027
compensation board and the industrial commission, the state 6028
teachers retirement system, the public employees retirement 6029
system, the school employees retirement system, and the Ohio 6030
police and fire pension fund, notwithstanding any other 6031
provisions of the Revised Code or rules adopted pursuant thereto 6032
by any state agency with respect to investments by them, and are 6033
also acceptable as security for the deposit of public moneys. 6034

(N) Unless otherwise provided in any applicable bond 6035
proceedings, moneys to the credit of or in the special funds 6036
established by or pursuant to this section may be invested by or 6037
on behalf of the commissioners only in notes, bonds, or other 6038
direct obligations of the United States or of any agency or 6039
instrumentality thereof, in obligations of this state or any 6040
political subdivision of this state, in certificates of deposit 6041
of any national bank located in this state and any bank, as 6042
defined in section 1101.01 of the Revised Code, subject to 6043
inspection by the superintendent of financial institutions, in 6044
the Ohio subdivision's fund established pursuant to section 6045
~~135.45~~113.07 of the Revised Code, in no-front-end-load money 6046
market mutual funds consisting exclusively of direct obligations 6047
of the United States or of an agency or instrumentality thereof, 6048
and in repurchase agreements, including those issued by any 6049
fiduciary, secured by direct obligations of the United States or 6050
an agency or instrumentality thereof, and in common trust funds 6051
established in accordance with section 1109.20 of the Revised 6052
Code and consisting exclusively of direct obligations of the 6053

United States or of an agency or instrumentality thereof, 6054
notwithstanding division (A) (4) of that section. The income from 6055
investments shall be credited to such special funds or otherwise 6056
as the commissioners determine in the bond proceedings, and the 6057
investments may be sold or exchanged at such times as the 6058
commissioners determine or authorize. 6059

(O) Unless otherwise provided in any applicable bond 6060
proceedings, moneys to the credit of or in a special fund shall 6061
be disbursed on the order of the commissioners, provided that no 6062
such order is required for the payment from the bond service 6063
fund or other special fund when due of bond service charges or 6064
required payments under credit enhancement facilities. 6065

(P) The commissioners may covenant in the bond 6066
proceedings, and any such covenants shall be controlling 6067
notwithstanding any other provision of law, that the state and 6068
the applicable officers and agencies of the state, including the 6069
general assembly, shall, so long as any obligations are 6070
outstanding in accordance with their terms, maintain statutory 6071
authority for and cause to be charged and collected taxes, 6072
excises, and other receipts of the state so that the receipts to 6073
the bond service fund shall be sufficient in amounts to meet 6074
bond service charges and for the establishment and maintenance 6075
of any reserves and other requirements, including payment of 6076
financing costs, provided for in the bond proceedings. 6077

(Q) The obligations, and the transfer of, and the 6078
interest, interest equivalent, and other income and accreted 6079
amounts from, including any profit made on the sale, exchange, 6080
or other disposition of, the obligations shall at all times be 6081
free from taxation, direct or indirect, within the state. 6082

(R) This section applies only with respect to obligations 6083

issued and delivered prior to September 30, 2000.

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Sec. 5725.22. (A) The treasurer of state shall maintain a list of taxes levied by section 5725.18 of the Revised Code and certified for assessment by the superintendent of insurance pursuant to section 5725.20 of the Revised Code.

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(B) The treasurer of state shall collect, and the taxpayer shall pay, all taxes levied under section 5725.18 of the Revised Code and any interest applicable thereto. Payments ~~may~~ shall be made electronically ~~or by any other means authorized as~~ prescribed by the treasurer of state. ~~Whenever the superintendent of insurance submits an electronic call for data, the treasurer of state shall electronically submit to the superintendent the data requested, including the amount of taxes collected and the name of the domestic insurance company from whom collected.~~ The treasurer of state may adopt rules concerning the methods and timeliness of payments under this division.

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(C) Each tax bill issued pursuant to this section shall separately reflect the taxes due, interest, if any, due date, and any other information considered necessary. The last day on which payment may be made without penalty shall be the fifteenth day of June, unless that day is not a business day as defined in section 5709.40 of the Revised Code, in which case the payment may be made on the next business day. The treasurer of state shall issue the tax bill to the taxpayer electronically through the department of insurance's web site.

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The treasurer of state shall refund taxes as provided in this section, but no refund shall be made to a taxpayer having a delinquent claim certified pursuant to this section that remains unpaid. The treasurer of state may consult the attorney general

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regarding such claims. Refunds shall be paid from the tax refund 6114
fund created by section 5703.052 of the Revised Code. 6115

(D) (1) Unless an exigency exists, the treasurer of state 6116
shall issue a tax bill within twenty days after receipt of an 6117
assessment certified by the superintendent of insurance under 6118
section 5725.20 of the Revised Code, but if such assessment 6119
reflects a late filed tax return, the treasurer of state shall 6120
add interest as provided in division (A) of section 5725.221 of 6121
the Revised Code and issue a tax bill. In the case of an 6122
exigency, the treasurer of state shall issue the tax bill as 6123
soon as possible and may extend the due date for payment of the 6124
tax prescribed by division (C) of this section. 6125

(2) After receipt of any amended or final assessment of 6126
taxes received from the superintendent of insurance pursuant to 6127
section 5725.20 of the Revised Code, the treasurer of state 6128
shall ascertain the difference between the total taxes computed 6129
on such assessment and the total taxes computed on the most 6130
recent assessment certified for the same tax year. If the 6131
difference is a deficiency and that deficiency is greater than 6132
one dollar, the treasurer of state shall add interest as 6133
provided in division (B) (1) of section 5725.221 of the Revised 6134
Code and issue a tax bill, with payment due thirty days after 6135
the date ~~of~~ the bill is issued. If the difference is an excess_ 6136
of more than one dollar, the treasurer of state shall add 6137
interest as provided in division (B) (2) of section 5725.221 of 6138
the Revised Code and certify the name of the taxpayer and the 6139
amount to be refunded to the director of budget and management 6140
for payment to the taxpayer. If the taxpayer has a deficiency 6141
for one tax year and an excess for another tax year, or any 6142
combination thereof for more than two tax years, the treasurer 6143
of state may determine the net result after adding interest, if 6144

applicable, and, ~~depending on if~~ such result is greater than one 6145
dollar, proceed to issue a tax bill or certify a refund, as 6146
applicable. 6147

(E) Except as otherwise provided in this division, the 6148
treasurer of state may cancel a debt owed to the state arising 6149
from the tax imposed by section 5725.18 of the Revised Code, 6150
including any interest arising from such tax, if the total 6151
amount of the debt does not exceed fifty dollars. The treasurer 6152
of state shall not cancel any debt that has been certified to 6153
the attorney general under division (F) of this section. 6154

(F) If a taxpayer fails to pay all taxes and interest, if 6155
any, on or before the due date shown on the tax bill issued by 6156
the treasurer of state, and if that unpaid amount has not been 6157
canceled pursuant to division (E) of this section, the treasurer 6158
of state shall add a penalty equal to five hundred dollars for 6159
each month the taxpayer fails to pay all taxes and interest due. 6160
The treasurer of state may add an additional penalty, not to 6161
exceed ten per cent of the taxes and interest due, if the 6162
taxpayer fails to demonstrate that the taxpayer made a good 6163
faith effort to pay all taxes and interest on or before the due 6164
date shown on the tax bill. ~~The~~ Unless a delinquent amount is 6165
canceled pursuant to division (E) of this section, the treasurer 6166
of state shall prepare a delinquent claim for each tax bill on 6167
which penalties were added and certify such claims to the 6168
attorney general for collection. The attorney general shall 6169
transmit a copy of each claim certified by the treasurer of 6170
state to the superintendent of insurance. For each claim 6171
certified by the treasurer of state, the attorney general shall 6172
proceed to collect the delinquent taxes, penalties, and interest 6173
thereon in the manner prescribed by law. 6174

(G) Whenever the superintendent of insurance submits an
electronic call for data, the treasurer of state shall
electronically submit to the superintendent the data requested,
including the amount of taxes collected and the name of the
domestic insurance company from whom the tax is collected.

Sec. 5725.23. Taxes, interest, and penalties may be
recovered from a delinquent domestic insurance company or person
in an action brought in the name of the state in the court of
common pleas of Franklin county or any county in which such
company or person has an office or place of business, and such
court shall have jurisdiction of such action regardless of the
amount involved. The attorney general, on request of the
superintendent of insurance or ~~tax commissioner~~ treasurer of
state, shall institute such action in the court of common pleas
of Franklin county or any other county the ~~superintendent or~~
~~commissioner~~ attorney general directs. In any such action, it
shall be sufficient to allege that the tax, interest, and
penalty sought to be recovered stand charged on the tax list of
domestic insurance company franchise taxes in the office of the
treasurer of state and have been unpaid for a period of forty-
five days after having been placed thereon. Sums recovered in
any such action shall be paid into the state treasury and
distributed as provided in section 5725.24 of the Revised Code.

Sec. 5729.05. On or before the fifteenth day of October
each year, each foreign insurance company shall pay to the
treasurer of state an amount equal to one-half of the previous
calendar year's tax, before credits, which was assessed and paid
under section 3737.71 of the Revised Code and this chapter. This
payment shall be considered as a partial payment of the tax upon
the business done in this state during the calendar year in
which the payment date provided by this paragraph is contained.

Payments shall be made electronically as prescribed by the 6206
treasurer of state. The treasurer of state may adopt rules 6207
concerning the methods and timeliness of payments under this 6208
section. 6209

At the time of filing its annual statement, each foreign 6210
insurance company shall pay to the treasurer of state the tax 6211
assessable under section 3737.71 of the Revised Code and this 6212
chapter, calculated by such company from such annual statement. 6213
The company may deduct the part of such tax already paid as a 6214
partial payment. 6215

The superintendent shall determine the correctness of the 6216
reports and statements of insurance companies, compute the 6217
annual tax, and, on or before the fifteenth day of May, prepare 6218
and furnish to the treasurer of state lists of all taxable 6219
companies, showing as to each company the whole amount of the 6220
annual tax computed by the superintendent. The treasurer of 6221
state, after deducting the tax already paid, shall promptly 6222
notify each such company of any amount due, which amount shall 6223
be paid by each such company to the treasurer of state by the 6224
fifteenth day of June next succeeding. If a company has for any 6225
reason overpaid or was illegally or erroneously assessed or 6226
charged for collection a larger amount of tax than its annual 6227
tax as computed by the superintendent of insurance and an 6228
application for refund was timely filed under section 5729.102 6229
of the Revised Code, a refund of the excess amount shall be paid 6230
from the tax refund fund created by section 5703.052 of the 6231
Revised Code. 6232

Sec. 5729.10. If a company fails to pay the tax levied by 6233
section 5729.03 of the Revised Code, or to make any partial 6234
payment thereof as required by law after a statement thereof has 6235

been made and mailed to it, or if the annual statement required 6236
by law to be made by it is false or incorrect, the 6237
superintendent of insurance may revoke the license of such 6238
company doing business in this state. Upon failure to pay the 6239
tax or to make partial payment thereof according to law, the 6240
treasurer of state shall certify ~~that fact~~ the tax liability and 6241
any related interest and penalties to the attorney general, who 6242
shall thereupon begin an action against the company in the court 6243
of common pleas of Franklin county, or any other county the 6244
attorney general elects, to recover the amount of the tax. If 6245
such company ceases to do business in this state, it shall 6246
thereupon make a report to the superintendent of the gross 6247
amount of premiums not theretofore reported as provided in 6248
section 5729.02 or 5729.04 of the Revised Code received by it 6249
from policies covering risks within this state prior to such 6250
discontinuance of business, after deducting return premiums and 6251
considerations received for reinsurance not theretofore so 6252
reported, and shall forthwith pay to the treasurer of state a 6253
like per cent of tax thereon. 6254

Sec. 5739.17. (A) No person shall engage in making retail 6255
sales subject to a tax imposed by or pursuant to section 6256
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code as 6257
a business without having a license therefor, except as 6258
otherwise provided in divisions (A)(1), (2), and (3) of this 6259
section. 6260

(1) In the dissolution of a partnership by death, the 6261
surviving partner may operate under the license of the 6262
partnership for a period of sixty days. 6263

(2) The heirs or legal representatives of deceased 6264
persons, and receivers and trustees in bankruptcy, appointed by 6265

any competent authority, may operate under the license of the 6266
person so succeeded in possession. 6267

(3) Two or more persons who are not partners may operate a 6268
single place of business under one license. In such case neither 6269
the retirement of any such person from business at that place of 6270
business, nor the entrance of any person, under an existing 6271
arrangement, shall affect the license or require the issuance of 6272
a new license, unless the person retiring from the business is 6273
the individual named on the vendor's license. 6274

Except as otherwise provided in this section, each 6275
applicant for a license shall make out and deliver to the county 6276
auditor of each county in which the applicant desires to engage 6277
in business, upon a blank to be furnished by such auditor for 6278
that purpose, a statement showing the name of the applicant, 6279
each place of business in the county where the applicant will 6280
make retail sales, the nature of the business, and any other 6281
information the tax commissioner reasonably prescribes in the 6282
form of a statement prescribed by the commissioner. 6283

At the time of making the application, the applicant shall 6284
pay into the county treasury a license fee in the sum of fifty 6285
dollars for each fixed place of business in the county that will 6286
be the situs of retail sales. Upon receipt of the application 6287
and exhibition of the county treasurer's receipt, showing the 6288
payment of the license fee, the county auditor shall issue to 6289
the applicant a license for each fixed place of business 6290
designated in the application, authorizing the applicant to 6291
engage in business at that location. The county auditor shall 6292
~~transmit~~ remit twenty-five dollars of each license fee to the 6293
~~treasurer of state~~ attorney general for deposit into the state 6294
treasury to the credit of the organized crime commission fund 6295

for the purposes specified in section 177.011 of the Revised 6296
Code. The remaining twenty-five dollars of each license fee 6297
shall be credited to the general fund of the county. 6298

(B) If a vendor's identity changes, the vendor shall apply 6299
for a new license. If a vendor wishes to move an existing fixed 6300
place of business to a new location within the same county, the 6301
vendor shall obtain a new vendor's license or submit a request 6302
to the commissioner to transfer the existing vendor's license to 6303
the new location. When the new location has been verified as 6304
being within the same county, the commissioner shall authorize 6305
the transfer and notify the county auditor of the change of 6306
location. If a vendor wishes to move an existing fixed place of 6307
business to another county, the vendor's license shall not 6308
transfer and the vendor shall obtain a new vendor's license from 6309
the county in which the business is to be located. The form of 6310
the license shall be prescribed by the commissioner. The fees 6311
collected shall be credited as specified in division (A)(3) of 6312
this section. If a vendor fails to notify the commissioner of a 6313
change of location of its fixed place of business or that its 6314
business has closed, the commissioner may cancel the vendor's 6315
license if ordinary mail sent to the location shown on the 6316
license is returned because of an undeliverable address. 6317

(C) The commissioner may establish or participate in a 6318
registration system whereby any vendor may obtain a vendor's 6319
license by submitting to the commissioner a vendor's license 6320
application and a license fee of fifty dollars for each fixed 6321
place of business at which the vendor intends to make retail 6322
sales. Under this registration system, the commissioner shall 6323
issue a vendor's license to the applicant on behalf of the 6324
county auditor of the county in which the applicant desires to 6325
engage in business, and shall forward a copy of the application 6326

and license fee to that county. Twenty-five dollars of each 6327
license fee received by the commissioner for the issuance of 6328
vendor's licenses shall be deposited into the vendor's license 6329
application fund, which is hereby created in the state treasury. 6330
The remaining twenty-five dollars of each license fee shall be 6331
deposited into the organized crime commission fund for the 6332
purposes specified in section 177.011 of the Revised Code. The 6333
commissioner shall certify to the director of budget and 6334
management within ten business days after the close of a month 6335
the license fees to be transmitted to each county from the 6336
vendor's license application fund for vendor's license 6337
applications received by the commissioner during that month. 6338
License fees transmitted to a county for which payment was not 6339
received by the commissioner may be netted against a future 6340
distribution to that county, including distributions made 6341
pursuant to section 5739.21 of the Revised Code. 6342

A vendor that makes retail sales subject to tax under 6343
Chapter 5739. of the Revised Code pursuant to a permit issued by 6344
the division of liquor control shall obtain a vendor's license 6345
in the identical name and for the identical address as shown on 6346
the permit. 6347

Except as otherwise provided in this section, if a vendor 6348
has no fixed place of business and sells from a vehicle, each 6349
vehicle intended to be used within a county constitutes a place 6350
of business for the purpose of this section. 6351

(D) As used in this section, "transient vendor" means any 6352
person who makes sales of tangible personal property from 6353
vending machines located on land owned by others, who leases 6354
titled motor vehicles, titled watercraft, or titled outboard 6355
motors, who effectuates leases that are taxed according to 6356

division (A) (2) of section 5739.02 of the Revised Code, or who, 6357
in the usual course of the person's business, transports 6358
inventory, stock of goods, or similar tangible personal property 6359
to a temporary place of business or temporary exhibition, show, 6360
fair, flea market, or similar event in a county in which the 6361
person has no fixed place of business, for the purpose of making 6362
retail sales of such property. A "temporary place of business" 6363
means any public or quasi-public place including, but not 6364
limited to, a hotel, rooming house, storeroom, building, part of 6365
a building, tent, vacant lot, railroad car, or motor vehicle 6366
that is temporarily occupied for the purpose of making retail 6367
sales of goods to the public. A place of business is not 6368
temporary if the same person conducted business at the place 6369
continuously for more than six months or occupied the premises 6370
as the person's permanent residence for more than six months, or 6371
if the person intends it to be a fixed place of business. 6372

Any transient vendor, in lieu of obtaining a vendor's 6373
license under division (A) of this section for counties in which 6374
the transient vendor has no fixed place of business, may apply 6375
to the tax commissioner, on a form prescribed by the 6376
commissioner, for a transient vendor's license. The transient 6377
vendor's license authorizes the transient vendor to make retail 6378
sales in any county in which the transient vendor does not 6379
maintain a fixed place of business. Any holder of a transient 6380
vendor's license shall not be required to obtain a separate 6381
vendor's license from the county auditor in that county. Upon 6382
the commissioner's determination that an applicant is a 6383
transient vendor, the applicant shall pay a license fee in the 6384
amount of fifty dollars, at which time the tax commissioner 6385
shall issue the license. Twenty-five dollars of that license fee 6386
shall be deposited into the organized crime commission fund for 6387

the purposes specified in section 177.011 of the Revised Code. 6388
The tax commissioner may require a vendor to be licensed as a 6389
transient vendor if, in the opinion of the commissioner, such 6390
licensing is necessary for the efficient administration of the 6391
tax. 6392

Any holder of a valid transient vendor's license may make 6393
retail sales at a temporary place of business or temporary 6394
exhibition, show, fair, flea market, or similar event, held 6395
anywhere in the state without complying with any provision of 6396
section 311.37 of the Revised Code. Any holder of a valid 6397
vendor's license may make retail sales as a transient vendor at 6398
a temporary place of business or temporary exhibition, show, 6399
fair, flea market, or similar event held in any county in which 6400
the vendor maintains a fixed place of business for which the 6401
vendor holds a vendor's license without obtaining a transient 6402
vendor's license. 6403

(E) Any vendor who is issued a license pursuant to this 6404
section shall display the license or a copy of it prominently, 6405
in plain view, at every place of business of the vendor. 6406

(F) No owner, organizer, or promoter who operates a fair, 6407
flea market, show, exhibition, convention, or similar event at 6408
which transient vendors are present shall fail to keep a 6409
comprehensive record of all such vendors, listing the vendor's 6410
name, permanent address, vendor's license number, and the type 6411
of goods sold. Such records shall be kept for four years and 6412
shall be open to inspection by the commissioner. 6413

(G) The commissioner may issue additional types of 6414
licenses if required to efficiently administer the tax imposed 6415
by this chapter. 6416

Sec. 5747.51. (A) On or before the twenty-fifth day of 6417
July of each year, the tax commissioner shall make and certify 6418
to the county auditor of each county an estimate of the amount 6419
of the local government fund to be allocated to the undivided 6420
local government fund of each county for the ensuing calendar 6421
year, adjusting the total as required to account for 6422
subdivisions receiving local government funds under section 6423
5747.502 of the Revised Code. 6424

(B) At each annual regular session of the county budget 6425
commission convened pursuant to section 5705.27 of the Revised 6426
Code, each auditor shall present to the commission the 6427
certificate of the commissioner, the annual tax budget and 6428
estimates, and the records showing the action of the commission 6429
in its last preceding regular session. The commission, after 6430
extending to the representatives of each subdivision an 6431
opportunity to be heard, under oath administered by any member 6432
of the commission, and considering all the facts and information 6433
presented to it by the auditor, shall determine the amount of 6434
the undivided local government fund needed by and to be 6435
apportioned to each subdivision for current operating expenses, 6436
as shown in the tax budget of the subdivision. This 6437
determination shall be made pursuant to divisions (C) to (I) of 6438
this section, unless the commission has provided for a formula 6439
pursuant to section 5747.53 of the Revised Code. The 6440
commissioner shall reduce the amount of funds from the undivided 6441
local government fund to a subdivision required to receive 6442
reduced funds under section 5747.502 of the Revised Code. 6443

Nothing in this section prevents the budget commission, 6444
for the purpose of apportioning the undivided local government 6445
fund, from inquiring into the claimed needs of any subdivision 6446
as stated in its tax budget, or from adjusting claimed needs to 6447

reflect actual needs. For the purposes of this section, "current 6448
operating expenses" means the lawful expenditures of a 6449
subdivision, except those for permanent improvements and except 6450
payments for interest, sinking fund, and retirement of bonds, 6451
notes, and certificates of indebtedness of the subdivision. 6452

(C) The commission shall determine the combined total of 6453
the estimated expenditures, including transfers, from the 6454
general fund and any special funds other than special funds 6455
established for road and bridge; street construction, 6456
maintenance, and repair; state highway improvement; and gas, 6457
water, sewer, and electric public utilities operated by a 6458
subdivision, as shown in the subdivision's tax budget for the 6459
ensuing calendar year. 6460

(D) From the combined total of expenditures calculated 6461
pursuant to division (C) of this section, the commission shall 6462
deduct the following expenditures, if included in these funds in 6463
the tax budget: 6464

(1) Expenditures for permanent improvements as defined in 6465
division (E) of section 5705.01 of the Revised Code; 6466

(2) In the case of counties and townships, transfers to 6467
the road and bridge fund, and in the case of municipalities, 6468
transfers to the street construction, maintenance, and repair 6469
fund and the state highway improvement fund; 6470

(3) Expenditures for the payment of debt charges; 6471

(4) Expenditures for the payment of judgments. 6472

(E) In addition to the deductions made pursuant to 6473
division (D) of this section, revenues accruing to the general 6474
fund and any special fund considered under division (C) of this 6475
section from the following sources shall be deducted from the 6476

combined total of expenditures calculated pursuant to division 6477
(C) of this section: 6478

(1) Taxes levied within the ten-mill limitation, as 6479
defined in section 5705.02 of the Revised Code; 6480

(2) The budget commission allocation of estimated county 6481
public library fund revenues to be distributed pursuant to 6482
section 5747.48 of the Revised Code; 6483

(3) Estimated unencumbered balances as shown on the tax 6484
budget as of the thirty-first day of December of the current 6485
year in the general fund, but not any estimated balance in any 6486
special fund considered in division (C) of this section; 6487

(4) Revenue, including transfers, shown in the general 6488
fund and any special funds other than special funds established 6489
for road and bridge; street construction, maintenance, and 6490
repair; state highway improvement; and gas, water, sewer, and 6491
electric public utilities, from all other sources except those 6492
that a subdivision receives from an additional tax or service 6493
charge voted by its electorate or receives from special 6494
assessment or revenue bond collection. For the purposes of this 6495
division, where the charter of a municipal corporation prohibits 6496
the levy of an income tax, an income tax levied by the 6497
legislative authority of such municipal corporation pursuant to 6498
an amendment of the charter of that municipal corporation to 6499
authorize such a levy represents an additional tax voted by the 6500
electorate of that municipal corporation. For the purposes of 6501
this division, any measure adopted by a board of county 6502
commissioners pursuant to section 322.02, 4504.02, or 5739.021 6503
of the Revised Code, including those measures upheld by the 6504
electorate in a referendum conducted pursuant to section 6505
322.021, 4504.021, or 5739.022 of the Revised Code, shall not be 6506

considered an additional tax voted by the electorate. 6507

Money in a reserve balance account established by a 6508
county, township, or municipal corporation under section 5705.13 6509
of the Revised Code shall not be considered an unencumbered 6510
balance or revenue under division (E)(3) or (4) of this section. 6511
Money in a reserve balance account established by a township 6512
under section 5705.132 of the Revised Code shall not be 6513
considered an unencumbered balance or revenue under division (E) 6514
(3) or (4) of this section. 6515

If a county, township, or municipal corporation has 6516
created and maintains a nonexpendable trust fund under section 6517
5705.131 of the Revised Code, the principal of the fund, and any 6518
additions to the principal arising from sources other than the 6519
reinvestment of investment earnings arising from such a fund, 6520
shall not be considered an unencumbered balance or revenue under 6521
division (E)(3) or (4) of this section. Only investment earnings 6522
arising from investment of the principal or investment of such 6523
additions to principal may be considered an unencumbered balance 6524
or revenue under those divisions. 6525

(F) The total expenditures calculated pursuant to division 6526
(C) of this section, less the deductions authorized in divisions 6527
(D) and (E) of this section, shall be known as the "relative 6528
need" of the subdivision, for the purposes of this section. 6529

(G) The budget commission shall total the relative need of 6530
all participating subdivisions in the county, and shall compute 6531
a relative need factor by dividing the total estimate of the 6532
undivided local government fund by the total relative need of 6533
all participating subdivisions. 6534

(H) The relative need of each subdivision shall be 6535

multiplied by the relative need factor to determine the 6536
proportionate share of the subdivision in the undivided local 6537
government fund of the county; provided, that the maximum 6538
proportionate share of a county shall not exceed the following 6539
maximum percentages of the total estimate of the undivided local 6540
government fund governed by the relationship of the percentage 6541
of the population of the county that resides within municipal 6542
corporations within the county to the total population of the 6543
county as reported in the reports on population in Ohio by the 6544
department of development as of the twentieth day of July of the 6545
year in which the tax budget is filed with the budget 6546
commission: 6547
6548

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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 6549
limitations established in this division, the budget commission 6550
shall adjust the proportionate shares determined pursuant to 6551
this division so that the proportionate share of the county does 6552
not exceed these limitations, and it shall increase the 6553
proportionate shares of all other subdivisions on a pro rata 6554
basis. In counties having a population of less than one hundred 6555
thousand, not less than ten per cent shall be distributed to the 6556

townships therein. 6557

(I) The proportionate share of each subdivision in the 6558
undivided local government fund determined pursuant to division 6559
(H) of this section for any calendar year shall not be less than 6560
the product of the average of the percentages of the undivided 6561
local government fund of the county as apportioned to that 6562
subdivision for the calendar years 1968, 1969, and 1970, 6563
multiplied by the total amount of the undivided local government 6564
fund of the county apportioned pursuant to former section 6565
5739.23 of the Revised Code for the calendar year 1970. For the 6566
purposes of this division, the total apportioned amount for the 6567
calendar year 1970 shall be the amount actually allocated to the 6568
county in 1970 from the state collected intangible tax as levied 6569
by section 5707.03 of the Revised Code and distributed pursuant 6570
to section 5725.24 of the Revised Code, plus the amount received 6571
by the county in the calendar year 1970 pursuant to division (B) 6572
(1) of former section 5739.21 of the Revised Code, and 6573
distributed pursuant to former section 5739.22 of the Revised 6574
Code. If the total amount of the undivided local government fund 6575
for any calendar year is less than the amount of the undivided 6576
local government fund apportioned pursuant to former section 6577
5739.23 of the Revised Code for the calendar year 1970, the 6578
minimum amount guaranteed to each subdivision for that calendar 6579
year pursuant to this division shall be reduced on a basis 6580
proportionate to the amount by which the amount of the undivided 6581
local government fund for that calendar year is less than the 6582
amount of the undivided local government fund apportioned for 6583
the calendar year 1970. 6584

(J) On the basis of such apportionment, the county auditor 6585
shall compute the percentage share of each such subdivision in 6586
the undivided local government fund and shall at the same time 6587

certify to the tax commissioner the percentage share of the 6588
county as a subdivision. No payment shall be made from the 6589
undivided local government fund, except in accordance with such 6590
percentage shares. 6591

Within ten days after the budget commission has made its 6592
apportionment, whether conducted pursuant to section 5747.51 or 6593
5747.53 of the Revised Code, the auditor shall publish a list of 6594
the subdivisions and the amount each is to receive from the 6595
undivided local government fund and the percentage share of each 6596
subdivision, in a newspaper or newspapers of countywide 6597
circulation, and send a copy of such allocation to the tax 6598
commissioner. 6599

The county auditor shall also send a copy of such 6600
allocation by ordinary or electronic mail to the fiscal officer 6601
of each subdivision entitled to participate in the allocation of 6602
the undivided local government fund of the county. This copy 6603
shall constitute the official notice of the commission action 6604
referred to in section 5705.37 of the Revised Code. 6605

All money received into the treasury of a subdivision from 6606
the undivided local government fund in a county treasury shall 6607
be paid into the general fund and used for the current operating 6608
expenses of the subdivision. 6609

If a municipal corporation maintains a municipal 6610
university, such municipal university, when the board of 6611
trustees so requests the legislative authority of the municipal 6612
corporation, shall participate in the money apportioned to such 6613
municipal corporation from the total local government fund, 6614
however created and constituted, in such amount as requested by 6615
the board of trustees, provided such sum does not exceed nine 6616
per cent of the total amount paid to the municipal corporation. 6617

If any public official fails to maintain the records 6618
required by sections 5747.50 to 5747.55 of the Revised Code or 6619
by the rules issued by the tax commissioner, ~~the auditor of~~ 6620
~~state, or the treasurer of state~~ pursuant to such sections, or 6621
fails to comply with any law relating to the enforcement of such 6622
sections, the local government fund money allocated to the 6623
county may be withheld until such time as the public official 6624
has complied with such sections or such law or the rules issued 6625
pursuant thereto. 6626

Sec. 6101.51. The treasurer of a conservancy district, at 6627
the time of taking office, shall execute to the district and 6628
deliver to the president of the board of directors of the 6629
district, a bond with good and sufficient sureties, to be 6630
approved by the board, conditioned that the treasurer shall 6631
account for and pay over as required by law, and as ordered by 6632
the board, all money received by the treasurer on the sale of 6633
bonds and notes or from any other source, that the treasurer 6634
only shall deliver the bonds and notes to the purchasers under 6635
and according to the terms prescribed in this section and 6636
section 6101.50 of the Revised Code, and that, when ordered by 6637
the board to do so, the treasurer shall return to the board, 6638
duly canceled, any bonds and notes not sold, which bonds and 6639
notes shall remain in the custody of the board, which shall 6640
produce them for inspection or for use as evidence whenever and 6641
wherever legally requested to do so. The cost of the bond of the 6642
treasurer shall be paid by the board from the funds of the 6643
district. The board shall make appropriations at the proper time 6644
for the payment of the maturing bonds and notes of the district 6645
and the interest payments coming due on all bonds and notes 6646
sold, and the treasurer of the district shall place sufficient 6647
funds at the place of payment to pay them. If proper 6648

appropriations are not made by the board as provided in this 6649
section, the treasurer of the district of the treasurer's own 6650
accord shall place funds at the place of payment and report that 6651
action to the next meeting of the board. The canceled bonds and 6652
coupons, receipted notes, and receipts of the treasurer shall be 6653
evidence of such payment. 6654

The successor in office of any treasurer of a conservancy 6655
district is not entitled to take over the assets of the treasury 6656
until the treasurer has complied with this section. Moneys 6657
derived from the sale of bonds and from all other sources shall 6658
be deposited by the treasurer In accordance with sections 135.01 6659
to 135.21 of the Revised Code. The funds derived from the sale 6660
of any of the bonds and notes shall be used only for paying the 6661
cost of the properties, works, and improvements and costs, 6662
expenses, fees, and salaries authorized by law. 6663

The district may secure the payment of loans from the 6664
United States government in the same manner as it may secure the 6665
payment of bonds, and the board may make any necessary 6666
regulations to provide for that payment. 6667

A party who has not sought a remedy against any proceeding 6668
under this chapter, until bonds or notes have been sold or the 6669
work constructed, cannot for any cause have an injunction 6670
against the collection of assessments for the payment of the 6671
bonds or notes. 6672

When consideration for bonds is received by the district, 6673
the bonds shall not be invalid for any irregularity or defect in 6674
the proceedings for their issuance and sale, and shall be 6675
incontestable in the hands of bona fide purchasers or holders of 6676
the bonds for value. No proceedings in respect to the issuance 6677
of any bonds are necessary except as required by this chapter. 6678

Notwithstanding any other provision of this section 6679
governing the deposit or investment of moneys of a conservancy 6680
district, the board of directors of a district, for the purpose 6681
of providing for the investment of the moneys on the district's 6682
behalf, may order the treasurer of the district to invest moneys 6683
of the district in the Ohio subdivision's fund authorized to be 6684
created under section ~~135.45~~ 113.07 of the Revised Code. Any 6685
such investments in the fund are subject to and governed by that 6686
section and rules adopted under it. 6687

Section 2. That existing sections 113.05, 113.051, 113.09, 6688
113.16, 117.44, 118.05, 120.52, 128.54, 135.01, 135.032, 135.14, 6689
135.143, 135.22, 135.35, 135.45, 135.451, 151.01, 164.09, 6690
183.51, 317.36, 319.63, 321.46, 321.47, 323.611, 956.13, 6691
1557.03, 3307.12, 3333.374, 3334.08, 3334.11, 3705.242, 6692
3737.945, 3953.231, 4511.19, 4705.09, 4705.10, 5528.54, 5725.22, 6693
5725.23, 5729.05, 5729.10, 5739.17, 5747.51, and 6101.51 of the 6694
Revised Code are hereby repealed. 6695

Section 3. That sections 113.10 and 113.43 of the Revised 6696
Code are hereby repealed. 6697

Section 4. Section 4511.19 of the Revised Code is 6698
presented in this act as a composite of the section as amended 6699
by both H.B. 37 and S.B. 100 of the 135th General Assembly. The 6700
General Assembly, applying the principle stated in division (B) 6701
of section 1.52 of the Revised Code that amendments are to be 6702
harmonized and reconciled if reasonably capable of simultaneous 6703
operation, finds that the composite is the resulting version of 6704
the section in effect prior to the effective date of the section 6705
as presented in this act. 6706