

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 94

Senators Brenner, Landis

A BILL

To amend sections 113.05, 113.11, 113.12, 113.13, 1
113.40, 113.60, 131.01, 135.01, 135.02, 135.04, 2
135.05, 135.06, 135.08, 135.10, 135.12, 135.143, 3
135.15, 135.182, 135.47, 317.13, 317.32, 4
317.321, 317.36, 1113.13, 1337.04, 2329.02, 5
3366.05, 3737.945, 4513.61, 4513.62, 4513.63, 6
4513.64, 4513.66, 4749.01, and 5323.02; to enact 7
sections 113.22 and 5301.234; and to repeal 8
sections 113.07, 144.01, 144.02, 144.03, 144.04, 9
144.05, 144.06, and 144.07 of the Revised Code 10
to make various changes regarding the Treasurer 11
of State, recorded instruments, powers of 12
attorney, judgment liens, mortgage subrogation, 13
law enforcement towing laws, and state stock 14
banks, and to make an appropriation. 15

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

Section 1. That sections 113.05, 113.11, 113.12, 113.13, 16
113.40, 113.60, 131.01, 135.01, 135.02, 135.04, 135.05, 135.06, 17
135.08, 135.10, 135.12, 135.143, 135.15, 135.182, 135.47, 18
317.13, 317.32, 317.321, 317.36, 1113.13, 1337.04, 2329.02, 19
3366.05, 3737.945, 4513.61, 4513.62, 4513.63, 4513.64, 4513.66, 20

4749.01, and 5323.02 be amended and sections 113.22 and 5301.234 21
of the Revised Code be enacted to read as follows: 22

Sec. 113.05. (A) As used in sections 113.05 to 113.40 of 23
the Revised Code: 24

(1) "Account," "appropriation," "disbursement," 25
"electronic funds transfer," "fund," and "warrant" have the same 26
meanings as in section 131.01 of the Revised Code. 27

(2) "Assets" has the same meaning as in section 131.01 of 28
the Revised Code, but does not include items held in safekeeping 29
by the treasurer of state including, but not limited to, 30
collateral pledged to a state agency. 31

(3) "Custodial funds" do not include items held in 32
safekeeping by the treasurer of state including, but not limited 33
to, collateral pledged to a state agency. 34

(B) The state treasury consists of the moneys, claims, 35
bonds, notes, other obligations, stocks, and other securities, 36
receipts or other evidences of ownership, and other intangible 37
assets of the state that are required by law to be deposited in 38
the state treasury or are otherwise a part of the state 39
treasury. All assets of the state treasury shall be kept in the 40
rooms assigned the treasurer of state, with the vaults, safes, 41
and other appliances therein; provided, that: 42

(1) Securities required by law to be deposited or kept in 43
the state treasury may be deposited for safekeeping with the 44
federal reserve bank of Cleveland, Ohio or secured and insured 45
depositories in or out of this state as designated by the 46
treasurer of state. 47

(2) Public moneys may be kept in constituted state 48
depositories. 49

~~(B)~~ (C) The custodial funds of the treasurer of state 50
consist of the moneys, claims, bonds, notes, other obligations, 51
stocks, and other securities, receipts or other evidences of 52
ownership, and other intangible assets that are required by law 53
to be kept in the custody of the treasurer of state but are not 54
part of the state treasury. All assets of the custodial funds of 55
the treasurer of state shall be kept in either or both of the 56
following: 57

(1) The rooms assigned the treasurer of state, with the 58
vaults, safes, and other appliances therein; 59

(2) The federal reserve bank of Cleveland, Ohio or secured 60
and insured depositories in or out of this state as designated 61
by the treasurer of state. 62

~~(C)~~ (D) Assets of the state treasury shall not be 63
commingled with assets of the custodial funds of the treasurer 64
of state. 65

The repositing and deposit of payments pursuant to 66
~~sections~~ section 113.06 ~~and 113.07~~ of the Revised Code ~~are~~ is in 67
compliance with this section. 68

Sec. 113.11. No money shall be paid out of the state 69
treasury or transferred elsewhere except ~~on the warrant of~~ as 70
ordered by the director of budget and management. No money shall 71
be paid out of a custodial fund of the treasurer of state except 72
~~on proper order to the treasurer of state~~ as ordered by the 73
officer authorized by law to pay money out of the fund. 74

The treasurer of state shall adopt rules prescribing the 75
form and manner in which money may be paid out of the state 76
treasury or a custodial fund of the treasurer of state. 77

Sec. 113.12. (A) As used in this section, "valid warrant" 78

means a warrant that is not stopped, stale dated for age, 79
voided, canceled, altered, or fictitious. 80

(B) The treasurer of state, on presentation, shall pay all 81
valid warrants drawn on the ~~treasurer of state~~ state treasury by 82
the director of budget and management. ~~At least once each month~~ 83
On a daily basis, the treasurer of state shall ~~surrender~~ provide 84
to the director electronic records of all warrants the treasurer 85
of state has paid and shall accept the receipt of the director 86
therefor. The receipt shall be held by the treasurer of state in 87
place of such warrants and as evidence of their payment until an 88
audit of the state treasury and the custodial funds of the 89
treasurer of state has been completed, adjusted, or returned. 90

Sec. 113.13. The treasurer of state shall ~~have~~ make 91
electronically available and, as requested, transmit to the 92
director of budget and management and the daily ledger report of 93
state funds addressed to the governor ~~information concerning the~~ 94
amount in the inactive account, the amount in the active 95
account, and the amount of cash on hand. The treasurer of state 96
shall ensure both of the following: 97

(A) That the report provides the beginning fund balance, 98
revenue, disbursements, and ending fund balance; 99

(B) That the amount of the active deposits is captioned as 100
total cash and cash equivalents and the interim deposits as 101
total investments. 102

Sec. 113.22. There is hereby created in the state treasury 103
the treasurer's information technology reserve fund. The fund 104
shall consist of unexpended amounts transferred from either or 105
both of the following: 106

(1) The securities lending program fund created under 107

<u>section 135.47 of the Revised Code;</u>	108
<u>(2) The account created under section 3366.05 of the</u>	109
<u>Revised Code that is in the custody of the treasurer of state</u>	110
<u>and not part of the state treasury.</u>	111
<u>Moneys credited to the treasurer's information technology</u>	112
<u>reserve fund shall be expended only to acquire or maintain</u>	113
<u>hardware, software, or contract services for the efficient</u>	114
<u>operation of the treasurer of state's office. Unexpended amounts</u>	115
<u>shall be retained in the fund and reserved for such future</u>	116
<u>technology needs.</u>	117
Sec. 113.40. (A) As used in this section:	118
(1) "Financial transaction device" includes a credit card,	119
debit card, charge card, prepaid or stored value card, or	120
automated clearinghouse network credit, debit, or e-check entry	121
that includes, but is not limited to, accounts receivable and	122
internet-initiated, point of purchase, and telephone-initiated	123
applications, or any other device or method for making an	124
electronic payment or transfer of funds.	125
(2) "State expenses" includes fees, costs, taxes,	126
assessments, fines, penalties, payments, or any other expense a	127
person owes to a state office under the authority of a state	128
elected official or to a state entity.	129
(3) "State elected official" means the governor,	130
lieutenant governor, attorney general, secretary of state,	131
treasurer of state, and auditor of state.	132
(4) "State entity" includes any state department, agency,	133
board, or commission that deposits funds into the state	134
treasury.	135

(B) Notwithstanding any other section of the Revised Code 136
and subject to division (D) of this section, the board of 137
deposit may adopt a resolution authorizing the acceptance of 138
payments by financial transaction device to pay for state 139
expenses. The resolution shall include all of the following: 140

(1) A designation of those state elected officials and 141
state entities authorized to accept payments by financial 142
transaction device; 143

(2) A list of state expenses that may be paid by the use 144
of a financial transaction device; 145

(3) Specific identification of financial transaction 146
devices that a state elected official or state entity may 147
authorize as acceptable means of payment for state expenses. 148
Division (B)(3) of this section does not require that the same 149
financial transaction devices be accepted for the payment of 150
different types of state expenses. 151

(4) The amount, if any, authorized as a surcharge or 152
convenience fee under division (E) of this section for persons 153
using a financial transaction device. Division (B)(4) of this 154
section does not require that the same surcharges or convenience 155
fees be applied to the payment of different types of state 156
expenses. 157

(5) A specific requirement, as provided in division (G) of 158
this section, for the payment of a penalty if a payment made by 159
means of a financial transaction device is returned or 160
dishonored for any reason. 161

The board of deposit's resolution also shall designate the 162
treasurer of state as the administrative agent to solicit 163
proposals, within guidelines established by the board of deposit 164

in the resolution and in compliance with the procedures provided 165
in division (C) of this section, from financial institutions, 166
issuers of financial transaction devices, and processors of 167
financial transaction devices; to make recommendations about 168
those proposals to the state elected officials; and to assist 169
state offices in implementing the state's financial transaction 170
device acceptance and processing program. 171

(C) The administrative agent shall follow the procedures 172
provided in this division whenever it plans to contract with 173
financial institutions, issuers of financial transaction 174
devices, or processors of financial transaction devices for the 175
purposes of this section. The administrative agent shall request 176
proposals from at least three financial institutions, issuers of 177
financial transaction devices, or processors of financial 178
transaction devices, as appropriate in accordance with the 179
resolution adopted under division (B) of this section. Prior to 180
sending any financial institution, issuer, or processor a copy 181
of any such request, the administrative agent shall advertise 182
its intent to request proposals ~~in a newspaper of general~~ 183
~~circulation in the state once a week for two consecutive weeks~~ 184
by electronic publication on a state agency web site made 185
available to the general public. The notice shall state that the 186
administrative agent intends to request proposals; specify the 187
purpose of the request; indicate the date, which shall be at 188
least ten days after the ~~second~~ publication, on which the 189
request for proposals will be electronically mailed to financial 190
institutions, issuers, or processors; and require that any 191
financial institution, issuer, or processor, whichever is 192
appropriate, interested in receiving the request for proposals 193
submit written notice of this interest to the administrative 194
agent not later than ~~noon~~ of the day on which the request for 195

proposals will be electronically mailed. 196

Upon receiving the proposals, the administrative agent 197
shall review them and make a recommendation to the board of 198
deposit regarding which proposals to accept. The board of 199
deposit shall consider the agent's recommendation and review all 200
proposals submitted, and then may choose to contract with any or 201
all of the entities submitting proposals, as appropriate. The 202
board of deposit shall provide any financial institution, 203
issuer, or processor that submitted a proposal, but with which 204
the board does not enter into a contract, notice that its 205
proposal is rejected. 206

(D) The board of deposit shall send a copy of the 207
resolution adopted under division (B) of this section to each 208
state elected official and state entity authorized to accept 209
payments for state expenses by financial transaction device. 210
After receiving the resolution and before accepting such 211
payments by financial transaction device, such a state elected 212
official or state entity shall provide written notification to 213
the administrative agent of the official's or entity's intent to 214
implement the resolution within the official's or entity's 215
office. Each state office or entity subject to the board's 216
resolution adopted under division (B) of this section shall use 217
only the financial institutions, issuers of financial 218
transaction devices, and processors of financial transaction 219
devices with which the board of deposit contracts, and each such 220
office or entity is subject to the terms of those contracts. 221

If a state entity under the authority of a state elected 222
official is directly responsible for collecting one or more 223
state expenses and the state elected official determines not to 224
accept payments by financial transaction device for one or more 225

of those expenses, the office is not required to accept payments 226
by financial transaction device for those expenses, 227
notwithstanding the adoption of a resolution by the board of 228
deposit under division (B) of this section. 229

~~Any state entity that prior to March 18, 1999, accepted 230
financial transaction devices may continue to accept such 231
devices until June 30, 2000, without being subject to any 232
resolution adopted by the board of deposit under division (B) of 233
this section, or any other oversight by the board of the 234
entity's financial transaction device program. Any such entity 235
may use surcharges or convenience fees in any manner the state 236
elected official or other official in charge of the entity 237
determines to be appropriate, and, if the administrative agent 238
consents, may appoint the administrative agent to be the 239
entity's administrative agent for purposes of accepting 240
financial transaction devices. In order to be exempt from the 241
resolution of the board of deposit under division (B) of this 242
section, a state entity shall notify the board in writing within 243
thirty days after March 18, 1999, that it accepted financial 244
transaction devices prior to March 18, 1999. Each such 245
notification shall explain how processing costs associated with 246
financial transaction devices are being paid and shall indicate 247
whether surcharge or convenience fees are being passed on to 248
consumers. 249~~

(E) The board of deposit may establish a surcharge or 250
convenience fee that may be imposed upon a person making payment 251
by a financial transaction device. The surcharge or convenience 252
fee shall not be imposed unless authorized or otherwise 253
permitted by the rules prescribed under a contract, between the 254
financial institution, issuer, or processor and the 255
administrative agent, governing the use and acceptance of the 256

financial transaction device.	257
The establishment of a surcharge or convenience fee shall	258
follow the guidelines of the financial institution, issuer of	259
financial transaction devices, or processor of financial	260
transaction devices with which the board of deposit contracts.	261
If a surcharge or convenience fee is imposed, every state	262
entity accepting payment by a financial transaction device,	263
regardless of whether that entity is subject to a resolution	264
adopted by the board of deposit, shall clearly post a notice in	265
the entity's office, and shall notify each person making a	266
payment by such a device, about the surcharge or fee. Notice to	267
each person making a payment shall be provided regardless of the	268
medium used to make the payment and in a manner appropriate to	269
that medium. Each notice shall include all of the following:	270
(1) A statement that there is a surcharge or convenience	271
fee for using a financial transaction device;	272
(2) The total amount of the charge or fee expressed in	273
dollars and cents for each transaction, or the rate of the	274
charge or fee expressed as a percentage of the total amount of	275
the transaction, whichever is applicable;	276
(3) A clear statement that the surcharge or convenience	277
fee is nonrefundable.	278
(F) If a person elects to make a payment by a financial	279
transaction device and a surcharge or convenience fee is	280
imposed, the payment of the surcharge or convenience fee is not	281
refundable.	282
(G) If a person makes payment by a financial transaction	283
device and the payment is returned or dishonored for any reason,	284
the person is liable to the state for the state expense and any	285

reimbursable costs for collection, including banking charges, 286
legal fees, or other expenses incurred by the state in 287
collecting the returned or dishonored payment. The remedies and 288
procedures provided in this section are in addition to any other 289
available civil or criminal remedies provided by law. 290

(H) No person making any payment by a financial 291
transaction device to a state office shall be relieved from 292
liability for the underlying obligation, except to the extent 293
that the state realizes final payment of the underlying 294
obligation in cash or its equivalent. If final payment is not 295
made by the financial transaction device issuer or other 296
guarantor of payment in the transaction, the underlying 297
obligation survives and the state shall retain all remedies for 298
enforcement that would have applied if the transaction had not 299
occurred. 300

(I) A state entity or employee who accepts a financial 301
transaction device payment in accordance with this section and 302
any applicable state or local policies or rules is immune from 303
personal liability for the final collection of such payments as 304
specified in section 9.87 of the Revised Code. 305

(J) If the board of deposit determines that it is 306
necessary and in the state's best interest to contract with an 307
additional entity subsequent to the contract award made under 308
division (C) of this section, the board may meet and choose to 309
contract with one or more additional entities for the remainder 310
of the period previously established by a contract award made 311
under division (C) of this section. 312

(K) The administrative agent, in cooperation with the 313
office of budget and management, may adopt, amend, and rescind 314
rules in accordance with section 111.15 of the Revised Code to 315

implement this section. 316

Sec. 113.60. (A) As used in this section and sections 317
113.61 and 113.62 of the Revised Code: 318

(1) "Service intermediary" means a person or entity that 319
enters into a pay for success contract under this section and 320
sections 113.61 and 113.62 of the Revised Code. The service 321
intermediary may act as the service provider that delivers the 322
services specified in the contract or may contract with a 323
separate service provider to deliver those services. 324

(2) "State agency" and "political subdivision" have the 325
same meanings as in section 9.23 of the Revised Code. 326

(B) The treasurer of state shall administer the pay for 327
success contracting program, shall develop procedures for 328
awarding pay for success contracts, and may take any action 329
necessary to implement and administer the program. Under the 330
program, the treasurer of state may enter into a pay for success 331
contract with a service intermediary for the delivery of 332
specified services that benefit the state, a political 333
subdivision, or a group of political subdivisions, such as 334
programs addressing education, public health, criminal justice, 335
or natural resource management. In the case of a contract for 336
the delivery of services that benefit the state, the treasurer 337
of state shall enter into the contract jointly with the director 338
of administrative services. The treasurer of state and, as 339
applicable, the director of administrative services, may enter 340
into a pay for success contract under either of the following 341
circumstances: 342

(1) Upon receiving an appropriation from the general 343
assembly for the purpose of entering into a pay for success 344

contract; 345

(2) (a) At the request of a state agency, a political 346
subdivision, or a group of state agencies or political 347
subdivisions that the treasurer of state and, as applicable, the 348
director of administrative services, enter into a pay for 349
success contract on behalf of the requesting state agency, 350
political subdivision, or group. The requesting state agency, 351
political subdivision, or group shall deposit the cost of the 352
contract with the treasurer of state in the appropriate fund 353
established in section 113.62 of the Revised Code. 354

(b) A political subdivision or group of political 355
subdivisions that requests the treasurer of state to enter into 356
a pay for success contract on behalf of the political 357
subdivision or group shall not use state funds to pay the cost 358
of the contract. 359

(c) The treasurer of state may apply for federal grant 360
moneys on behalf of a requesting state agency, political 361
subdivision, or group to pay the cost of all or part of the 362
contract. The treasurer of state shall not apply for federal 363
grant moneys for the purpose of entering into a pay for success 364
contract without first entering into an agreement with a 365
requesting state agency, political subdivision, or group for the 366
treasurer of state to apply for those moneys. 367

(C) The treasurer of state may adopt rules in accordance 368
with Chapter 119. of the Revised Code to administer the pay for 369
success contracting program, including rules concerning ~~both~~ any 370
of the following: 371

(1) The procedure for a state agency, political 372
subdivision, or group of state agencies or political 373

subdivisions to request the treasurer of state and, as 374
applicable, the director of administrative services to enter 375
into a pay for success contract and to deposit the cost of the 376
contract with the treasurer of state; 377

(2) The types of services that are appropriate for a 378
service provider to provide under a pay for success contract; 379

(3) Any other rules necessary for the implementation and 380
administration of sections 113.60 to 113.62 of the Revised Code. 381

~~(D) The rules of the treasurer of state shall include both 382
of the following: 383~~

~~(1) A requirement that for not less than seventy five per 384
cent of the pay for success contracts entered into under this 385
section, the performance targets specified in the contract 386
require that, based on available regional or national data, the 387
improvement in the status of this state or the relevant area of 388
this state with respect to the issue the contract is meant to 389
address be greater than the average improvement in status with 390
respect to that issue in other geographical areas during the 391
period of the contract; 392~~

~~(2) A process to ensure that any regional or national data 393
used to determine whether a service provider has met its 394
performance targets under a pay for success contract are 395
scientifically valid. 396~~

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 397
125., 126., 127., and 131. of the Revised Code, and any statute 398
that uses the terms in connection with state accounting or 399
budgeting: 400

(A) "Account" means any record, element, or summary in 401
which financial transactions are identified and recorded as 402

debit or credit transactions in order to summarize items of a 403
similar nature or classification. 404

(B) "Accounting procedure" means the arrangement of all 405
processes which discover, record, and summarize financial 406
information to produce financial statements and reports and to 407
provide internal control. 408

(C) "Accounting system" means the total structure of 409
records and procedures which discover, record, classify, and 410
report information on the financial position and operations of a 411
governmental unit or any of its funds and organizational 412
components. 413

(D) "Allocation" means a portion of an appropriation which 414
is designated for expenditure by specific organizational units 415
or for special purposes, activities, or objects that do not 416
relate to a period of time. 417

(E) "Allotment" means all or part of an appropriation 418
which may be encumbered or expended within a specific period of 419
time. 420

(F) "Appropriation" means an authorization granted by the 421
general assembly to make expenditures and to incur obligations 422
for specific purposes. 423

(G) "Assets" means resources owned, controlled, or 424
otherwise used or held by the state which have monetary value. 425

(H) "Budget" means the plan of financial operation 426
embodying an estimate of proposed expenditures and obligations 427
for a given period and the proposed means of financing them. 428

(I) "Direct deposit" is a form of electronic funds 429
transfer in which money is electronically deposited into the 430

account of a person or entity at a financial institution.	431
(J) "Disbursement" means a payment made for any purpose.	432
(K) "Electronic benefit transfer" means the electronic	433
delivery of benefits through automated teller machines, point of	434
sale terminals, or other electronic media pursuant to section	435
5101.33 of the Revised Code.	436
(L) "Electronic funds transfer" means the electronic	437
movement of funds via automated clearing house or wire transfer.	438
(M) "Encumbrancing document" means a document reserving	439
all or part of an appropriation.	440
(N) "Expenditure" means a reduction of the balance of an	441
appropriation after legal requirements have been met.	442
(O) "Fund" means an independent fiscal and accounting	443
entity with a self-balancing set of accounts recording cash or	444
other resources, together with all related liabilities,	445
obligations, reserves, and fund balances which are segregated	446
for the purpose of carrying on specific activities or attaining	447
certain objectives in accordance with special rules,	448
restrictions, or limitations.	449
(P) "Lapse" means the automatic termination of an	450
appropriation at the end of the fiscal period for which it was	451
appropriated.	452
(Q) "Reappropriation" means an appropriation of a previous	453
appropriation that is continued in force in a succeeding	454
appropriation period. "Reappropriation" shall be equated with	455
and incorporated in the term "appropriation."	456
(R) <u>"Stored value card" means a payment card that may have</u>	457
<u>money loaded and stored on the card and accessed through</u>	458

automated teller machines, point of sale terminals, or other 459
electronic media. "Stored value card" does not include any 460
payment card linked to, and that can access money in, an 461
external account maintained by a financial institution. 462

(S) "Voucher" means the document used to transmit a claim 463
for payment and evidentiary matter related to the claim. 464

~~(S)~~ (T) "Warrant" means an order drawn upon the treasurer 465
of state by the director of budget and management, or an 466
authorized person at a state entity holding a custodial account, 467
directing the treasurer of state to pay a specified amount to 468
one or more specified payees. A variety of payment instruments 469
may be used, including an order to make a lump sum payment to a 470
financial institution for the transfer of funds by but not 471
limited to paper warrants, stored value cards, direct deposit to 472
the payee's bank account, or the drawdown of funds by electronic 473
benefit transfer, and the resulting electronic transfer to or by 474
the ultimate payees. 475

The terms defined in this section shall be used, on all 476
accounting forms, reports, formal rules, and budget requests 477
produced by a state agency, only as defined in this section. 478

Sec. 135.01. Except as otherwise provided in sections 479
135.14, 135.143, 135.181, and 135.182 of the Revised Code, as 480
used in sections 135.01 to 135.21 of the Revised Code: 481

(A) "Active deposit" means a public deposit necessary to 482
meet current demands on the treasury, and that is deposited in 483
any of the following: 484

(1) A commercial account that is payable or withdrawable, 485
in whole or in part, on demand; 486

(2) A negotiable order of withdrawal account as authorized 487

in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 488
146, 12 U.S.C.A. 1832(a); 489

(3) A money market deposit account as authorized in the 490
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 491
1501, 12 U.S.C. 3503. 492

(B) "Auditor" includes the auditor of state and the 493
auditor, or officer exercising the functions of an auditor, of 494
any subdivision. 495

(C) "Capital funds" means the sum of the following: the 496
par value of the outstanding common capital stock, the par value 497
of the outstanding preferred capital stock, the aggregate par 498
value of all outstanding capital notes and debentures, and the 499
surplus. In the case of an institution having offices in more 500
than one county, the capital funds of such institution, for the 501
purposes of sections 135.01 to 135.21 of the Revised Code, 502
relative to the deposit of the public moneys of the subdivisions 503
in one such county, shall be considered to be that proportion of 504
the capital funds of the institution that is represented by the 505
ratio that the deposit liabilities of such institution 506
originating at the office located in the county bears to the 507
total deposit liabilities of the institution. 508

(D) "Governing board" means, in the case of the state, the 509
state board of deposit; in the case of all school districts and 510
educational service centers except as otherwise provided in this 511
section, the board of education or governing board of a service 512
center, and when the case so requires, the board of 513
commissioners of the sinking fund; in the case of a municipal 514
corporation, the legislative authority, and when the case so 515
requires, the board of trustees of the sinking fund; in the case 516
of a township, the board of township trustees; in the case of a 517

union or joint institution or enterprise of two or more 518
subdivisions not having a treasurer, the board of directors or 519
trustees thereof; and in the case of any other subdivision 520
electing or appointing a treasurer, the directors, trustees, or 521
other similar officers of such subdivision. The governing board 522
of a subdivision electing or appointing a treasurer shall be the 523
governing board of all other subdivisions for which such 524
treasurer is authorized by law to act. In the case of a county 525
school financing district that levies a tax pursuant to section 526
5705.215 of the Revised Code, the county board of education that 527
serves as its taxing authority shall operate as a governing 528
board. Any other county board of education shall operate as a 529
governing board unless it adopts a resolution designating the 530
board of county commissioners as the governing board for the 531
county school district. 532

(E) "Inactive deposit" means a public deposit other than 533
an interim deposit or an active deposit. 534

(F) "Interim deposit" means a deposit of interim moneys. 535
"Interim moneys" means public moneys in the treasury of ~~the~~ 536
~~state or~~ any subdivision after the award of inactive deposits 537
has been made in accordance with section 135.07 of the Revised 538
Code, which moneys are in excess of the aggregate amount of the 539
inactive deposits as estimated by the governing board prior to 540
the period of designation and which the ~~treasurer or~~ governing 541
board finds should not be deposited as active or inactive 542
deposits for the reason that such moneys will not be needed for 543
immediate use but will be needed before the end of the period of 544
designation. In the case of the state treasury, "interim moneys" 545
means public moneys that are not active deposits and may be 546
invested in accordance with section 135.143 of the Revised Code. 547

(G) "Permissible rate of interest" means a rate of 548
interest that all eligible institutions mentioned in section 549
135.03 of the Revised Code are permitted to pay by law or valid 550
regulations. 551

(H) "Warrant clearance account" means an account 552
established by the treasurer of state for the deposit of active 553
state moneys ~~outside the city of Columbus~~, such account being 554
for the exclusive purpose of clearing state warrants through the 555
banking system ~~to the treasurer~~. 556

(I) "Public deposit" means public moneys deposited in a 557
public depository pursuant to sections 135.01 to 135.21 of the 558
Revised Code. 559

(J) "Public depository" means an institution which 560
receives or holds any public deposits. 561

(K) "Public moneys" means all moneys in the treasury of 562
the state or any subdivision of the state, or moneys coming 563
lawfully into the possession or custody of the treasurer of 564
state or of the treasurer of any subdivision. "Public moneys of 565
the state" includes all such moneys coming lawfully into the 566
possession of the treasurer of state; and "public moneys of a 567
subdivision" includes all such moneys coming lawfully into the 568
possession of the treasurer of the subdivision. 569

(L) "Subdivision" means any municipal corporation, except 570
one which has adopted a charter under Article XVIII, Ohio 571
Constitution, and the charter or ordinances of the chartered 572
municipal corporation set forth special provisions respecting 573
the deposit or investment of its public moneys, or any school 574
district or educational service center, a county school 575
financing district, township, municipal or school district 576

sinking fund, special taxing or assessment district, or other 577
district or local authority electing or appointing a treasurer, 578
except a county. In the case of a school district or educational 579
service center, special taxing or assessment district, or other 580
local authority for which a treasurer, elected or appointed 581
primarily as the treasurer of a subdivision, is authorized or 582
required by law to act as ex officio treasurer, the subdivision 583
for which such a treasurer has been primarily elected or 584
appointed shall be considered to be the "subdivision." The term 585
also includes a union or joint institution or enterprise of two 586
or more subdivisions, that is not authorized to elect or appoint 587
a treasurer, and for which no ex officio treasurer is provided 588
by law. 589

(M) "Treasurer" means, in the case of the state, the 590
treasurer of state and in the case of any subdivision, the 591
treasurer, or officer exercising the functions of a treasurer, 592
of such subdivision. In the case of a board of trustees of the 593
sinking fund of a municipal corporation, the board of 594
commissioners of the sinking fund of a school district, or a 595
board of directors or trustees of any union or joint institution 596
or enterprise of two or more subdivisions not having a 597
treasurer, such term means such board of trustees of the sinking 598
fund, board of commissioners of the sinking fund, or board of 599
directors or trustees. 600

(N) "Treasury investment board" of a municipal corporation 601
means the mayor or other chief executive officer, the village 602
solicitor or city director of law, and the auditor or other 603
chief fiscal officer. 604

(O) "No-load money market mutual fund" means a no-load 605
money market mutual fund to which all of the following apply: 606

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

(2) The fund has the highest letter or numerical rating provided by at least one nationally recognized standard rating service;

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

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

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

of the federal government. 637

Sec. 135.02. There shall be a state board of deposit 638
consisting of the treasurer of state or an employee of the 639
treasurer of state's department designated by the treasurer of 640
state, the auditor of state or an employee of the auditor of 641
state's department designated by the auditor of state, and the 642
attorney general or an employee of the attorney general's 643
department designated by the attorney general. The board shall 644
meet on the call of the chairperson at least annually to perform 645
the duties prescribed in sections 135.01 to 135.21 of the 646
Revised Code. At any time, two members of the board may request 647
that the chairperson call a meeting of the board, and the 648
chairperson shall call the meeting within thirty days after 649
receiving such requests. The treasurer of state or the treasurer 650
of state's designated representative shall be chairperson of the 651
board. The treasurer of state shall designate an employee of the 652
treasurer of state's department to serve as the secretary of the 653
board and keep its records. A certified copy of such records 654
shall be prima-facie evidence of the matter appearing therein in 655
any court of record. 656

The chairperson shall provide ~~a monthly report~~ 657
notification to the board of deposit ~~consisting of the~~ 658
~~notifications that the reports~~ required under division (B) of 659
section 135.143 of the Revised Code ~~and shall post that report~~ 660
~~monthly~~ have been posted to a web site maintained by the 661
treasurer of state. 662

The necessary expenses of the board shall be paid from the 663
state treasury from appropriations for that purpose upon the 664
order of the board certified by the chairperson and the 665
secretary. 666

Sec. 135.04. (A) Any institution mentioned in section 667
135.03 of the Revised Code is eligible to become a public 668
depository of the active deposits, ~~inactive deposits,~~ and 669
interim deposits of public moneys of the state subject to the 670
requirements of sections 135.01 to 135.21 of the Revised Code. 671

(B) To facilitate the clearance of state warrants to the 672
state treasury, the state board of deposit may delegate the 673
authority to the treasurer of state to establish warrant 674
clearance accounts in any institution mentioned in section 675
135.03 of the Revised Code ~~located in areas where the volume of~~ 676
~~warrant clearances justifies the establishment of an account as~~ 677
~~determined by the treasurer of state.~~ The balances maintained in 678
such warrant clearance accounts shall be at sufficient levels to 679
cover the activity generated by such accounts on an individual 680
basis. Any financial institution in the state that has a warrant 681
clearance account established by the treasurer of state shall, 682
not more than ten days after the close of each ~~quarter~~month, 683
prepare and transmit to the treasurer of state an analysis 684
statement of such account for the ~~quarter~~month then ended. Such 685
statement shall contain such information as determined by the 686
state board of deposit, ~~and this information shall be used in~~ 687
~~whole or in part by the treasurer of state in determining the~~ 688
~~level of balances to be maintained in such accounts.~~ 689

(C) Each governing board shall award the active deposits 690
of public moneys subject to its control to the eligible 691
institutions in accordance with this section, except that no 692
such public depository shall thereby be required to take or 693
permitted to receive and have at any one time a greater amount 694
of active deposits of such public moneys than that specified in 695
the application of such depository. When, by reason of such 696
limitation or otherwise, the amount of active public moneys 697

deposited or to be deposited in a public depository, pursuant to 698
an award made under this section, is reduced or withdrawn, as 699
the case requires, the amount of such reduction or the sum so 700
withdrawn shall be deposited in another eligible institution 701
applying therefor, or if there is no such eligible institution, 702
then the amount so withheld or withdrawn shall be awarded or 703
deposited for the remainder of the period of designation in 704
accordance with sections 135.01 to 135.21 of the Revised Code. 705

(D) Any institution mentioned in section 135.03 of the 706
Revised Code is eligible to become a public depository of the 707
inactive and interim deposits of public moneys of a subdivision. 708
In case the aggregate amount of inactive or interim deposits 709
applied for by such eligible institutions is less than the 710
aggregate maximum amount of such inactive or interim deposits as 711
estimated to be deposited pursuant to sections 135.01 to 135.21 712
of the Revised Code, the governing board of the subdivision may 713
designate as a public depository of the inactive or interim 714
deposits of the public moneys thereof, one or more institutions 715
of a kind mentioned in section 135.03 of the Revised Code, 716
subject to the requirements of sections 135.01 to 135.21 of the 717
Revised Code. 718

(E) Any institution mentioned in section 135.03 of the 719
Revised Code is eligible to become a public depository of the 720
active deposits of public moneys of a subdivision. In case the 721
aggregate amount of active deposits of the public moneys of the 722
subdivision applied for by such eligible institutions is less 723
than the aggregate maximum amount to be deposited as such, as 724
estimated by the governing board, said board may designate as a 725
public depository of the active deposits of the public moneys of 726
the subdivision, one or more institutions of the kind mentioned 727
in section 135.03 of the Revised Code, subject to the 728

requirements of sections 135.01 to 135.21 of the Revised Code.	729
(F) (1) The governing board of the state or of a	730
subdivision may designate one or more minority banks as public	731
depositories of its inactive, interim, or active deposits of	732
public moneys designated as federal funds. Except for section	733
135.18, 135.181, or 135.182 of the Revised Code, Chapter 135. of	734
the Revised Code does not apply to the application for, or the	735
award of, such deposits. As used in this division, "minority	736
bank" means a bank that is owned or controlled by one or more	737
socially or economically disadvantaged persons. Such	738
disadvantage may arise from cultural, ethnic, or racial	739
background, chronic economic circumstances, or other similar	740
cause. Such persons include, but are not limited to, Afro-	741
Americans, Puerto Ricans, Spanish-speaking Americans, and	742
American Indians.	743
(2) In enacting this division, the general assembly finds	744
that:	745
(a) Certain commercial banks are owned or controlled by	746
minority Americans;	747
(b) Minority banks are an important source of banking	748
services in their communities;	749
(c) Minority banks have been unsuccessful in competing	750
under Chapter 135. of the Revised Code for the award of federal	751
funds;	752
(d) This division contains safeguards for the protection	753
of the general public and the banking industry, since it	754
provides the governing board of the state or political	755
subdivision with permissive authority in the award of deposits;	756
limits the authority of the governing board to the award of	757

federal funds; and subjects minority banks to certain 758
limitations of Chapter 135. of the Revised Code, including the 759
requirement that, as in the case of every financial institution 760
subject to Chapter 135. of the Revised Code, a minority bank 761
pledge certain securities for repayment of the deposits. 762

(3) The purpose of this division is to recognize that the 763
state has a substantial and compelling interest in encouraging 764
the establishment, development, and stability of minority banks 765
by facilitating their access to the award of federal funds, 766
while ensuring the protection of the general public and the 767
banking industry. 768

(G) The governing board of a subdivision shall award the 769
first twenty-five thousand dollars of the active deposits of 770
public moneys subject to its control to the eligible institution 771
or institutions applying or qualifying therefor on the basis of 772
the operating needs of the subdivision and shall award the 773
active deposits of public moneys subject to its control in 774
excess of twenty-five thousand dollars to the eligible 775
institution or institutions applying or qualifying therefor. 776

Sec. 135.05. Each governing board of a subdivision shall, 777
at least three weeks prior to the date when it is required by 778
section 135.12 of the Revised Code to designate public 779
depositories, by resolution, estimate the aggregate maximum 780
amount of public moneys subject to its control to be awarded and 781
be on deposit as inactive deposits. ~~The state board of deposit-~~ 782
~~shall cause a copy of such resolution, together with a notice of~~ 783
~~the date on which the meeting of the board for the designation-~~ 784
~~of such depositories will be held and the period for which such~~ 785
~~inactive deposits will be awarded, to be published once a week-~~ 786
~~for two consecutive weeks in two newspapers of general-~~ 787

~~circulation in each of the three most populous counties.~~ The 788
governing board of each subdivision shall cause a copy of such 789
resolution, together with a notice of the date on which the 790
meeting of the board for the designation of such depositories 791
will be held and the period for which such inactive deposits 792
will be awarded, to be published once a week for two consecutive 793
weeks in a newspaper of general circulation in the county or as 794
provided in section 7.16 of the Revised Code. If a subdivision 795
is located in more than one county, such publication shall be 796
made in a newspaper of general circulation in the county in 797
which the major part of such subdivision is located, and of 798
general circulation in the subdivision. A written notice stating 799
the aggregate maximum amount to be awarded as inactive deposits 800
of the subdivision shall be given to each eligible depository by 801
the governing board at the time the first publication is made in 802
the newspaper. 803

All deposits of the public moneys of ~~the state or any~~ 804
subdivision made during the period covered by the designation in 805
excess of the aggregate amount so estimated shall be active 806
deposits or interim deposits. Inactive, interim, and active 807
deposits shall be separately awarded, made, and administered as 808
provided by sections 135.01 to 135.21 of the Revised Code. 809

Sec. 135.06. Each eligible institution desiring to be a 810
public depository of the inactive deposits of the public moneys 811
~~of the state or of the inactive deposits of the public moneys of~~ 812
the subdivision shall, not more than thirty days prior to the 813
date fixed by section 135.12 of the Revised Code for the 814
designation of such public depositories, make application 815
therefor in writing to the proper governing board. Such 816
application shall specify the maximum amount of such public 817
moneys which the applicant desires to receive and have on 818

deposit as an inactive deposit at any one time during the period 819
covered by the designation, provided that it shall not apply for 820
more than thirty per cent of its total assets as revealed by its 821
latest report to the superintendent of financial institutions, 822
the comptroller of the currency, the office of thrift 823
supervision, the federal deposit insurance corporation, or the 824
board of governors of the federal reserve system, and the rate 825
of interest which the applicant will pay thereon, subject to the 826
limitations of sections 135.01 to 135.21 of the Revised Code. 827
Each application shall be accompanied by a financial statement 828
of the applicant, under oath of its cashier, treasurer, or other 829
officer, in such detail as to show the capital funds of the 830
applicant, as of the date of its latest report to the 831
superintendent of financial institutions, the comptroller of the 832
currency, the office of thrift supervision, the federal deposit 833
insurance corporation, or the board of governors of the federal 834
reserve system, and adjusted to show any changes therein made 835
prior to the date of the application. Such application may be 836
combined with an application for designation as a public 837
depository of active deposits, interim deposits, or both. 838

Sec. 135.08. Each eligible institution desiring to be a 839
public depository of interim deposits of the public moneys of 840
the state or of the interim deposits of the public moneys of the 841
subdivision shall, not more than ~~thirty-one~~ thirty-one hundred twenty days 842
prior to the date fixed by section 135.12 of the Revised Code 843
for the designation of public depositories, make application 844
therefor in writing to the proper governing board. Such 845
application shall specify the maximum amount of such public 846
moneys which the applicant desires to receive and have on 847
deposit as interim deposits at any one time during the period 848
covered by the designation, provided that it shall not apply for 849

more than thirty per cent of its total assets as revealed by its 850
latest report to the superintendent of financial institutions, 851
the comptroller of the currency, the office of thrift 852
supervision, the federal deposit insurance corporation, or the 853
board of governors of the federal reserve system, and the rate 854
of interest which the applicant will pay thereon, subject to the 855
limitations of sections 135.01 to 135.21 of the Revised Code. 856

Each application shall be accompanied by a financial 857
statement of the applicant, under oath of its cashier, 858
treasurer, or other officer, in such detail as to show the 859
capital funds of the applicant, as of the date of its latest 860
report to the superintendent of financial institutions, the 861
comptroller of the currency, the office of thrift supervision, 862
the federal deposit insurance corporation, or the board of 863
governors of the federal reserve system, and adjusted to show 864
any changes therein made prior to the date of the application. 865
Such application may be combined with an application for 866
designation as a public depository of inactive deposits, active 867
deposits, or both. 868

Sec. 135.10. Each eligible institution desiring to be a 869
public depository of the active deposits of the public moneys of 870
the state or of a subdivision shall, not more than ~~thirty-one~~ 871
hundred twenty days prior to the date fixed by section 135.12 of 872
the Revised Code for the designation of such public 873
depositories, make application therefor in writing to the proper 874
governing board. If desired, such application may specify the 875
maximum amount of such public moneys which the applicant desires 876
to receive and have on deposit at any one time during the period 877
covered by the designation. Each application shall be 878
accompanied by a financial statement of the applicant, under 879
oath of its cashier, treasurer, or other officer, in such detail 880

as to show the capital funds of the applicant, as of the date of 881
its latest report to the superintendent of banks or comptroller 882
of the currency, and adjusted to show any changes therein prior 883
to the date of the application. Such application may be combined 884
with an application for designation as a public depository of 885
inactive deposits, interim deposits, or both. 886

Sec. 135.12. (A) Beginning in ~~2004~~2025 and every four 887
years thereafter, the state board of deposit shall meet on the 888
third Monday of March ~~in the even-numbered years~~ for the purpose 889
of designating the public depositories of the public moneys of 890
the state, and at such meeting or any adjourned session thereof 891
shall designate such public depositories and award the public 892
moneys of the state to and among the public depositories so 893
designated for the period of ~~two~~four years commencing on the 894
first Monday of July next following. 895

(B) Each governing board other than the state board of 896
deposit shall meet every five years on the third Monday or such 897
regularly scheduled meeting date of the month next preceding the 898
date of the expiration of its designation of depositories for 899
the purpose of designating the public depositories of the public 900
moneys of the subdivision, and at such meeting or any adjourned 901
session thereof, shall designate such public depositories and 902
award the public moneys of the subdivision to and among the 903
public depositories so designated for the period of five years 904
commencing on the date of the expiration of the next preceding 905
designation. The designation and award shall be made in 906
duplicate; one copy shall be retained by the governing board of 907
the subdivision and one copy shall be certified to the 908
treasurer. 909

(C) If a governing board determines, during a designation 910

period, that a public depository designated under this section 911
is insolvent or operating in an unsound or unsafe manner, the 912
governing board may meet and designate a different public 913
depository of the public moneys of the state or of the 914
subdivision for the remainder of the designation period. 915

(D) If a governing board determines during a designation 916
period that it is necessary and in the state's or subdivision's 917
best interests to appoint additional depositories, the governing 918
board may meet and designate one or more additional public 919
depositories of the public moneys of the state or of the 920
subdivision for the remainder of the designation period. 921

(E) Whenever, by amendment or enactment of any state or 922
federal law or the amendment or adoption of any valid regulation 923
thereunder, the terms of a designation or award, lawful at the 924
beginning of any designation period, cease to be lawful during 925
such period, and if the change of law or regulation requires, 926
the designation period shall be limited so as not to extend 927
beyond the date when that change becomes effective. In such 928
case, the proper governing board shall meet and designate the 929
public depositories of the public moneys of the state or of the 930
subdivision for the remainder of the designation period. 931

(F) During a designation period, whenever a statute 932
authorizes a new custodial fund to be created, the state board 933
of deposit shall meet to award the public moneys associated with 934
the new custodial fund to a designated public depository. 935

(G) During a designation period, whenever a state agency, 936
as defined in section 1.60 of the Revised Code, requests to 937
change its public depository, the state board of deposit shall 938
meet to consider the request. 939

Sec. 135.143. (A) The treasurer of state may invest or	940
execute transactions for any part or all of the interim funds of	941
the state in the following classifications of obligations:	942
(1) United States treasury bills, notes, bonds, or any	943
other obligations or securities issued by the United States	944
treasury or any other obligation guaranteed as to principal and	945
interest by the United States;	946
(2) Bonds, notes, debentures, or any other obligations or	947
securities issued by any federal government agency or	948
instrumentality;	949
(3) (a) Bonds, notes, and other obligations of the state of	950
Ohio, including, but not limited to, any obligations issued by	951
the treasurer of state, the Ohio public facilities commission,	952
the Ohio building authority, the Ohio housing finance agency,	953
the Ohio water development authority, the Ohio turnpike	954
infrastructure commission, the Ohio higher educational facility	955
commission, and state institutions of higher education as	956
defined in section 3345.011 of the Revised Code;	957
(b) Bonds, notes, and other obligations of any state or	958
political subdivision thereof rated in the three highest	959
categories by at least one nationally recognized standard rating	960
service and purchased through a registered securities broker or	961
dealer, provided the treasurer of state is not the sole	962
purchaser of the bonds, notes, or other obligations at original	963
issuance.	964
(4) (a) Written repurchase agreements with any eligible	965
Ohio financial institution that is a member of the federal	966
reserve system or federal home loan bank, or any registered	967
United States government securities dealer, <u>or any counterparty</u>	968

rated in one of the three highest categories by at least one 969
nationally recognized standard rating service or otherwise 970
determined by the treasurer of state to have adequate capital 971
and liquidity, under the terms of which agreement the treasurer 972
of state purchases and the eligible financial institution ~~or,~~ 973
dealer, or counterparty agrees unconditionally to repurchase any 974
of the securities that are listed in division (A) (1), (2), ~~or~~ 975
(3), (6), or (11) of this section. The market value of 976
securities subject to these transactions must exceed the 977
principal value of the repurchase agreement by an amount 978
specified by the treasurer of state, and the securities must be 979
delivered into the custody of the treasurer of state or the 980
qualified trustee or agent designated by the treasurer of state. 981
The agreement shall contain the requirement that for each 982
transaction pursuant to the agreement, the participating 983
institution ~~or,~~ dealer, or counterparty shall provide all of 984
the following information: 985

(i) The par value of the securities; 986

(ii) The type, rate, and maturity date of the securities; 987

(iii) A numerical identifier generally accepted in the 988
securities industry that designates the securities. 989

(b) The treasurer of state also may sell any securities, 990
listed in division (A) (1), (2), ~~or~~ (6), or (11) of this section, 991
regardless of maturity or time of redemption of the securities, 992
under the same terms and conditions for repurchase, provided 993
that the securities have been fully paid for and are owned by 994
the treasurer of state at the time of the sale. 995

(c) For purposes of division (A) (4) of this section, the 996
treasurer of state shall only buy or sell securities listed in 997

division (A) (11) of this section issued by entities that are 998
organized under the laws of this state, any other state, or the 999
United States. 1000

(5) Securities lending agreements with any eligible 1001
financial institution that is a member of the federal reserve 1002
system or federal home loan bank or any recognized United States 1003
government securities dealer, under the terms of which 1004
agreements the treasurer of state lends securities and the 1005
eligible financial institution or dealer agrees to 1006
simultaneously exchange similar securities or cash, equal value 1007
for equal value. 1008

Securities and cash received as collateral for a 1009
securities lending agreement are not interim funds of the state. 1010
The investment of cash collateral received pursuant to a 1011
securities lending agreement may be invested only in such 1012
instruments specified by the treasurer of state in accordance 1013
with a written investment policy. 1014

(6) Various forms of commercial paper issued by any entity 1015
that is organized under the laws of the United States or a 1016
state, which notes are rated in the two highest categories by 1017
two nationally recognized standard rating services, provided 1018
that the total amount invested under this section in any 1019
commercial paper at any time shall not exceed forty per cent of 1020
the state's total average portfolio, as determined and 1021
calculated by the treasurer of state; 1022

(7) Bankers acceptances, maturing in two hundred seventy 1023
days or less, provided that the total amount invested in bankers 1024
acceptances at any time shall not exceed ten per cent of the 1025
state's total average portfolio, as determined and calculated by 1026
the treasurer of state; 1027

(8) Certificates of deposit, savings accounts, or deposit accounts in eligible institutions applying for interim moneys as provided in section 135.08 of the Revised Code, including linked deposits as provided in sections 135.61 to 135.67 of the Revised Code, agricultural linked deposits as provided in sections 135.71 to 135.76 of the Revised Code, business linked deposits as provided in sections 135.77 to 135.774 of the Revised Code, adoption linked deposits as provided in sections 135.79 to 135.796 of the Revised Code, and housing linked deposits as provided in sections 135.81 to 135.87 of the Revised Code;

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

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

(11) Debt interests, other than commercial paper described in division (A) (6) of this section, rated in the three highest categories by two nationally recognized standard rating services

and issued by entities that are organized under the laws of the 1058
United States or a state, or issued by foreign nations 1059
diplomatically recognized by the United States government, or 1060
any instrument based on, derived from, or related to such 1061
interests, provided that: 1062

(a) The investments in debt interests other than 1063
commercial paper, when added to the investment in written 1064
repurchase agreements for securities listed in division (A) (3) 1065
or (11) of this section, shall not exceed in the aggregate 1066
twenty-five per cent of the state's portfolio. 1067

(b) The investments in debt interests issued by foreign 1068
nations shall not exceed in the aggregate two per cent of the 1069
state's portfolio. 1070

The treasurer of state shall invest under division (A) (11) 1071
of this section in a debt interest issued by a foreign nation 1072
only if the debt interest is backed by the full faith and credit 1073
of that foreign nation, and provided that all interest and 1074
principal shall be denominated and payable in United States 1075
funds. 1076

(c) When added to the investment in commercial paper and 1077
negotiable certificates of deposit, the investments in the debt 1078
interests of a single issuer shall not exceed in the aggregate 1079
five per cent of the state's portfolio. 1080

(d) For purposes of division (A) (11) of this section, a 1081
debt interest is rated in the three highest categories by two 1082
nationally recognized standard rating services if either the 1083
debt interest itself or the issuer of the debt interest is 1084
rated, or is implicitly rated, in the three highest categories 1085
by two nationally recognized standard rating services. 1086

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

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

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

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

~~(B) Whenever, during a period of designation~~On or before the tenth day of each month, the treasurer of state ~~classifies~~ public moneys as interim moneys, the treasurer of state shall notify the state board of deposit ~~of such action. The~~ notification shall be given within thirty days after such ~~classification and,~~ in that the following reports have been posted to the web site maintained by the treasurer of state:

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

(2) The monthly portfolio report detailing the current inventory of all investments and deposits held within the

<u>classification of interim moneys;</u>	1116
<u>(3) The monthly activity report within the classification</u>	1117
<u>of interim moneys summarized by type of investment or deposit.</u>	1118
<u>In</u> the event the state board of deposit does not concur in	1119
such classification or in the investments or deposits made under	1120
this section, the board may order the treasurer of state to sell	1121
or liquidate any of the investments or deposits, and any such	1122
order shall specifically describe the investments or deposits	1123
and fix the date upon which they are to be sold or liquidated.	1124
Investments or deposits so ordered to be sold or liquidated	1125
shall be sold or liquidated for cash by the treasurer of state	1126
on the date fixed in such order at the then current market	1127
price. Neither the treasurer of state nor the members of the	1128
state board of deposit shall be held accountable for any loss	1129
occasioned by sales or liquidations of investments or deposits	1130
at prices lower than their cost. Any loss or expense incurred in	1131
making these sales or liquidations is payable as other expenses	1132
of the treasurer's office.	1133
(C) If any securities or obligations invested in by the	1134
treasurer of state pursuant to this section are registrable	1135
either as to principal or interest, or both, such securities or	1136
obligations shall be registered in the name of the treasurer of	1137
state.	1138
(D) The treasurer of state is responsible for the	1139
safekeeping of all securities or obligations under this section.	1140
Any such securities or obligations may be deposited for	1141
safekeeping as provided in section 113.05 of the Revised Code.	1142
(E) Interest earned on any investments or deposits	1143
authorized by this section shall be collected by the treasurer	1144

of state and credited by the treasurer of state to the proper 1145
fund of the state. 1146

(F) Whenever investments or deposits acquired under this 1147
section mature and become due and payable, the treasurer of 1148
state shall present them for payment according to their tenor, 1149
and shall collect the moneys payable thereon. The moneys so 1150
collected shall be treated as public moneys subject to sections 1151
135.01 to 135.21 of the Revised Code. 1152

(G) The treasurer of state and any entity issuing 1153
obligations referred to in division (A)(13) of this section, 1154
which obligations mature within one year from the original date 1155
of issuance, may enter into an agreement providing for: 1156

(1) The purchase of those obligations by the treasurer of 1157
state on terms and subject to conditions set forth in the 1158
agreement; 1159

(2) The payment to the treasurer of state of a reasonable 1160
fee as consideration for the agreement of the treasurer of state 1161
to purchase those obligations; provided, however, that the 1162
treasurer of state shall not be authorized to enter into any 1163
such agreement with a board of education of a school district 1164
that has an outstanding obligation with respect to a loan 1165
received under authority of section 3313.483 of the Revised 1166
Code. 1167

(H) For purposes of division (G) of this section, a fee 1168
shall not be considered reasonable unless it is set to recover 1169
only the direct costs, a reasonable estimate of the indirect 1170
costs associated with the purchasing of obligations under 1171
division (G) of this section and any reselling of the 1172
obligations or any interest in the obligations, including 1173

interests in a fund comprised of the obligations, and the 1174
administration thereof. No money from the general revenue fund 1175
shall be used to subsidize the purchase or resale of these 1176
obligations. 1177

(I) All money collected by the treasurer of state from the 1178
fee imposed by division (G) of this section shall be deposited 1179
to the credit of the state political subdivision obligations 1180
fund, which is hereby created in the state treasury. Money 1181
credited to the fund shall be used solely to pay the treasurer 1182
of state's direct and indirect costs associated with purchasing 1183
and reselling obligations under division (G) of this section. 1184

(J) As used in this section, "political subdivision" means 1185
a county, township, municipal corporation, school district, or 1186
other body corporate and politic responsible for governmental 1187
activities in a geographic area smaller than that of the state. 1188

(K) (1) The treasurer of state and any entity issuing 1189
obligations referred to in division (A) (14) of this section, 1190
which obligations ~~have a demand feature to tender the obligation~~ 1191
~~at par plus accrued interest~~ require a conditional liquidity 1192
requirement, may enter into an agreement providing for the 1193
following: 1194

(a) The purchase of the obligations by the treasurer of 1195
state on terms and subject to conditions set forth in the 1196
agreement; 1197

(b) Payment to the treasurer of state of a fee as 1198
consideration for the agreement of the treasurer of state to 1199
purchase the obligations. 1200

(2) The treasurer of state shall not enter into agreements 1201
under division (K) (1) of this section for obligations that, in 1202

the aggregate, exceed ten per cent of the state's total average portfolio, as determined and calculated by the treasurer of state.

(3) For purposes of division (A)(14) of this section, an obligation is rated in the four highest categories by at least one nationally recognized standard rating service if either the debt interest itself or the obligor of the debt interest is rated in the four highest categories by at least one nationally recognized standard rating service.

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

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

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

(b) The department of higher education to withhold, in the event the state university or college does not pay bond service charges on the obligations when due, appropriated funds

allocated to the state university or college in an amount 1232
sufficient to pay bond service charges on the obligations, less 1233
any amounts deposited for that purpose under the bond 1234
proceedings. Upon the request of the treasurer of state, the 1235
department of higher education shall promptly pay to the 1236
treasurer of state the amounts withheld. 1237

(2) For purposes of division (L)(1) of this section, 1238
"obligations," "state university or college," "bond service 1239
charges," and "bond proceedings" have the same meanings as in 1240
section 3345.12 of the Revised Code. 1241

Sec. 135.15. Whenever the governing board, other than the 1242
state board of deposit, is of the opinion that the actual amount 1243
of active deposits is insufficient to meet the anticipated 1244
demands on such active deposits, it shall direct the treasurer 1245
to sell interim money investments or deposits or transfer from 1246
the inactive deposits to the active deposits an amount 1247
sufficient to meet such demands. The board shall designate in 1248
such order the depositories from which withdrawals for such 1249
purpose shall be made and the amounts to be withdrawn from each. 1250
The treasurer shall immediately give appropriate written notice 1251
of such withdrawal to each public depository affected thereby, 1252
and at the expiration of the period of such notice shall make 1253
such withdrawals by presentation of certificates of deposit, or 1254
otherwise, in such manner as the board provides by appropriate 1255
regulations. In case there are two or more public depositories 1256
subject to such withdrawal, the board shall make such 1257
withdrawals from the public depositories paying the lowest rates 1258
of interest and in proportional amounts as near as is 1259
practicable. 1260

Whenever the state board of deposit is of the opinion that 1261

the actual amount of active deposits is insufficient to meet the 1262
anticipated demands on such active deposits, it shall direct the 1263
treasurer of state to sell interim money investments or to 1264
redeem negotiated deposits in an amount sufficient to meet such 1265
demands. The treasurer of state shall use the treasurer of 1266
state's discretion in selecting the instruments to be sold or 1267
redeemed. 1268

Sec. 135.182. (A) As used in this section: 1269

(1) "Public depository" means that term as defined in 1270
section 135.01 of the Revised Code, but also means an 1271
institution that receives or holds any public deposits as 1272
defined in section 135.31 of the Revised Code. 1273

(2) "Public depositor" means that term as defined in 1274
section 135.01 of the Revised Code, but also includes a county 1275
and any municipal corporation that has adopted a charter under 1276
Article XVIII, Ohio Constitution. 1277

(3) "Public deposits," "public moneys," and "treasurer" 1278
mean those terms as defined in section 135.01 of the Revised 1279
Code, but also have the same meanings as are set forth in 1280
section 135.31 of the Revised Code, but for purposes of this 1281
section does not include the moneys of metropolitan housing 1282
authorities. 1283

(B) (1) Not later than July 1, 2017, the treasurer of state 1284
shall create the Ohio pooled collateral program. Under this 1285
program, each institution designated as a public depository that 1286
selects the pledging method prescribed in division (A) (2) of 1287
section 135.18 or division (A) (2) of section 135.37 of the 1288
Revised Code shall pledge to the treasurer of state a single 1289
pool of eligible securities for the benefit of all public 1290

depositors at the public depository to secure the repayment of 1291
all uninsured public deposits at the public depository, provided 1292
that at all times the total market value of the securities so 1293
pledged is at least equal to either of the following: 1294

(a) One hundred two per cent of the total amount of all 1295
uninsured public deposits; 1296

(b) An amount determined by rules adopted by the treasurer 1297
of state that set forth the criteria for determining the 1298
aggregate market value of the pool of eligible securities 1299
pledged by a public depository pursuant to division (B) of this 1300
section. Such criteria shall include, but are not limited to, 1301
prudent capital and liquidity management by the public 1302
depository and the safety and soundness of the public depository 1303
as determined by a third-party rating organization. 1304

(2) The treasurer of state shall monitor the eligibility, 1305
market value, and face value of the pooled securities pledged by 1306
the public depository. Each public depository shall carry in its 1307
accounting records at all times a general ledger or other 1308
appropriate account of the total amount of all public deposits 1309
to be secured by the pool, as determined at the opening of 1310
business each day, and the total market value of securities 1311
pledged to secure such deposits, and report such information to 1312
the treasurer of state in a manner and frequency as determined 1313
by the treasurer of state pursuant to rules adopted by the 1314
treasurer of state. A public depositor shall be responsible for 1315
periodically confirming the accuracy of its account balances 1316
with the treasurer of state; otherwise, the treasurer of state 1317
shall be the sole public depositor responsible for monitoring 1318
and ensuring the sufficiency of securities pledged under this 1319
section. 1320

(3) If, on any day, the total market value of the securities pledged by the public depository is less than that specified in division (B)(1)(a) or (b) of this section, whichever is applicable, the public depository shall have two business days to pledge additional eligible securities having a market value sufficient, when combined with the market value of eligible securities already pledged, to satisfy the requirement of division (B)(1)(a) or (b) of this section, as applicable, to secure the repayment of all uninsured public deposits at the public depository.

(C) The public depository shall designate a qualified trustee approved by the treasurer of state and place with such trustee for safekeeping the eligible securities pledged pursuant to division (B) of this section. The trustee shall hold the eligible securities in an account indicating the treasurer of state's security interest in the eligible securities. The treasurer of state shall give written notice of the trustee to all public depositors for which such securities are pledged. The trustee shall report to the treasurer of state information relating to the securities pledged to secure such public deposits in a manner and frequency as determined by the treasurer of state.

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

(E) The securities or other obligations described in 1351
division (D) of section 135.18 of the Revised Code shall be 1352
eligible as collateral for the purposes of division (B) of this 1353
section, provided no such securities or obligations pledged as 1354
collateral are at any time in default as to either principal or 1355
interest. 1356

(F) Any federal reserve bank or branch thereof located in 1357
this state or federal home loan bank, without compliance with 1358
Chapter 1111. of the Revised Code and without becoming subject 1359
to any other law of this state relative to the exercise by 1360
corporations of trust powers generally, is qualified to act as 1361
trustee for the safekeeping of securities, under this section. 1362
Any institution mentioned in section 135.03 or 135.32 of the 1363
Revised Code that holds a certificate of qualification issued by 1364
the superintendent of financial institutions or any institution 1365
complying with sections 1111.04, 1111.05, and 1111.06 of the 1366
Revised Code is qualified to act as trustee for the safekeeping 1367
of securities under this section, other than those belonging to 1368
itself or to an affiliate as defined in section 1101.01 of the 1369
Revised Code. 1370

(G) The public depository may substitute, exchange, or 1371
release eligible securities deposited with the qualified trustee 1372
pursuant to this section, provided that such substitution, 1373
exchange, or release is effectuated pursuant to written 1374
authorization from the treasurer of state, and such action does 1375
not reduce the total market value of the securities to an amount 1376
that is less than the amount established pursuant to division 1377
(B) of this section. 1378

(H) Notwithstanding the fact that a public depository is 1379
required to pledge eligible securities in certain amounts to 1380

secure public deposits, a qualified trustee has no duty or 1381
obligation to determine the eligibility, market value, or face 1382
value of any securities deposited with the trustee by a public 1383
depository. This applies in all situations including, but not 1384
limited to, a substitution or exchange of securities, but 1385
excluding those situations effectuated by division (I) of this 1386
section in which the trustee is required to determine face and 1387
market value. 1388

(I) The qualified trustee shall enter into a custodial 1389
agreement with the treasurer of state and public depository in 1390
which the trustee agrees to comply with entitlement orders 1391
originated by the treasurer of state without further consent by 1392
the public depository or, in the case of collateral held by the 1393
public depository in an account at a federal reserve bank, the 1394
treasurer of state shall have the treasurer's security interest 1395
marked on the books of the federal reserve bank where the 1396
account for the collateral is maintained. If the public 1397
depository fails to pay over any part of the public deposits 1398
made therein as provided by law and secured pursuant to division 1399
(B) of this section, the treasurer of state shall give written 1400
notice of this failure to the qualified trustee holding the pool 1401
of securities pledged against the public deposits, and at the 1402
same time shall send a copy of this notice to the public 1403
depository. Upon receipt of this notice, the trustee shall 1404
transfer to the treasurer of state for sale, the pooled 1405
securities that are necessary to produce an amount equal to the 1406
public deposits made by the public depositor and not paid over, 1407
less the portion of the deposits covered by any federal deposit 1408
insurance, plus any accrued interest due on the deposits. The 1409
treasurer of state shall sell any of the bonds or other 1410
securities so transferred. When a sale of bonds or other 1411

securities has been so made and upon payment to the public 1412
depositor of the purchase money, the treasurer of state shall 1413
transfer such bonds or securities whereupon the absolute 1414
ownership of such bonds or securities shall pass to the 1415
purchasers. Any surplus after deducting the amount due to the 1416
public depositor and expenses of sale shall be paid to the 1417
public depository. 1418

(J) Any charges or compensation of a qualified trustee for 1419
acting as such under this section shall be paid by the public 1420
depository and in no event shall be chargeable to the public 1421
depositor or to any officer of the public depositor. The charges 1422
or compensation shall not be a lien or charge upon the 1423
securities deposited for safekeeping prior or superior to the 1424
rights to and interests in the securities of the public 1425
depositor. The treasurer and the treasurer's bonders or surety 1426
shall be relieved from any liability to the public depositor or 1427
to the public depository for the loss or destruction of any 1428
securities deposited with a qualified trustee pursuant to this 1429
section. 1430

(K) A public depositor, treasurer, or the public 1431
depositor's or treasurer's bonders or surety are not liable for 1432
the loss of funds if a public depository fails to comply with 1433
the terms set forth in the agreement provided for in division 1434
(D) of this section for the appropriate level of collateral, as 1435
required under division (B) (1) (a) or (b) of this section, to 1436
secure the public deposits made under that agreement. 1437

(L) (1) The following information is confidential and not a 1438
public record under section 149.43 of the Revised Code: 1439

(a) All reports or other information obtained or created 1440
about a public depository for purposes of division (B) (1) (b) of 1441

this section; 1442

(b) The identity of a public depositor's public 1443
depository; 1444

(c) The identity of a public depository's public 1445
depositories. 1446

(2) Nothing in this section prevents the treasurer of 1447
state from releasing or exchanging such confidential information 1448
as required by law or for the operation of the pooled collateral 1449
program. 1450

(M) The treasurer of state may impose reasonable fees, 1451
including late fees, upon public depositories participating in 1452
the pooled collateral program to defray the actual and necessary 1453
expenses incurred by the treasurer in connection with the 1454
program. All such fees collected by the treasurer shall be 1455
deposited into the state treasury to the credit of the 1456
administrative fund created in section 113.20 of the Revised 1457
Code. 1458

(N) The treasurer of state may adopt rules necessary for 1459
the implementation of this section and sections 135.18 and 1460
135.181 of the Revised Code. Such rules shall be adopted in 1461
accordance with Chapter 119. of the Revised Code. 1462

Sec. 135.47. (A) There is hereby created the securities 1463
~~lending~~ lending program. 1464

(B) There is hereby created in the state treasury the 1465
securities lending program fund. Income from the interest 1466
earnings of the securities lending program in an amount 1467
calculated pursuant to division (D) of this section shall be 1468
credited to the fund. All other such income shall be credited to 1469
the general revenue fund. 1470

(C) The treasurer of state may use the securities lending program fund ~~solely~~ for operations of the office of the treasurer of state or may transfer unexpended amounts in the fund to the treasurer's information technology reserve fund created under section 113.22 of the Revised Code.

(D) The amount of income from the interest earnings of the securities lending program that shall be paid into the securities lending program fund shall not exceed an amount based on an annual rate of one-quarter of one per cent of the total average daily par value of assets in the securities lending program, as determined and calculated by the treasurer of state. Such income shall be paid on a monthly basis.

Sec. 317.13. (A) Except as otherwise provided in division (B) of this section, the county recorder shall record in the official records, in legible handwriting, typewriting, or printing, or by any authorized photographic or electronic process, all deeds, mortgages, plats, or other instruments of writing that are required or authorized by the Revised Code to be recorded and that are presented to the county recorder for that purpose. The county recorder shall record the instruments in regular succession, according to the priority of presentation, and shall enter the file number at the beginning of the record. On the record of each instrument, the county recorder shall record the date and precise time the instrument was presented for record. All records made, prior to July 28, 1949, by means authorized by this section or by section 9.01 of the Revised Code shall be deemed properly made.

(B) The county recorder may refuse to record an instrument of writing presented for recording if the instrument is not required or authorized by the Revised Code to be recorded or the

county recorder has reasonable cause to believe the instrument 1501
is materially false or fraudulent. This division does not create 1502
a duty upon a recorder to inspect, evaluate, or investigate an 1503
instrument of writing that is presented for recording. 1504

(C) If a person presents an instrument of writing to the 1505
county recorder for recording and the county recorder, pursuant 1506
to division (B) of this section, refuses to record the 1507
instrument, the person has a cause of action for an order from 1508
the court of common pleas in the county that the county recorder 1509
serves, to require the county recorder to record the instrument. 1510
If the court determines that the instrument is required or 1511
authorized by the Revised Code to be recorded and is not 1512
materially false or fraudulent, it shall order the county 1513
recorder to record the instrument. 1514

(D) The county recorder shall keep confidential 1515
information that is subject to a real property confidentiality 1516
notice under section 111.431 of the Revised Code, in accordance 1517
with that section. A copy of the real property confidentiality 1518
notice shall accompany subsequent recordings of the property, 1519
unless the program participant's certification has been canceled 1520
under section 111.431 or 111.45 of the Revised Code. 1521

(E) (1) Not later than June 30, 2025, each county recorder, 1522
county auditor, and county engineer shall make available to the 1523
public a method for electronically recording instruments related 1524
to conveyances of real property that adheres to the standards 1525
governing conveyances of real property adopted by a county in 1526
accordance with section 319.203 of the Revised Code. 1527

(2) Not later than June 30, 2025, a county recorder shall 1528
make available to the public a method for electronically 1529
recording instruments, other than those related to conveyances 1530

of real property, specified in division (A) or (D) of section 1531
317.08 of the Revised Code, except division (A) (24) of that 1532
section. 1533

(3) Divisions (E) (1) and (2) of this section do not apply 1534
to instruments specifically exempt from recording under either 1535
of the following: 1536

(a) The standards governing conveyances of real property 1537
adopted by a county in accordance with section 319.203 of the 1538
Revised Code; or 1539

(b) The minimum standards for boundary surveys promulgated 1540
by the board of registration for professional engineers and 1541
surveyors pursuant to Chapter 4733. of the Revised Code. 1542

(F) Not later than June 30, 2025, a county recorder shall 1543
make available to the public on the county recorder's web site 1544
electronic indexes for, and electronic versions of, all 1545
instruments recorded on or after January 1, 1980, except veteran 1546
discharge papers recorded under section 317.24 of the Revised 1547
Code or any instrument or portion thereof prohibited from being 1548
disclosed under federal or state law. A county recorder may 1549
require a username and password to access the electronic indexes 1550
and instruments, but may not require a fee to create a username 1551
and password or to otherwise access the electronic indexes and 1552
instruments. 1553

Sec. 317.32. The county recorder shall charge and collect 1554
the following fees and surcharges, to include, except as 1555
otherwise provided in division (A) (2) of this section, base fees 1556
for the recorder's services, a document preservation surcharge, 1557
and housing trust fund fees collected pursuant to section 317.36 1558
of the Revised Code: 1559

(A) (1) Except as otherwise provided in division (A) (2) of 1560
this section, for recording and indexing an instrument if the 1561
photocopy or any similar process is employed, ~~a~~: 1562

(a) A base fee of seventeen dollars for the first two 1563
pages and a housing trust fund fee of seventeen dollars, and a 1564
base fee of four dollars and a housing trust fund fee of four 1565
dollars for each subsequent page, size eight and one-half inches 1566
by fourteen inches, or fraction of a page, including the caption 1567
page, of such instrument; and 1568

(b) A document preservation surcharge of five dollars, 1569
which shall be deposited in the county treasury to the credit of 1570
the county general fund. 1571

(2) For recording and indexing an instrument described in 1572
division (D) of section 317.08 of the Revised Code if the 1573
photocopy or any similar process is employed, a fee of ~~twenty-~~ 1574
~~eight-thirty-four~~ dollars for the first two pages to be 1575
deposited as specified elsewhere in this division, and a fee of 1576
eight dollars to be deposited in the same manner for each 1577
subsequent page, size eight and one-half inches by fourteen 1578
inches, or fraction of a page, including the caption page, of 1579
that instrument. If the county recorder's technology fund has 1580
been established under section 317.321 of the Revised Code, of 1581
the ~~twenty-eight-thirty-four~~ dollars, fourteen-seventeen dollars 1582
shall be deposited into the county treasury to the credit of the 1583
county recorder's technology fund and fourteen-seventeen dollars 1584
shall be deposited into the county treasury to the credit of the 1585
county general fund. If the county recorder's technology fund 1586
has not been established, the ~~twenty-eight-thirty-four~~ dollars 1587
shall be deposited into the county treasury to the credit of the 1588
county general fund. 1589

(3) The document preservation surcharge is intended to 1590
support the preservation and digitization of documents and 1591
ongoing costs incurred by a county recorder's office to make 1592
available to the public a web site with appropriate security 1593
features, electronic document hosting, online viewing, and print 1594
and download features that enable an individual to print or 1595
download a copy of a public record from the web site. 1596

(B) For certifying a copy or electronic record from the 1597
record previously recorded, a base fee of one dollar and a 1598
housing trust fund fee of one dollar per page, size eight and 1599
one-half inches by fourteen inches, or fraction of a page; for 1600
each certification if the recorder's seal is required, except as 1601
to instruments issued by the armed forces of the United States, 1602
a base fee of fifty cents and a housing trust fund fee of fifty 1603
cents; 1604

(C) For entering or indexing any marginal reference, or 1605
any reference previously accomplished as a marginal reference 1606
now accomplished through electronic means, by separate recorded 1607
instrument, a base fee of two dollars and a housing trust fund 1608
fee of two dollars for each marginal reference, or reference 1609
previously accomplished as a marginal reference now accomplished 1610
through electronic means, set out in that instrument, in 1611
addition to the fees set forth in division (A) (1) of this 1612
section; 1613

(D) For indexing in the real estate mortgage records, 1614
pursuant to section 1309.519 of the Revised Code, financing 1615
statements covering crops growing or to be grown, timber to be 1616
cut, minerals or the like, including oil and gas, accounts 1617
subject to section 1309.301 of the Revised Code, or fixture 1618
filings made pursuant to section 1309.334 of the Revised Code, a 1619

base fee of two dollars and a housing trust fund fee of two 1620
dollars for each name indexed; 1621

(E) For filing zoning resolutions, including text and 1622
maps, in the office of the recorder as required under sections 1623
303.11 and 519.11 of the Revised Code, a base fee of twenty-five 1624
dollars and a housing trust fund fee of twenty-five dollars, 1625
regardless of the size or length of the resolutions; 1626

(F) For filing zoning amendments, including text and maps, 1627
in the office of the recorder as required under sections 303.12 1628
and 519.12 of the Revised Code, a base fee of ten dollars and a 1629
housing trust fund fee of ten dollars regardless of the size or 1630
length of the amendments; 1631

(G) For photocopying a document, other than at the time of 1632
recording and indexing as provided for in division (A)(1) or (2) 1633
of this section, a base fee of one dollar and a housing trust 1634
fund fee of one dollar per page, size eight and one-half inches 1635
by fourteen inches, or fraction thereof; 1636

(H) For local facsimile or electronic transmission of a 1637
document, a base fee of one dollar and a housing trust fund fee 1638
of one dollar per page, size eight and one-half inches by 1639
fourteen inches, or fraction thereof; for long distance 1640
facsimile transmission of a document, a base fee of two dollars 1641
and a housing trust fund fee of two dollars per page, size eight 1642
and one-half inches by fourteen inches, or fraction thereof; 1643

(I) For recording a declaration executed pursuant to 1644
section 2133.02 of the Revised Code or a durable power of 1645
attorney for health care executed pursuant to section 1337.12 of 1646
the Revised Code, or both a declaration and a durable power of 1647
attorney for health care, a base fee of at least ~~fourteen~~ 1648

seventeen dollars but not more than twenty dollars and a housing trust fund fee of at least ~~fourteen~~-seventeen dollars but not more than twenty dollars.

In any county in which the recorder employs the photostatic or any similar process for recording maps, plats, or prints the recorder shall determine, charge, and collect for the recording or rerecording of any map, plat, or print, a base fee of five cents and a housing trust fund fee of five cents per square inch, for each square inch of the map, plat, or print filed for that recording or rerecording, with a minimum base fee of twenty dollars and a minimum housing trust fund fee of twenty dollars; for certifying a copy from the record, a base fee of two cents and a housing trust fund fee of two cents per square inch of the record, with a minimum base fee of two dollars and a minimum housing trust fund fee of two dollars.

The fees provided in this section shall be paid upon the presentation of the instruments for record or upon the application for any certified copy of the record, except that the payment of fees for providing copies of instruments conveying or extinguishing agricultural easements to the office of farmland preservation in the department of agriculture under division (H) of section 5301.691 of the Revised Code shall be governed by that division, and payment of fees for electronic recording may be made by electronic funds transfer, automated clearing house, or other electronic means after presentation.

The fees provided for in this section shall not apply to the recording, indexing, or making of a certified copy or to the filing of any instrument by a county land reutilization corporation.

The fees provided for in this section shall not apply to

the recording, indexing, or making of a certified copy or to the 1679
filing of any instrument by a county land reutilization 1680
corporation's wholly owned subsidiary or any other electing 1681
subdivision as defined in section 5722.01 of the Revised Code if 1682
the wholly owned subsidiary or the electing subdivision is 1683
acting in capacity consistent with the purpose of the land 1684
reutilization program. 1685

Sec. 317.321. (A) Not later than the first day of October 1686
of any year, the county recorder may submit to the board of 1687
county commissioners a proposal for funding any of the 1688
following: 1689

(1) The acquisition and maintenance of imaging and other 1690
technological equipment and contract services therefor; 1691

(2) To reserve funds for the office's future technology 1692
needs if the county recorder has no immediate plans for the 1693
acquisition of imaging and other technological equipment or 1694
contract services, or to use the county recorder's technology 1695
fund as a dedicated revenue source to repay debt to purchase any 1696
imaging and other technological equipment before the 1697
accumulation of adequate resources to purchase the equipment 1698
with cash. 1699

(3) Subject to division (G) of this section, for other 1700
expenses associated with the acquisition and maintenance of 1701
imaging and other technological equipment and contract services. 1702

(B) The proposal shall be in writing and shall include at 1703
least the following: 1704

(1) A request that an amount not to exceed eight dollars 1705
of the total base fees collected for filing or recording a 1706
document for which a fee is charged as required by division (A) 1707

(1) of section 317.32 or by section 1309.525 or 5310.15 of the Revised Code be placed in the county treasury to the credit of the county recorder's technology fund;

(2) Except as provided in division (E) (3) of this section, the number of years, not to exceed five, for which the county recorder requests that the amount requested under division (A) (1) of this section be given the designation specified in that division;

(3) An estimate of the total amount of fees that will be generated for filing or recording a document for which a fee is charged as required by division (A) (1) or (2) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code;

(4) An estimate of the total amount of fees for filing or recording a document for which a fee is charged as required by division (A) (1) or (2) of section 317.32 or by section 1309.525 or 5310.15 of the Revised Code that will be credited to the county recorder's technology fund if the request submitted under division (B) (1) of this section is approved by the board of county commissioners.

(C) A proposal for the purposes of division (A) (1) of this section shall include a description or summary of the imaging and other technological equipment that the county recorder proposes to acquire and maintain, and the nature of contract services that the county recorder proposes to utilize, if the proposal is for those purposes. A proposal for the purposes of division (A) (2) of this section shall explain the general future technology needs of the office for imaging and other technological equipment, or for revenue to repay debt, if the proposal is for those purposes. A proposal for the purposes of

division (A) (3) of this section shall identify the other 1738
expenses associated with the acquisition and maintenance of 1739
imaging and other technological equipment and contract services 1740
that the county recorder proposes to pay with moneys in the 1741
county recorder's technology fund, if the proposal is for those 1742
purposes. 1743

(D) The board of county commissioners shall receive a 1744
proposal and the clerk shall enter it on the journal. At the 1745
same time, the board shall establish a date, not sooner than 1746
fifteen or later than thirty days after the board receives the 1747
proposal, on which to meet with the recorder to review the 1748
proposal. 1749

(E) (1) Except as provided in division (E) (3) of this 1750
section, not later than the fifteenth day of December of any 1751
year in which a proposal is submitted under division (A) of this 1752
section, the board of county commissioners shall approve, 1753
reject, or modify the proposal and notify the county recorder of 1754
its action on the proposal. If the board rejects or modifies the 1755
proposal, it shall make a written finding that the request is 1756
for a purpose other than for a purpose in division (A) of this 1757
section, or that the amount requested is excessive as determined 1758
by the board. 1759

(2) A proposal submitted under division (A) of this 1760
section that was approved by the board of county commissioners 1761
before, and is in effect on ~~the effective date of this amendment~~ 1762
the effective date of this amendment, shall continue in effect 1763
until January 1, ~~2025~~2030, notwithstanding the number of years 1764
of funding specified in the approved proposal. 1765

(3) A proposal submitted under division (A) of this 1766
section between October 1, 2019, and October 1, ~~2023~~2028, may 1767

request that an amount that does not exceed three dollars be 1768
credited to the county recorder's technology fund, in addition 1769
to the amount previously approved by the board of county 1770
commissioners in a proposal described in division (E) (2) of this 1771
section. The proposal may be submitted each year during that 1772
time period, but shall be limited to funding in the following 1773
fiscal year. If the total of the amount under division (E) (2) of 1774
this section and the amount requested under this division does 1775
not exceed eight dollars, the board shall approve the proposal 1776
and notify the county recorder of its approval. 1777

(4) If the total amount of fees provided for in divisions 1778
(B), (E) (2), and (E) (3) of this section is less than eight 1779
dollars, a proposal requesting additional fees may be submitted 1780
to the board of county commissioners under division (E) (1) of 1781
this section, as long as the total amount of the fees in 1782
divisions (B) and (E) (2), (3), and (4) of this section that are 1783
to be credited to the county recorder's technology fund does not 1784
exceed eight dollars, and the proposal is for a number of years, 1785
not to exceed five. 1786

(5) When a proposal is approved by the board of county 1787
commissioners under division (E) of this section, the county 1788
recorder's technology fund is established in the county 1789
treasury, and, beginning on the following first day of January, 1790
the fees approved shall be deposited in that fund. 1791

(F) The acquisition and maintenance of imaging and other 1792
technological equipment, and other associated expenses and 1793
contract services therefor, shall be specifically governed by 1794
sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, 1795
and 5705.38, and by division (D) of section 5705.41 of the 1796
Revised Code. 1797

(G) If the use of the county recorder's technology fund 1798
for the purposes of division (A) (3) of this section includes 1799
associated expenses for personnel, the use of the fund for 1800
personnel shall be strictly confined to personnel directly 1801
related to imaging and other technological equipment, and any 1802
compensation increases for those personnel shall not exceed the 1803
average of the annual aggregate percentage increase or decrease 1804
in the compensation fixed by the board of county commissioners 1805
for their employees, and for the officers in section 325.27 of 1806
the Revised Code. Use of the fund for compensation bonuses, or 1807
for recognizing outstanding employee performance in a manner 1808
described in section 325.25 of the Revised Code, is prohibited. 1809

(H) If a county is under a fiscal caution under section 1810
118.025 of the Revised Code, or is under a fiscal watch or 1811
fiscal emergency as defined in section 118.01 of the Revised 1812
Code, the board of county commissioners, notwithstanding 1813
sections 5705.14 to 5705.16 of the Revised Code, may transfer 1814
from the county recorder's technology fund any moneys the board 1815
deems necessary. 1816

Sec. 317.36. (A) The county recorder shall collect the 1817
low- and moderate-income housing trust fund fee as specified in 1818
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 1819
4509.60, 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 5733.22, 1820
6101.09, and 6115.09 of the Revised Code. The amount of any 1821
housing trust fund fee the recorder is authorized to collect is 1822
equal to the amount of any base fee the recorder is authorized 1823
to collect for services. The housing trust fund fee shall be 1824
collected in addition to the base fee. 1825

(B) The recorder shall certify the amounts collected as 1826
housing trust fund fees pursuant to division (A) of this section 1827

into the county treasury as housing trust fund fees to be paid 1828
to the treasurer of state pursuant to section 319.63 of the 1829
Revised Code. 1830

(C) The document preservation surcharge collected under 1831
section 317.32 of the Revised Code is not a base fee under this 1832
section. 1833

Sec. 1113.13. (A) After subscriptions to shares have been 1834
received by the incorporators, the board of directors of a stock 1835
state bank may, subject to the requirements of this section, 1836
adopt amendments to the bank's articles of incorporation to do 1837
any of the following: 1838

(1) Authorize the shares necessary to meet conversion or 1839
option rights when all of the following apply: 1840

(a) The bank has issued shares of one class convertible 1841
into shares of another class or obligations convertible into 1842
shares of the bank, or has granted options to purchase shares. 1843

(b) The conversion or option rights are set forth in the 1844
articles of incorporation or have been approved by the same vote 1845
of shareholders as, at the time of the approval, would have been 1846
required to amend the articles of incorporation to authorize the 1847
shares required for that purpose. 1848

(c) The bank does not have sufficient authorized and 1849
unissued shares available to satisfy the conversion or option 1850
rights. 1851

(2) Reduce the authorized number of shares of a class by 1852
the number of shares of that class that have been redeemed, or 1853
have been surrendered to or acquired by the bank upon 1854
conversion, exchange, purchase, or otherwise, or to eliminate 1855
from the articles of incorporation all references to the shares 1856

of a class, and to make any other change required, when all of 1857
the authorized shares of that class have been redeemed, or 1858
surrendered to or acquired by the bank; 1859

(3) Reduce the authorized number of shares of a class by 1860
the number of shares of that class that were canceled for not 1861
being issued or reissued and for not being fully paid in within 1862
one year after the date they were authorized or otherwise became 1863
authorized and unissued shares; 1864

(4) For any purpose authorized by section 1701.70 of the 1865
Revised Code. 1866

(B) The board of directors of a stock state bank may adopt 1867
amended articles of incorporation to consolidate the original 1868
articles of incorporation and all previously adopted amendments 1869
to the articles of incorporation that are in force at the time. 1870

(C) Amended articles of incorporation shall set forth all 1871
provisions required in, and only provisions that may properly be 1872
in, original articles of incorporation or amendments to articles 1873
of incorporation at the time the amended articles of 1874
incorporation are adopted, and shall state that they supersede 1875
the existing articles of incorporation. 1876

(D) (1) If the board of directors propose the adoption of 1877
any amendment to a stock state bank's articles of incorporation 1878
or amended articles of incorporation, the bank shall send to the 1879
superintendent of financial institutions a copy of the proposed 1880
amendment or amended articles of incorporation for review and 1881
approval prior to adoption by the board. 1882

(2) Upon receiving a proposed amendment or amended 1883
articles of incorporation, the superintendent shall conduct 1884
whatever examination the superintendent considers necessary to 1885

determine if both of the following conditions are satisfied: 1886

(a) The proposed amendment or amended articles of 1887
incorporation comply with the requirements of the Revised Code. 1888

(b) The proposed amendment or amended articles of 1889
incorporation will not adversely affect the interests of the 1890
bank's depositors and creditors. 1891

(3) Within forty-five days after receiving the proposed 1892
amendment or amended articles of incorporation, the 1893
superintendent shall notify the bank of the superintendent's 1894
approval or disapproval unless the superintendent determines 1895
additional information is required. In that event, the 1896
superintendent shall request the information in writing within 1897
twenty days after the date the proposed amendment or amended 1898
articles of incorporation were received. The bank shall have 1899
thirty days to submit the information to the superintendent. The 1900
superintendent shall notify the bank of the superintendent's 1901
approval or disapproval of the proposed amendment or amended 1902
articles of incorporation within forty-five days after the date 1903
the additional information is received. If the proposed 1904
amendment or amended articles of incorporation are disapproved 1905
by the superintendent, the superintendent shall notify the bank 1906
of the reasons for the disapproval. 1907

(4) If the superintendent fails to approve or disapprove 1908
the proposed amendment or amended articles of incorporation 1909
within the time period required by division (D) (3) of this 1910
section, the proposed amendment or amended articles of 1911
incorporation shall be considered approved. 1912

(5) If the proposed amendment or amended articles of 1913
incorporation are approved, in no event shall that approval be 1914

construed or represented as an affirmative endorsement of the 1915
amendment or amended articles of incorporation by the 1916
superintendent. 1917

(E) (1) Upon adoption by the board of directors of any 1918
approved amendment to a stock state bank's articles of 1919
incorporation, the bank shall send to the superintendent a 1920
certificate containing a copy of the directors' resolution 1921
adopting the amendment and a statement of the manner of and 1922
basis for its adoption. The certificate shall be signed by the 1923
bank's authorized representatives in accordance with section 1924
1103.19 of the Revised Code. 1925

(2) Upon adoption by the board of directors of approved 1926
amended articles of incorporation, the bank shall send to the 1927
superintendent a copy of the amended articles of incorporation, 1928
accompanied by a certificate containing a copy of the directors' 1929
resolution adopting the amended articles of incorporation and a 1930
statement of the manner of and basis for its adoption. The 1931
certificate shall be signed by the bank's authorized 1932
representatives in accordance with section 1103.19 of the 1933
Revised Code. 1934

(F) Upon receiving a certificate required by division (E) 1935
of this section, the superintendent shall conduct whatever 1936
examination the superintendent considers necessary to determine 1937
if the manner of and basis for adoption of the amendment or 1938
amended articles of incorporation comply with the requirements 1939
of the Revised Code. 1940

(G) (1) Within thirty days after receiving a certificate 1941
required by division (E) of this section, the superintendent 1942
shall approve or disapprove the amendment or amended articles of 1943
incorporation. If the superintendent approves the amendment or 1944

amended articles of incorporation, the superintendent shall 1945
forward a certificate of that approval, a copy of the 1946
certificate required by division (E) of this section, and a copy 1947
of the amendment or amended articles of incorporation to the 1948
secretary of state, who shall file the documents. Upon filing by 1949
the secretary of state, the amendment or amended articles of 1950
incorporation shall be effective. 1951

(2) If the superintendent fails to approve or disapprove 1952
the amendment or amended articles of incorporation within thirty 1953
days after receiving a certificate required by division (E) of 1954
this section, the bank shall forward a copy of the certificate 1955
and a copy of the amendment or amended articles of incorporation 1956
to the secretary of state, who shall file the documents. Upon 1957
filing by the secretary of state, the amendment or amended 1958
articles of incorporation shall be effective. 1959

Sec. 1337.04. ~~A power of attorney for the conveyance, (A)~~ 1960
As used in this section, "real property interest" means a deed, 1961
mortgage, land installment contract, or lease of an interest in 1962
real property must. 1963

(B) A power of attorney used for the execution of a real 1964
property instrument shall be properly executed and acknowledged 1965
by the principal before the execution and acknowledgement of 1966
such real property instrument executed by virtue of such power 1967
of attorney. 1968

For purposes of this section, if the execution and 1969
acknowledgement of the power of attorney is dated the same date 1970
as the execution and acknowledgment of the real property 1971
instrument, the power of attorney shall be presumed to have been 1972
executed and acknowledged before the execution and 1973
acknowledgment of the real property instrument. 1974

(C) A power of attorney used for the execution of a real 1975
property instrument shall be recorded in the office of the 1976
county recorder of the county in which such property is 1977
situated, ~~previous to~~ before the recording of a deed, mortgage, 1978
or lease the real property instrument executed by virtue of such 1979
power of attorney. 1980

For purposes of this section, a power of attorney that is 1981
known to have been recorded the same day, but after, the 1982
recording of the real property instrument shall be considered to 1983
have been recorded before the real property instrument. 1984

If a power of attorney is not recorded before, or is not 1985
known to have been recorded on the same day as, the recording of 1986
the real property instrument executed by virtue of such power of 1987
attorney, the power of attorney may be subsequently placed of 1988
record as an attachment to a supporting affidavit made by any 1989
person having knowledge of the facts or competent to testify 1990
concerning them in open court, so long as the power of attorney 1991
was executed and acknowledged not later than the day of the 1992
execution of the real property instrument. The supporting 1993
affidavit shall include all of the following: 1994

(1) The name of the person appearing by record to be the 1995
owner of the property described in the real property instrument 1996
executed by virtue of the power of attorney at the time of the 1997
recording of the affidavit; 1998

(2) The permanent parcel number of the property; 1999

(3) The legal description of the property subject to the 2000
real property instrument executed by virtue of the power of 2001
attorney; 2002

(4) The official record reference of the real property 2003

instrument executed by virtue of the power of attorney; 2004

(5) If the power of attorney that the affidavit 2005
accompanies is a photocopy of the power of attorney, rather than 2006
the original, a statement that the photocopy is a true and 2007
accurate copy and a statement regarding why the original is not 2008
being recorded. 2009

(D) The county recorder shall record the supporting 2010
affidavit in the official records, indexed by the name of the 2011
current record owner. 2012

(E) Notwithstanding any contrary provision set forth in 2013
this section, a real property instrument executed by virtue of a 2014
power of attorney that has been of record for a period of ten 2015
years or more shall be presumed valid and of full force and 2016
effect if the power of attorney has not been placed of record. 2017

(F) The amendments to this section by H.B. 237 of the 2018
134th general assembly have no effect on the rights of a bona 2019
fide purchaser for value who acquired those rights without 2020
actual knowledge or constructive notice of the power of 2021
attorney, the real property instrument executed by virtue of the 2022
power of attorney, or an affidavit that meets the requirements 2023
of division (C) of this section. 2024

(G) The amendments to this section by H.B. 237 of the 2025
134th general assembly have no effect on the law of constructive 2026
notice or chain of title analysis set forth in *Spring Lakes* 2027
Ltd. v. O.F.M. Co., 12 Ohio St.3d 333 (1984); *Ohio Turnpike* 2028
Commission v. Spellman Outdoor Advertising Services, LLC, 2010- 2029
Ohio-1705; and *Spellman Outdoor Advertising Services, LLC v.* 2030
Ohio Turnpike and Infrastructure Commission, 2016-Ohio-7152. 2031

(H) The amendments to this section by H.B. 237 of the 2032

134th general assembly shall be given retroactive effect to the 2033
fullest extent permitted under Section 28 of Article II, Ohio 2034
Constitution. The amendments to this section shall not be given 2035
retroactive effect if to do so would affect any accrued 2036
substantive right or vested rights in any person or in any real 2037
property instrument. 2038

Sec. 2329.02. Any judgment or decree rendered by any court 2039
of general jurisdiction, including district courts of the United 2040
States, within this state shall be a lien upon lands and 2041
tenements of each judgment debtor within any county of this 2042
state from the time there is filed in the office of the clerk of 2043
the court of common pleas of such county a certificate of such 2044
judgment, setting forth ~~the~~ all of the following: 2045

(A) The court in which the same was rendered, ~~the;~~ 2046

(B) The title and number of the action, ~~the;~~ 2047

(C) The names of the judgment creditors and judgment 2048
debtors, ~~the;~~ 2049

(D) The last known address, without further inquiry or 2050
investigation, that is not a post office box, of each judgment 2051
debtor; 2052

(E) The amount of the judgment and costs, ~~the;~~ 2053

(F) The rate of interest, if the judgment provides for 2054
interest, and the date from which such interest accrues, ~~the;~~ 2055

(G) The date of rendition of the judgment, ~~and the;~~ 2056

(H) The volume and page, or instrument number, if any, of 2057
the journal entry thereof. 2058

No such judgment or decree shall be a lien upon any lands, 2059

whether or not situated within the county in which such judgment 2060
is rendered, registered under sections 5309.02 to 5309.98,~~—~~ 2061
~~inclusive,~~ and 5310.01 to 5310.21, ~~inclusive,~~ of the Revised 2062
Code, until a certificate under the hand and official seal of 2063
the clerk of the court in which the same is entered or of 2064
record, stating the date and purport of the judgment, giving the 2065
number of the case, the full names of the parties, plaintiff and 2066
defendant, the last known address that is not a post office box 2067
of each defendant, and the volume and page, or instrument 2068
number, of the journal or record in which it is entered, or a 2069
certified copy of such judgment, stating such facts, is filed 2070
and noted in the office of the county recorder of the county in 2071
which the land is situated, and a memorial of the same is 2072
entered upon the register of the last certificate of title to 2073
the land to be affected. 2074

Such certificate shall be made by the clerk of the court 2075
in which the judgment was rendered, under the seal of said 2076
court, upon the order of any person in whose favor such judgment 2077
was rendered or upon the order of any person claiming under ~~him~~ 2078
a person in whose favor such judgment was rendered, and shall be 2079
delivered to the party so ordering the same; and the fee 2080
therefor shall be taxed in the costs of the action. 2081

When any such certificate is delivered to the clerk of the 2082
court of common pleas of any county in this state, the same 2083
shall be filed by such clerk, and ~~he~~ the clerk shall docket and 2084
index it under the names of the judgment creditors and the 2085
judgment debtors in a judgment docket or similar record, which 2086
shall show as to each judgment all of the matters set forth in 2087
such certificate as required by this section. The fee for such 2088
filing, docketing, and indexing shall be taxed as increased 2089
costs of such judgment upon such judgment docket or similar 2090

record and shall be included in the lien of the judgment. 2091

When the clerk of any court, other than that rendering the 2092
judgment, in whose office any such certificate is filed, has 2093
docketed and indexed the same, ~~he~~the clerk shall indorse upon 2094
such certificate the fact of such filing with the date thereof 2095
and the volume and page of the docket entry of such certificate 2096
and shall return the same so indorsed to the clerk of the court 2097
in which the judgment was rendered, who shall note upon the 2098
original docket the fact of the filing of said certificate, 2099
showing the county in which the same was filed and the date of 2100
such filing. When such certificate is filed, docketed, and 2101
indexed in the office of the clerk of the court which rendered 2102
the judgment, such clerk shall likewise indorse the certificate 2103
and make like notation upon the original docket. 2104

Each such judgment shall be deemed to have been rendered 2105
in the county in which is kept the journal of the court 2106
rendering the same, in which journal such judgment is entered. 2107

Certificates or certified copies of judgments or decrees 2108
of any courts of general jurisdiction, including district courts 2109
of the United States, within this state, may be filed, 2110
registered, noted, and memorials thereof entered, in the office 2111
of the recorder of any county in which is situated land 2112
registered under sections 5309.02 to 5309.98, ~~inclusive,~~ and 2113
5310.01 to 5310.21, ~~inclusive,~~ of the Revised Code, for the 2114
purpose of making such judgments liens upon such registered 2115
land. 2116

Notwithstanding any other provision of the Revised Code, 2117
any judgment issued in a court of record may be transferred to 2118
any other court of record. Any proceedings for collection may be 2119
had on such judgment the same as if it had been issued by the 2120

transferee court. 2121

Sec. 3366.05. The issuing authority, as an eligible not- 2122
for-profit holder of federal education loans, may act as an 2123
eligible not-for-profit servicer of certain student loans owned 2124
by the federal government under Section 2212 of the "Health Care 2125
and Education Reconciliation Act of 2010," Pub. L. No. 111-152. 2126
The issuing authority is authorized to take such actions and to 2127
enter into such contracts and to execute all instruments 2128
necessary or appropriate to act as an eligible not-for-profit 2129
servicer. Notwithstanding division (C) of section 3366.03 and 2130
division (B) of section 3366.04 of the Revised Code, revenues 2131
received by the issuing authority under this section shall be 2132
deposited in an account in the custody of the treasurer of state 2133
that is not part of the state treasury and shall be used to pay 2134
administrative costs incurred by the issuing authority. 2135
Unexpended amounts shall be deposited in the state treasury and 2136
credited, as determined by the treasurer of state, to the 2137
treasurer of state's administrative fund created under section 2138
113.20 of the Revised Code or the treasurer's information 2139
technology reserve fund created under section 113.22 of the 2140
Revised Code. 2141

Sec. 3737.945. Moneys in the funds of the petroleum 2142
underground storage tank release compensation board, except as 2143
otherwise provided in any resolution authorizing the issuance of 2144
its revenue bonds or in any trust agreement securing the same, 2145
in excess of current needs, may be invested by the board in 2146
notes, bonds, or other obligations of the United States, or of 2147
any agency or instrumentality thereof, or in obligations of this 2148
state or any political subdivision thereof, or the treasurer of 2149
state's investment pool authorized under section 135.45 of the 2150
Revised Code. Income from all such investments of moneys in any 2151

fund shall be credited to such funds as the board determines, 2152
subject to the provisions of any resolution or trust agreement, 2153
and the investments may be sold as the board determines. 2154

Sec. 4513.61. (A) The sheriff of a county or chief of a 2155
law enforcement agency of a municipal corporation, township, 2156
port authority, conservancy district, university campus police 2157
department, park district police force, or township or joint 2158
police district, within the sheriff's or chief's respective 2159
territorial jurisdiction, or a state highway patrol trooper, 2160
upon notification to the sheriff or chief of such action and of 2161
the location of the place of storage, may order into storage any 2162
motor vehicle, including an abandoned junk motor vehicle as 2163
defined in section 4513.63 of the Revised Code, that: 2164

(1) Has come into the possession of the sheriff, chief, or 2165
state highway patrol trooper as a result of the performance of 2166
the sheriff's, chief's, or trooper's duties; or 2167

(2) Has been left on a public street or other property 2168
open to the public for purposes of vehicular travel, or upon or 2169
within the right-of-way of any road or highway, for forty-eight 2170
hours or longer without notification to the sheriff or chief of 2171
the reasons for leaving the motor vehicle in such place. 2172
However, when such a motor vehicle constitutes an obstruction to 2173
traffic it may be ordered into storage immediately unless either 2174
of the following applies: 2175

(a) The vehicle was involved in an accident and is subject 2176
to section 4513.66 of the Revised Code; 2177

(b) The vehicle is a commercial motor vehicle. If the 2178
vehicle is a commercial motor vehicle, the sheriff, chief, or 2179
state highway patrol trooper shall allow the owner or operator 2180

of the vehicle the opportunity to arrange for the removal of the 2181
motor vehicle within a period of time specified by the sheriff, 2182
chief, or state highway patrol trooper. If the sheriff, chief, 2183
or state highway patrol trooper determines that the vehicle 2184
cannot be removed within the specified period of time, the 2185
sheriff, chief, or state highway patrol trooper shall order the 2186
removal of the vehicle. 2187

Subject to division (C) of this section, the sheriff or 2188
chief shall designate the place of storage of any motor vehicle 2189
so ordered removed. 2190

(B) If the sheriff, chief, or a state highway patrol 2191
trooper issues an order under division (A) of this section and 2192
arranges for the removal of a motor vehicle by a towing service, 2193
the towing service shall deliver the motor vehicle to the 2194
location designated by the sheriff or chief not more than two 2195
hours after the time it is removed. 2196

(C) (1) The sheriff or chief shall cause a search to be 2197
made of the records of an applicable entity listed in division 2198
(F) (1) of section 4513.601 of the Revised Code to ascertain the 2199
identity of the owner and any lienholder of a motor vehicle 2200
ordered into storage by the sheriff or chief, or by a state 2201
highway patrol trooper within five business days of the removal 2202
of the vehicle. Upon obtaining such identity, the sheriff or 2203
chief shall send or cause to be sent to the owner ~~or~~ and any 2204
lienholder at the owner's ~~or~~ and any lienholder's last known 2205
address by certified or express mail with return receipt 2206
requested, by certified mail with electronic tracking, or by a 2207
commercial carrier service utilizing any form of delivery 2208
requiring a signed receipt. The notice shall inform the owner ~~or~~ 2209
and any lienholder that the motor vehicle will be declared a 2210

nuisance and disposed of if not claimed within ten days of the 2211
date of the sending of the notice. 2212

(2) The owner or lienholder of the motor vehicle may 2213
reclaim the motor vehicle upon payment of any expenses or 2214
charges incurred in its removal and storage, and presentation of 2215
proof of ownership, which may be evidenced by a certificate of 2216
title or memorandum certificate of title to the motor vehicle, a 2217
certificate of registration for the motor vehicle, or a lease 2218
agreement. Upon presentation of proof of ownership evidenced as 2219
provided above, the owner of the motor vehicle also may retrieve 2220
any personal items from the vehicle without retrieving the 2221
vehicle and without paying any fee. However, a towing service or 2222
storage facility may charge an after-hours retrieval fee 2223
established by the public utilities commission in rules adopted 2224
under section 4921.25 of the Revised Code if the owner retrieves 2225
the personal items after hours, unless the towing service or 2226
storage facility fails to provide the notice required under 2227
division (B) (3) of section 4513.69 of the Revised Code, if 2228
applicable. However, the owner shall not do either of the 2229
following: 2230

(a) Retrieve any personal item that has been determined by 2231
the sheriff, chief, or a state highway patrol trooper, as 2232
applicable, to be necessary to a criminal investigation; 2233

(b) Retrieve any personal item from a vehicle if it would 2234
endanger the safety of the owner, unless the owner agrees to 2235
sign a waiver of liability. 2236

For purposes of division (C) (2) of this section, "personal 2237
items" do not include any items that are attached to the 2238
vehicle. 2239

(3) If the owner or lienholder of the motor vehicle 2240
reclaims it after a search of the applicable records has been 2241
conducted and after notice has been sent to the owner ~~or~~ and any 2242
lienholder as described in this section, and the search was 2243
conducted by the place of storage, and the notice was sent to 2244
the motor vehicle owner by the place of storage, the owner or 2245
lienholder shall pay to the place of storage a processing fee of 2246
twenty-five dollars, in addition to any expenses or charges 2247
incurred in the removal and storage of the vehicle. 2248

(D) If the owner or lienholder makes no claim to the motor 2249
vehicle within ten days of the date of sending the notice, and 2250
if the vehicle is to be disposed of at public auction as 2251
provided in section 4513.62 of the Revised Code, the sheriff or 2252
chief, without charge to any party, shall file with the clerk of 2253
courts of the county in which the place of storage is located an 2254
affidavit showing compliance with the requirements of this 2255
section. Upon presentation of the affidavit, the clerk, without 2256
charge, shall issue a salvage certificate of title, free and 2257
clear of all liens and encumbrances, to the sheriff or chief. If 2258
the vehicle is to be disposed of to a motor vehicle salvage 2259
dealer or other facility as provided in section 4513.62 of the 2260
Revised Code, the sheriff or chief shall execute in triplicate 2261
an affidavit, as prescribed by the registrar of motor vehicles, 2262
describing the motor vehicle and the manner in which it was 2263
disposed of, and that all requirements of this section have been 2264
complied with. The sheriff or chief shall retain the original of 2265
the affidavit for the sheriff's or chief's records, and shall 2266
furnish two copies to the motor vehicle salvage dealer or other 2267
facility. Upon presentation of a copy of the affidavit by the 2268
motor vehicle salvage dealer, the clerk of courts, within thirty 2269
days of the presentation, shall issue a salvage certificate of 2270

title, free and clear of all liens and encumbrances. 2271

(E) Whenever a motor vehicle salvage dealer or other 2272
facility receives an affidavit for the disposal of a motor 2273
vehicle as provided in this section, the dealer or facility 2274
shall not be required to obtain an Ohio certificate of title to 2275
the motor vehicle in the dealer's or facility's own name if the 2276
vehicle is dismantled or destroyed and both copies of the 2277
affidavit are delivered to the clerk of courts. 2278

(F) No towing service or storage facility shall fail to 2279
comply with this section. 2280

Sec. 4513.62. An unclaimed motor vehicle ordered into 2281
storage pursuant to division (A)(1) of section 4513.60 or 2282
section 4513.61 of the Revised Code is subject to one of the 2283
following: 2284

(A) The sheriff of the county or the chief of a law 2285
enforcement agency of the municipal corporation, township, port 2286
authority, conservancy district, university campus police 2287
department, park district police force, or township or joint 2288
police district may dispose of it with a motor vehicle salvage 2289
dealer or scrap metal processing facility as defined in section 2290
4737.05 of the Revised Code, or with any other facility owned by 2291
or under contract with the county, municipal corporation, port 2292
authority, conservancy district, university campus, park 2293
district, or township, for the disposal of such motor vehicles. 2294

(B) The sheriff, chief, or a licensed auctioneer may sell 2295
the motor vehicle at public auction, after giving notice thereof 2296
by advertisement, published once a week for two successive weeks 2297
in a newspaper of general circulation in the county or as 2298
provided in section 7.16 of the Revised Code. 2299

(C) A towing service or storage facility may obtain title 2300
to the motor vehicle in accordance with section 4505.104 of the 2301
Revised Code. 2302

Any moneys accrued pursuant to division (A) or (B) of this 2303
section that are in excess of the expenses resulting from the 2304
removal and storage of the vehicle shall be credited to the 2305
general fund of the county, municipal corporation, port 2306
authority, township, conservancy district, university campus, 2307
park district, or joint police district, as the case may be. 2308

Sec. 4513.63. "Abandoned junk motor vehicle" means any 2309
motor vehicle meeting all of the following requirements: 2310

(A) Left on private property for forty-eight hours or 2311
longer without the permission of the person having the right to 2312
the possession of the property, on a public street or other 2313
property open to the public for purposes of vehicular travel or 2314
parking, or upon or within the right-of-way of any road or 2315
highway, for forty-eight hours or longer; 2316

(B) Three years old, or older; 2317

(C) Extensively damaged, such damage including but not 2318
limited to any of the following: missing wheels, tires, motor, 2319
or transmission; 2320

(D) Apparently inoperable; 2321

(E) Having a fair market value of one thousand five 2322
hundred dollars or less. 2323

The sheriff of a county or chief of a law enforcement 2324
agency of a municipal corporation, township, port authority, 2325
conservancy district, university campus police department, park 2326
district police force, or township or joint police district, 2327

within the sheriff's or chief's respective territorial 2328
jurisdiction, or a state highway patrol trooper, upon 2329
notification to the sheriff or chief of such action, shall order 2330
any abandoned junk motor vehicle to be photographed by a law 2331
enforcement officer. The officer shall record the make of motor 2332
vehicle, the serial number when available, and shall also detail 2333
the damage or missing equipment to substantiate the value of one 2334
thousand five hundred dollars or less. The sheriff or chief 2335
shall thereupon immediately dispose of the abandoned junk motor 2336
vehicle to a motor vehicle salvage dealer as defined in section 2337
4738.01 of the Revised Code or a scrap metal processing facility 2338
as defined in section 4737.05 of the Revised Code which is under 2339
contract to the county, township, port authority, conservancy 2340
district, university campus, park district, or municipal 2341
corporation, or to any other facility owned by or under contract 2342
with the county, township, port authority, conservancy district, 2343
university campus, park district, or municipal corporation for 2344
the destruction of such motor vehicles. The records and 2345
photograph relating to the abandoned junk motor vehicle shall be 2346
retained by the law enforcement agency ordering the disposition 2347
of such vehicle for a period of at least two years. The law 2348
enforcement agency shall execute in quadruplicate an affidavit, 2349
as prescribed by the registrar of motor vehicles, describing the 2350
motor vehicle and the manner in which it was disposed of, and 2351
that all requirements of this section have been complied with, 2352
and, within thirty days of disposing of the vehicle, shall sign 2353
and file the affidavit with the clerk of courts of the county in 2354
which the motor vehicle was abandoned. The clerk of courts shall 2355
retain the original of the affidavit for the clerk's files, 2356
shall furnish one copy thereof to the registrar, one copy to the 2357
motor vehicle salvage dealer or other facility handling the 2358
disposal of the vehicle, and one copy to the law enforcement 2359

agency ordering the disposal, who shall file such copy with the 2360
records and photograph relating to the disposal. Any moneys 2361
arising from the disposal of an abandoned junk motor vehicle 2362
shall be deposited in the general fund of the county, township, 2363
port authority, conservancy district, university campus, park 2364
district, or the municipal corporation, as the case may be. 2365

Notwithstanding section 4513.61 of the Revised Code, any 2366
motor vehicle meeting the requirements of divisions (C), (D), 2367
and (E) of this section which has remained unclaimed by the 2368
owner or lienholder for a period of ten days or longer following 2369
notification as provided in section 4513.61 of the Revised Code 2370
may be disposed of as provided in this section. 2371

Sec. 4513.64. (A) No person shall willfully leave an 2372
abandoned junk motor vehicle as defined in section 4513.63 of 2373
the Revised Code on private property for more than seventy-two 2374
hours without the permission of the person having the right to 2375
the possession of the property, or on a public street or other 2376
property open to the public for purposes of vehicular travel or 2377
parking, or upon or within the right-of-way of any road or 2378
highway, for forty-eight hours or longer without notification to 2379
the sheriff of the county or chief of a law enforcement agency 2380
of the municipal corporation, township, port authority, 2381
conservancy district, university campus police department, park 2382
district police force, or township or joint police district of 2383
the reasons for leaving the motor vehicle in such place. 2384

For purposes of this section, the fact that a motor 2385
vehicle has been so left without permission or notification is 2386
prima-facie evidence of abandonment. 2387

Nothing contained in sections 4513.60, 4513.61, and 2388
4513.63 of the Revised Code shall invalidate the provisions of 2389

municipal ordinances or township resolutions regulating or 2390
prohibiting the abandonment of motor vehicles on streets, 2391
highways, public property, or private property within municipal 2392
corporations or townships. 2393

(B) Whoever violates this section is guilty of a minor 2394
misdemeanor and shall also be assessed any costs incurred by the 2395
county, township, joint police district, port authority, 2396
conservancy district, university campus, park district, or 2397
municipal corporation in disposing of the abandoned junk motor 2398
vehicle that is the basis of the violation, less any money 2399
accruing to the county, township, joint police district, port 2400
authority, conservancy district, university campus, park 2401
district, or municipal corporation from this disposal of the 2402
vehicle. 2403

Sec. 4513.66. (A) If a motor vehicle accident occurs on 2404
any highway, public street, or other property open to the public 2405
for purposes of vehicular travel and if any motor vehicle, 2406
cargo, or personal property that has been damaged or spilled as 2407
a result of the motor vehicle accident is blocking the highway, 2408
street, or other property or is otherwise endangering public 2409
safety, a public safety official may do either of the following 2410
without the consent of the owner but with the approval of the 2411
law enforcement agency conducting any investigation of the 2412
accident: 2413

(1) Remove, or order the removal of, the motor vehicle if 2414
the motor vehicle is unoccupied, cargo, or personal property 2415
from the portion of the highway, public street, or property 2416
ordinarily used for vehicular travel on the highway, public 2417
street, or other property open to the public for purposes of 2418
vehicular travel. 2419

(2) If the motor vehicle is a commercial motor vehicle, 2420
allow the owner or operator of the vehicle the opportunity to 2421
arrange for the removal of the motor vehicle within a period of 2422
time specified by the public safety official. If the public 2423
safety official determines that the motor vehicle cannot be 2424
removed within the specified period of time, the public safety 2425
official shall remove or order the removal of the motor vehicle. 2426

(B) (1) Except as provided in division (B) (2) of this 2427
section, the department of transportation, any employee of the 2428
department of transportation, or a public safety official who 2429
authorizes or participates in the removal of any unoccupied 2430
motor vehicle, cargo, or personal property as authorized by 2431
division (A) of this section, regardless of whether the removal 2432
is executed by a private towing service, is not liable for civil 2433
damages for any injury, death, or loss to person or property 2434
that results from the removal of that unoccupied motor vehicle, 2435
cargo, or personal property. Further, except as provided in 2436
division (B) (2) of this section, if a public safety official 2437
authorizes, employs, or arranges to have a private towing 2438
service remove any unoccupied motor vehicle, cargo, or personal 2439
property as authorized by division (A) of this section, that 2440
private towing service is not liable for civil damages for any 2441
injury, death, or loss to person or property that results from 2442
the removal of that unoccupied motor vehicle, cargo, or personal 2443
property. 2444

(2) Division (B) (1) of this section does not apply to any 2445
of the following: 2446

(a) Any person or entity involved in the removal of an 2447
unoccupied motor vehicle, cargo, or personal property pursuant 2448
to division (A) of this section if that removal causes or 2449

contributes to the release of a hazardous material or to 2450
structural damage to the roadway; 2451

(b) A private towing service that was not authorized, 2452
employed, or arranged by a public safety official to remove an 2453
unoccupied motor vehicle, cargo, or personal property under this 2454
section; 2455

(c) Except as provided in division (B) (2) (d) of this 2456
section, a private towing service that was authorized, employed, 2457
or arranged by a public safety official to perform the removal 2458
of the unoccupied motor vehicle, cargo, or personal property but 2459
the private towing service performed the removal in a negligent 2460
manner; 2461

(d) A private towing service that was authorized, 2462
employed, or arranged by a public safety official to perform the 2463
removal of the unoccupied motor vehicle, cargo, or personal 2464
property that was endangering public safety but the private 2465
towing service performed the removal in a reckless manner. 2466

(C) As used in this section: 2467

(1) "Public safety official" means any of the following: 2468

(a) The sheriff of the county, or the chief of a law 2469
enforcement agency in the municipal corporation, township, port 2470
authority, conservancy district, university campus police 2471
department, park district police force, or township or joint 2472
police district, in which the accident occurred; 2473

(b) A state highway patrol trooper; 2474

(c) The chief of the fire department having jurisdiction 2475
where the accident occurred; 2476

(d) A duly authorized subordinate acting on behalf of an 2477

official specified in divisions (C) (1) (a) to (c) of this section. 2478
2479

(2) "Hazardous material" has the same meaning as in section 2305.232 of the Revised Code. 2480
2481

Sec. 4749.01. As used in this chapter: 2482

(A) "Private investigator" means any person who engages in the business of private investigation. 2483
2484

(B) "Business of private investigation" means, except when performed by one excluded under division (H) of this section, the conducting, for hire, in person or through a partner or employees, of any investigation relevant to any crime or wrong done or threatened, or to obtain information on the identity, habits, conduct, movements, whereabouts, affiliations, transactions, reputation, credibility, or character of any person, or to locate and recover lost or stolen property, or to determine the cause of or responsibility for any libel or slander, or any fire, accident, or damage to property, or to secure evidence for use in any legislative, administrative, or judicial investigation or proceeding. 2485
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(C) "Security guard provider" means any person who engages in the business of security services. 2497
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(D) "Business of security services" means either of the following: 2499
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(1) Furnishing, for hire, watchpersons, guards, private patrol officers, or other persons whose primary duties are to protect persons or property; 2501
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(2) Furnishing, for hire, guard dogs, or armored motor vehicle security services, in connection with the protection of 2504
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persons or property. 2506

(E) "Class A license" means a license issued under section 2507
4749.03 of the Revised Code that qualifies the person issued the 2508
license to engage in the business of private investigation and 2509
the business of security services. 2510

(F) "Class B license" means a license issued under section 2511
4749.03 of the Revised Code that qualifies the person issued the 2512
license to engage only in the business of private investigation. 2513

(G) "Class C license" means a license issued under section 2514
4749.03 of the Revised Code that qualifies the person issued the 2515
license to engage only in the business of security services. 2516

(H) "Private investigator," "business of private 2517
investigation," "security guard provider," and "business of 2518
security services" do not include: 2519

(1) Public officers and employees whose official duties 2520
require them to engage in investigatory activities; 2521

(2) Attorneys at law or any expert hired by an attorney at 2522
law for consultation or litigation purposes; 2523

(3) A consumer reporting agency, as defined in the "Fair 2524
Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as 2525
amended, provided that the consumer reporting agency is in 2526
compliance with the requirements of that act and that the 2527
agency's activities are confined to any of the following: 2528

(a) The issuance of consumer credit reports; 2529

(b) The conducting of limited background investigations 2530
that pertain only to a client's prospective tenant and that are 2531
engaged in with the prior written consent of the prospective 2532
tenant; 2533

(c) The business of pre-employment background 2534
investigation. As used in division (H) (3) (c) of this section, 2535
"business of pre-employment background investigation" means, and 2536
is limited to, furnishing for hire, in person or through a 2537
partner or employees, the conducting of limited background 2538
investigations, in-person interviews, telephone interviews, or 2539
written inquiries that pertain only to a client's prospective 2540
employee and the employee's employment and that are engaged in 2541
with the prior written consent of the prospective employee. 2542

(4) Certified public insurance adjusters that hold a 2543
certificate of authority issued pursuant to sections 3951.01 to 2544
3951.09 of the Revised Code, while the adjuster is investigating 2545
the cause of or responsibility for a fire, accident, or other 2546
damage to property with respect to a claim or claims for loss or 2547
damage under a policy of insurance covering real or personal 2548
property; 2549

(5) Personnel placement services and persons who act as 2550
employees of such entities engaged in investigating matters 2551
related to personnel placement activities; 2552

(6) An employee in the regular course of the employee's 2553
employment, engaged in investigating matters pertinent to the 2554
business of the employee's employer or protecting property in 2555
the possession of the employee's employer, provided the employer 2556
is deducting all applicable state and federal employment taxes 2557
on behalf of the employee and neither the employer nor the 2558
employee is employed by, associated with, or acting for or on 2559
behalf of any private investigator or security guard provider; 2560

(7) Any better business bureau or similar organization or 2561
any of its employees while engaged in the maintenance of the 2562
quality of business activities relating to consumer sales and 2563

services; 2564

(8) An accountant who is registered or certified under 2565
Chapter 4701. of the Revised Code or any of the accountant's 2566
employees while engaged in activities for which the accountant 2567
is certified or registered; 2568

(9) Any person who, for hire or otherwise, conducts 2569
genealogical research in this state. 2570

As used in division (H) (9) of this section, "genealogical 2571
research" means the determination of the origins and descent of 2572
families, including the identification of individuals, their 2573
family relationships, and the biographical details of their 2574
lives. "Genealogical research" does not include furnishing for 2575
hire services for locating missing persons or natural or birth 2576
parents or children. 2577

(10) Any person residing in this state who conducts 2578
research for the purpose of locating the last known owner of 2579
unclaimed funds, provided that the person is in compliance with 2580
Chapter 169. of the Revised Code and rules adopted thereunder. 2581
The exemption set forth in division (H) (10) of this section 2582
applies only to the extent that the person is conducting 2583
research for the purpose of locating the last known owner of 2584
unclaimed funds. 2585

As used in division (H) (10) of this section, "owner" and 2586
"unclaimed funds" have the same meanings as in section 169.01 of 2587
the Revised Code. 2588

(11) A professional engineer who is registered under 2589
Chapter 4733. of the Revised Code or any of his employees. 2590

As used in division (H) (11) of this section and 2591
notwithstanding division (I) of this section, "employee" has the 2592

same meaning as in section 4101.01 of the Revised Code. 2593

(12) Any person residing in this state who, for hire or 2594
otherwise, conducts research for the purpose of locating persons 2595
to whom the state of Ohio owes money in the form of warrants, as 2596
defined in ~~division (S) of~~ section 131.01 of the Revised Code, 2597
that the state voided but subsequently reissues. 2598

(13) An independent insurance adjuster who, as an 2599
individual, an independent contractor, an employee of an 2600
independent contractor, adjustment bureau association, 2601
corporation, insurer, partnership, local recording agent, 2602
managing general agent, or self-insurer, engages in the business 2603
of independent insurance adjustment, or any person who 2604
supervises the handling of claims except while acting as an 2605
employee of an insurer licensed in this state while handling 2606
claims pertaining to specific policies written by that insurer. 2607

As used in division (H) (13) of this section, "independent 2608
insurance adjustment" means conducting investigations to 2609
determine the cause of or circumstances concerning a fire, 2610
accident, bodily injury, or damage to real or personal property; 2611
determining the extent of damage of that fire, accident, injury, 2612
or property damage; securing evidence for use in a legislative, 2613
administrative, or judicial investigation or proceeding, 2614
adjusting losses; and adjusting or settling claims, including 2615
the investigation, adjustment, denial, establishment of damages, 2616
negotiation, settlement, or payment of claims in connection with 2617
insurance contractors, self-insured programs, or other similar 2618
insurance programs. "Independent adjuster" does not include 2619
either of the following: 2620

(a) An attorney who adjusts insurance losses incidental to 2621
the practice of law and who does not advertise or represent that 2622

the attorney is an independent insurance adjuster; 2623

(b) A licensed agent or general agent of an insurer 2624
licensed in this state who processes undisputed or uncontested 2625
losses for insurers under policies issued by that agent or 2626
general agent. 2627

(14) Except for a commissioned peace officer who engages 2628
in the business of private investigation or compensates others 2629
who engage in the business of private investigation or the 2630
business of security services or both, any commissioned peace 2631
officer as defined in division (B) of section 2935.01 of the 2632
Revised Code. 2633

(I) "Employee" means every person who may be required or 2634
directed by any employer, in consideration of direct or indirect 2635
gain or profit, to engage in any employment, or to go, or work, 2636
or be at any time in any place of employment, provided that the 2637
employer of the employee deducts all applicable state and 2638
federal employment taxes on behalf of the employee. 2639

Sec. 5301.234. (A) A mortgage encumbering real property 2640
granted to secure the repayment of funds used to satisfy a 2641
mortgage or lien on such real property shall be subrogated to 2642
the priority of the mortgage or lien that was satisfied to the 2643
extent of the amount satisfied if both of the following apply: 2644

(1) The intent of the parties to the new mortgage is that 2645
the new mortgage would have the priority of the mortgage or lien 2646
satisfied. 2647

(2) The expectation of the holder of a subordinate 2648
mortgage or lien at the time that it received its interest was 2649
that it would be junior to the mortgage or lien that was 2650
satisfied. 2651

(B) A mortgagee seeking to be subrogated pursuant to 2652
division (A) of this section to the priority of a lien that the 2653
mortgagee has satisfied shall not be denied subrogation for any 2654
of the following reasons: 2655

(1) The mortgagee meets any of the following criteria: 2656

(a) The mortgagee is engaged in the business of lending. 2657

(b) The mortgagee had actual knowledge or constructive 2658
notice of the mortgage or lien over which the mortgagee would 2659
gain priority through subrogation. 2660

(c) The mortgagee or a third party committed a mistake or 2661
was negligent. 2662

(2) The lien for which the mortgagee seeks to be 2663
subrogated was released. 2664

(3) The mortgagee obtained a title insurance policy. 2665

(C) Notwithstanding division (A) of this section, the 2666
holder of a subordinate mortgage or lien shall retain the same 2667
subordinate position that such person would have had if the 2668
prior mortgage or lien had not been satisfied. 2669

Sec. 5323.02. (A) An owner of residential rental property 2670
shall file with the county auditor of the county in which the 2671
property is located the following information: 2672

(1) The name, address, and telephone number of the owner; 2673

(2) If the residential rental property is owned by a 2674
trust, business trust, estate, partnership, limited partnership, 2675
limited liability company, association, corporation, or any 2676
other business entity, the name, address, and telephone number 2677
of the following: 2678

(a) A trustee, in the case of a trust or business trust;	2679
(b) The executor or administrator, in the case of an estate;	2680 2681
(c) A general partner, in the case of a partnership or a limited partnership;	2682 2683
(d) A member, manager, or officer, in the case of a limited liability company;	2684 2685
(e) An associate, in the case of an association;	2686
(f) An officer, in the case of a corporation;	2687
(g) A member, manager, or officer, in the case of any other business entity.	2688 2689
(3) The street address and permanent parcel number of the residential rental property.	2690 2691
(B) The information required under division (A) of this section shall be filed and maintained on the tax list or the real property record.	2692 2693 2694
(C) An owner of residential rental property shall update the information required under division (A) of this section within sixty days after any change in the information occurs.	2695 2696 2697
(D) The county auditor shall provide an owner of residential rental property located in a county that has a population of more than two hundred thousand according to the most recent decennial census with notice pursuant to division (B) of section 323.131 of the Revised Code of the requirement to file the information required under division (A) of this section and the requirement to update that information under division (C) of this section.	2698 2699 2700 2701 2702 2703 2704 2705

(E) The owner of residential real property shall comply 2706
with the requirements under divisions (A) and (C) of this 2707
section within sixty days after receiving the notice provided 2708
under division (D) of this section, division (D) of section 2709
319.202, or division (B) of section 323.131 of the Revised Code. 2710

(F) Any agent designated by the owner to manage the 2711
property on the owner's behalf may file or update any 2712
information, or do anything otherwise required by this section, 2713
on the owner's behalf. 2714

Section 2. That existing sections 113.05, 113.11, 113.12, 2715
113.13, 113.40, 113.60, 131.01, 135.01, 135.02, 135.04, 135.05, 2716
135.06, 135.08, 135.10, 135.12, 135.143, 135.15, 135.182, 2717
135.47, 317.13, 317.32, 317.321, 317.36, 1113.13, 1337.04, 2718
2329.02, 3366.05, 3737.945, 4513.61, 4513.62, 4513.63, 4513.64, 2719
4513.66, 4749.01, and 5323.02 of the Revised Code are hereby 2720
repealed. 2721

Section 3. That sections 113.07, 144.01, 144.02, 144.03, 2722
144.04, 144.05, 144.06, and 144.07 of the Revised Code are 2723
hereby repealed. 2724

Section 4. All items in this act are hereby appropriated 2725
as designated out of any moneys in the state treasury to the 2726
credit of the designated fund. For all operating appropriations 2727
made in this act, those in the first column are for fiscal year 2728
2022 and those in the second column are for fiscal year 2023. 2729
The operating appropriations made in this act are in addition to 2730
any other operating appropriations made for these fiscal years. 2731

Section 5. 2732

	1	2	3	4	5
A	TOS TREASURER OF STATE				
B	General Revenue Fund Group				
C	GRF 090409	County Recorder Electronic Record Modernization Program		\$0	\$8,000,000
D	TOTAL GRF General Revenue Fund Group			\$0	\$8,000,000
E	TOTAL ALL BUDGET FUND GROUPS			\$0	\$8,000,000

COUNTY RECORDER ELECTRONIC RECORD MODERNIZATION PROGRAM 2734

The foregoing appropriation item 090409, County Recorder 2735
 Electronic Record Modernization Program, shall be used by the 2736
 Treasurer of State to distribute funds to reimburse counties 2737
 under the County Recorder Electronic Record Modernization 2738
 Program, for use by county recorder's offices to implement the 2739
 requirements set forth in divisions (E) and (F) of section 2740
 317.13 of the Revised Code, upon the effective date of that 2741
 section, as amended by this act. The Treasurer of State shall 2742
 reimburse counties on a rolling basis until the appropriation is 2743
 expended. Counties that meet the requirements set forth in 2744
 divisions (E) and (F) of section 317.13 of the Revised Code on 2745
 the effective date of section 317.13 of the Revised Code, as 2746
 amended by this act, are ineligible for funds under the Program. 2747
 A county that receives funds under the Program shall credit 2748
 those funds to the Recorder's Technology Fund at least to the 2749
 extent necessary to reimburse the fund for money the county 2750
 recorder spent to implement the requirements set forth in 2751
 divisions (E) and (F) of section 317.13 of the Revised Code, as 2752
 amended by this act. 2753

Section 6. 2754

Within the limits set forth in this act, the Director of 2755
Budget and Management shall establish accounts indicating the 2756
source and amount of funds for each appropriation made in this 2757
act, and shall determine the manner in which appropriation 2758
accounts shall be maintained. Expenditures from operating 2759
appropriations contained in this act shall be accounted for as 2760
though made in, and are subject to all applicable provisions of, 2761
the main operating appropriations act of the 134th General 2762
Assembly. 2763

Section 7. If a county utilizes funds received under 2764
Section 4 of this act to implement the requirements set forth in 2765
divisions (E) and (F) of section 317.13 of the Revised Code as 2766
amended by this act, it shall be within the county recorder's 2767
discretion whether to hire new staff or enter into a contract 2768
with a private entity in order to implement those requirements. 2769

Section 8. Notwithstanding any other provision of the 2770
Revised Code to the contrary, the public depositories designated 2771
and awarded the public moneys of the state under division (A) of 2772
section 135.12 of the Revised Code for the period commencing on 2773
or around July 4, 2022, shall be the designated public 2774
depositories for a total of three years commencing from that 2775
applicable date. 2776