

As Passed by the House

126th General Assembly

Regular Session

2005-2006

Sub. H. B. No. 385

**Representatives Brinkman, Seitz, Law, Schaffer, Webster, Wolpert,
Domenick, Fende, Chandler, Daniels, McGregor, J., Combs, Barrett, Blessing,
Calvert, Carano, Cassell, Coley, Collier, Distel, Evans, C., Flowers, Hartnett,
Martin, McGregor, R., Patton, T., Perry, Raga, Reidelbach, Sayre, Taylor,
Uecker, Wagner, Yuko**

—

A B I L L

To amend sections 148.04, 148.06, 305.11, 504.11, 1
505.375, 505.391, 505.94, 515.01, and 5705.10 and 2
to enact section 504.021 of the Revised Code to 3
make changes in various laws pertaining to 4
townships, to permit written distribution of 5
records, in lieu of reading the previous 6
proceedings' record, at a session of the board of 7
county commissioners, and to permit townships and 8
municipal corporations to directly form fire and 9
ambulance districts. 10

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

Section 1. That sections 148.04, 148.06, 305.11, 504.11, 11
505.375, 505.391, 505.94, 515.01, and 5705.10 be amended and 12
section 504.021 of the Revised Code be enacted to read as follows: 13

Sec. 148.04. (A) The Ohio public employees deferred 14
compensation board shall initiate, plan, expedite, and, subject to 15
an appropriate assurance of the approval of the internal revenue 16

service, promulgate and offer to all eligible employees, and 17
thereafter administer on behalf of all participating employees and 18
continuing members, and alter as required, a program for deferral 19
of compensation, including a reasonable number of options to the 20
employee for the investment of deferred funds, including life 21
insurance, annuities, variable annuities, pooled investment funds 22
managed by the board, or other forms of investment approved by the 23
board, always in such form as will assure the desired tax 24
treatment of such funds. The members of the ~~Ohio public employees~~ 25
~~deferred compensation~~ board are the trustees of any deferred funds 26
and shall discharge their duties with respect to the funds solely 27
in the interest of and for the exclusive benefit of participating 28
employees, continuing members, and their beneficiaries. With 29
respect to such deferred funds, section 148.09 of the Revised Code 30
shall apply to claims against participating employees or 31
continuing members and their employers. 32

(B) Every employer of an eligible employee shall contract 33
with ~~such~~ the employee upon the employee's application for 34
participation in a deferred compensation program offered by the 35
board. Every retirement system serving an eligible employee shall 36
serve as collection agent for compensation deferred by any of its 37
members and account for and deliver such sums to the board. 38

(C) The board shall, subject to any applicable contract 39
provisions, undertake to obtain as favorable conditions of tax 40
treatment as possible, both in the initial programs and any 41
permitted alterations ~~thereof~~ of them or additions ~~thereto~~ to 42
them, as to such matters as terms of distribution, designation of 43
beneficiaries, withdrawal upon disability, financial hardship, or 44
termination of public employment, and other optional provisions. 45

(D) In no event shall the total of the amount of deferred 46
compensation to be set aside under a deferred compensation program 47
and the employee's nondeferred income for any year exceed the 48

total annual salary or compensation under the existing salary 49
schedule or classification plan applicable to ~~such the~~ employee in 50
~~such that~~ year. 51

Such a deferred compensation program shall be in addition to 52
any retirement or any other benefit program provided by law for 53
employees of this state. The board shall adopt rules pursuant to 54
Chapter 119. of the Revised Code to provide any necessary 55
standards or conditions for the administration of its programs, 56
including any limits on the portion of a participating employee's 57
compensation that may be deferred in order to avoid adverse 58
treatment of the program by the internal revenue service or the 59
occurrence of deferral, withholding, or other deductions in excess 60
of the compensation available for any pay period. 61

Any income deferred under such a plan shall continue to be 62
included as regular compensation for the purpose of computing the 63
contributions to and benefits from the retirement system of such 64
employee. Any sum so deferred shall not be included in the 65
computation of any federal and state income taxes withheld on 66
behalf of any such employee. 67

(E) This section does not limit the authority of any 68
municipal corporation, county, township, park district, 69
conservancy district, sanitary district, health district, public 70
library, county law library, public institution of higher 71
education, or school district to provide separate authorized plans 72
or programs for deferring compensation of their officers and 73
employees in addition to the program for the deferral of 74
compensation offered by the board. Any municipal corporation, 75
township, public institution of higher education, or school 76
district that offers such plans or programs shall include a 77
reasonable number of options to its officers or employees for the 78
investment of the deferred funds, including annuities, variable 79
annuities, regulated investment trusts, or other forms of 80

investment approved by the municipal corporation, township, public 81
institution of higher education, or school district, that will 82
assure the desired tax treatment of the funds. 83

Sec. 148.06. As used in this section: 84

(A) "Government unit" means a county, ~~township,~~ park district 85
of any kind, conservancy district, sanitary district, health 86
district, public library district, or county law library. 87

(B) "Governing board" means, in the case of the county, the 88
board of county commissioners; ~~in the case of a township, the~~ 89
~~board of township trustees;~~ in the case of a park district, the 90
board of park commissioners; in the case of a conservancy 91
district, the district's board of directors; in the case of a 92
sanitary district, the district's board of directors; in the case 93
of a health district, the board of health; in the case of a public 94
library district, the board of library trustees; and in the case 95
of a county law library, the board of trustees of the law library 96
association. 97

In addition to the program of deferred compensation that may 98
be offered under this chapter, a governing board may offer to all 99
of the officers and employees of the government unit not to exceed 100
two additional programs for deferral of compensation designed for 101
favorable tax treatment of the compensation so deferred. Any such 102
program shall include a reasonable number of options to the 103
officer or employee for the investment of the deferred funds, 104
including annuities, variable annuities, regulated investment 105
trusts, or other forms of investment approved by the governing 106
board, that will assure the desired tax treatment of the funds. 107

Any income deferred under such a plan shall continue to be 108
included as regular compensation for the purpose of computing the 109
contributions to and benefits from the officer's or employee's 110
retirement system but shall not be included in the computation of 111

any federal and state income taxes withheld on behalf of any such 112
employee. 113

Sec. 305.11. Immediately upon the opening of each day's 114
session of the board of county commissioners, the records of the 115
proceedings of the session of the previous day shall be read, or 116
provided to each commissioner in written form, by the clerk of the 117
board, and, if correct, approved and signed by the commissioners. 118
When the board is not in session, the record of proceedings shall 119
be kept in the county auditor's office or, if the county has a 120
full-time clerk, in the county commissioners' office, open at all 121
proper times to public inspection. It shall be certified by the 122
president and clerk of the board, and shall be received as 123
evidence in every court in the state. 124

Sec. 504.021. As used in this chapter, except for its use in 125
sections 504.01 and 504.02 of the Revised Code, a "board of 126
township trustees" means only a board of township trustees of a 127
township that adopts a limited home rule government under this 128
chapter. 129

Sec. 504.11. (A) The vote on the question of passage of a 130
resolution provided for in section 504.10 of the Revised Code or a 131
motion related to that resolution shall be taken by yeas and nays 132
and entered on the journal, and the resolution or motion shall not 133
be passed without concurrence of a majority of all members of the 134
board of township trustees, except that each emergency resolution 135
under that section shall require the affirmative vote of all of 136
the members of the board for its enactment. If an emergency 137
resolution fails to receive the required vote for passage as an 138
emergency measure but receives the necessary majority for passage 139
as a nonemergency resolution, it shall be considered passed as a 140
nonemergency resolution. Except as otherwise provided in division 141

(B) of this section, a resolution shall become effective thirty 142
days after it is filed with the township fiscal officer. Each 143
emergency resolution shall determine that the resolution is 144
necessary for the immediate preservation of the public peace, 145
health, safety, or welfare and shall contain a statement of the 146
necessity for the emergency. Each resolution shall be 147
authenticated by the signature of the township fiscal officer, but 148
the failure or refusal of the fiscal officer to sign a resolution 149
shall not invalidate an otherwise properly enacted resolution. 150

(B) Each resolution appropriating money, submitting a 151
question to the electorate, determining to proceed with an 152
election, or providing for the approval of a revision, 153
codification, recodification, or rearrangement of resolutions, or 154
publication of resolutions in book form, ~~and any emergency~~ 155
~~resolution,~~ shall take effect, unless a later time is specified in 156
the resolution, ten days after it is filed with the township 157
fiscal officer. Emergency resolutions shall take effect 158
immediately. 159

(C) Each resolution shall be recorded in a book, or other 160
record prescribed by the board, established and maintained for 161
that purpose. The township fiscal officer or a duly authorized 162
deputy to the fiscal officer shall, upon the request of any person 163
and upon the payment of a fee established by the board, certify 164
true copies of any resolution, and these certified copies shall be 165
admissible as evidence in any court. 166

(D) The procedures provided in this section apply only to 167
resolutions adopted pursuant to a township's limited home rule 168
powers as authorized by this chapter. 169

Sec. 505.375. (A) The (1)(a) The boards of township trustees 170
of one or more townships and the legislative authorities of one or 171
more municipal corporations, or the legislative authorities of two 172

or more municipal corporations, or the boards of township trustees 173
of two or more townships, may negotiate an agreement to form a 174
fire and ambulance district for the delivery of both fire and 175
ambulance services. The agreement shall be ratified by the 176
adoption of a joint resolution by a majority of the members of 177
each board of township trustees involved and a majority of the 178
members of the legislative authority of each municipal corporation 179
involved. The joint resolution shall specify a date on which the 180
fire and ambulance district shall come into being. 181

(b) If a joint fire district created under section 505.371 of 182
the Revised Code or a joint ambulance district created under 183
section 505.71 of the Revised Code is dissolved to facilitate the 184
creation of a fire and ambulance district under division (A)(1)(a) 185
of this section, the townships and municipal corporations forming 186
the fire and ambulance district may transfer to the fire and 187
ambulance district any of the funds on hand, moneys and taxes in 188
the process of collection, credits, and real and personal property 189
apportioned to them under division (D) of section 505.371 of the 190
Revised Code or section 505.71 of the Revised Code, as applicable, 191
for use by the fire and ambulance district in accordance with this 192
section. 193

(2)(a) The board of trustees of a joint ambulance district 194
created under section 505.71 of the Revised Code and the board of 195
fire district trustees of a joint fire district created under 196
section 505.371 of the Revised Code may negotiate ~~in accordance~~ 197
~~with this section~~ to combine their two joint districts into a 198
single ~~district, called a~~ fire and ambulance district, for the 199
delivery of both fire and ambulance services, if the geographic 200
area covered by the combining joint districts is exactly the same. 201
Both boards shall adopt a joint resolution ratifying the agreement 202
and setting a date on which the fire and ambulance district shall 203
come into being. ~~On~~ 204

(b) On that date, the joint fire district and the joint ambulance district shall cease to exist, and the power of each to levy a tax upon taxable property shall terminate, except that any levy of a tax for the payment of indebtedness within the territory of the joint fire or joint ambulance district as it was composed at the time the indebtedness was incurred shall continue to be collected by the successor fire and ambulance district if the indebtedness remains unpaid. All

~~All~~ funds and other property of the joint districts ~~that combined into the fire and ambulance district~~ shall become the property of the fire and ambulance district, unless otherwise provided in the negotiated agreement. The agreement shall provide for the settlement of all debts and obligations of the joint districts.

(B)(1) The governing body of ~~the~~ a fire and ambulance district created under division (A)(1) or (2) of this section shall be a board of trustees of at least three but no more than nine members, appointed as provided in the agreement creating the district. Members of the board ~~of trustees~~ may be compensated at a rate not to exceed thirty dollars per meeting for not more than fifteen meetings per year, and may be reimbursed for all necessary expenses incurred, as provided in the agreement creating the district.

(2) The board shall employ a clerk and other employees as it considers best, including a fire chief or fire prevention officers, and shall fix their compensation. Neither this section nor any other section of the Revised Code requires, or shall be construed to require, that the fire chief of a fire and ambulance district be a resident of the district.

Before entering upon the duties of office, the clerk shall execute a bond, in the amount and with surety to be approved by

the board, payable to the state, conditioned for the faithful
performance of all of the clerk's official duties. The clerk shall
deposit the bond with the presiding officer of the board, who
shall file a copy of it, certified by the presiding officer, with
the county auditor of the county containing the most territory in
the district.

The board also shall ~~also~~ provide for the appointment of a
fiscal officer for the district. ~~The board~~ and may ~~also~~ enter into
agreements with volunteer fire companies for the use and operation
of fire-fighting equipment. Volunteer firefighters acting under
such an agreement are subject to the requirements for volunteer
firefighters set forth in division (A) of section 505.38 of the
Revised Code.

(3) Employees of the district shall not be removed from
office except as provided by sections 733.35 to 733.39 of the
Revised Code, except that, to initiate removal proceedings, the
board shall designate a private citizen or, if the employee is
employed as a firefighter, the board may designate the fire chief,
to investigate, conduct the proceedings, and prepare the necessary
charges in conformity with those ~~sections 733.35 to 733.39 of the~~
~~Revised Code~~, and except that the board shall perform the
functions and duties specified for the municipal legislative
authority under those sections. The board may pay reasonable
compensation to any private citizen hired for services rendered in
the matter.

(4) No person shall be appointed as a permanent full-time
paid member of the district whose duties include fire fighting, or
be appointed as a volunteer firefighter, unless that person has
received a certificate issued under former section 3303.07 or
section 4765.55 of the Revised Code evidencing satisfactory
completion of a firefighter training program. The board may send
its officers and firefighters to schools of instruction designed

to promote the efficiency of firefighters and, if authorized in advance, may pay their necessary expenses from the funds used for the maintenance and operation of the district.

The board may choose, by adoption of an appropriate resolution, to have the Ohio medical transportation board license any emergency medical service organization it operates. If the board adopts such a resolution, Chapter 4766. of the Revised Code, except for sections 4766.06 and 4766.99 of the Revised Code, applies to the organization. All rules adopted under the applicable sections of that chapter also apply to the organization. The board may ~~likewise remove~~, by resolution, ~~remove~~ its emergency medical service organization from the jurisdiction of the Ohio medical transportation board.

(C) The board of trustees of a fire and ambulance district created under division (A)(1) or (2) of this section may exercise the following powers:

(1) Purchase or otherwise provide any fire apparatus, mechanical resuscitators, or other fire or ambulance equipment, appliances, or materials; fire hydrants; and water supply for ~~fire-fighting~~ firefighting purposes that seems advisable to the board;

(2) Provide for the care and maintenance of equipment and, for that purpose, purchase, lease, lease with an option to purchase, or construct and maintain necessary buildings;

(3) Establish and maintain lines of fire-alarm communications within the limits of the district;

(4) Appropriate land for a fire station or medical emergency unit needed in order to respond in reasonable time to a fire or medical emergency, in accordance with Chapter 163. of the Revised Code;

(5) Purchase, appropriate, or accept a deed or gift of land

to enlarge or improve a fire station or medical emergency unit;	299
(6) Purchase, lease, lease with an option to purchase,	300
maintain, and use all materials, equipment, vehicles, buildings,	301
and land necessary to perform its duties;	302
(7) Contract for a period not to exceed three years with one	303
or more townships, municipal corporations, counties, joint fire	304
districts, <u>joint ambulance districts</u> , governmental agencies,	305
nonprofit corporations, or private ambulance owners located either	306
within or outside the state, to furnish or receive ambulance	307
services or emergency medical services within the several	308
territories of the contracting parties, if the contract is first	309
authorized by all boards of trustees and legislative authorities	310
concerned;	311
(8) Establish reasonable charges for the use of ambulance or	312
emergency medical services under the same conditions under which a	313
board of fire district trustees may establish those charges under	314
section 505.371 of the Revised Code;	315
(9) Establish all necessary rules to guard against the	316
occurrence of fires and to protect property and lives against	317
damage and accidents;	318
(10) Adopt a standard code pertaining to fire, fire hazards,	319
and fire prevention prepared and promulgated by the state or by a	320
public or private organization that publishes a model or standard	321
code;	322
(11) Provide for charges for false alarms at commercial	323
establishments in the same manner as joint fire districts are	324
authorized to do under section 505.391 of the Revised Code;	325
(12) Issue bonds and other evidences of indebtedness, subject	326
to Chapter 133. of the Revised Code, but only after approval by a	327
vote of the electors of the district as provided by section 133.18	328

of the Revised Code; 329

(13) To provide the services and equipment it considers 330
necessary, levy a sufficient tax, subject to Chapter 5705. of the 331
Revised Code, on all the taxable property in the district. 332

(D) Any municipal corporation or township may join an 333
existing fire and ambulance district, whether created under 334
division (A)(1) or (2) of this section, by its legislative 335
authority's adoption of a resolution requesting the membership and 336
upon approval of the board of trustees of the district. Any 337
municipal corporation or township may withdraw from a district, 338
whether created under division (A)(1) or (2) of this section, by 339
its legislative authority's adoption of a resolution ordering 340
withdrawal. Upon its withdrawal, the municipal corporation or 341
township ceases to be a part of the district, and the district's 342
power to levy a tax on taxable property in the withdrawing 343
township or municipal corporation terminates, except that the 344
district shall continue to levy and collect taxes for the payment 345
of indebtedness within the territory of the district as it was 346
composed at the time the indebtedness was incurred. 347

Upon the withdrawal of any township or municipal corporation 348
from a district, the county auditor of the county containing the 349
most territory in the district shall ascertain, apportion, and 350
order a division of the funds on hand, including funds in the 351
ambulance and emergency medical services fund, moneys and taxes in 352
the process of collection, except for taxes levied for the payment 353
of indebtedness, credits, and real and personal property on the 354
basis of the valuation of the respective tax duplicates of the 355
withdrawing municipal corporation or township and the remaining 356
territory of the district. 357

(E) As used in this section: 358

(1) "Governmental agency" includes all departments, boards, 359

offices, commissions, agencies, colleges, universities, 360
institutions, and other instrumentalities of this or another 361
state. 362

(2) "Emergency medical service organization" has the same 363
meaning as in section 4766.01 of the Revised Code. 364

Sec. 505.391. (A) If, after the fire department of a 365
township, township fire district, or joint fire district, or a 366
private fire company with which the fire department of a township, 367
township fire district, or joint fire district contracts for fire 368
protection, responds to a false alarm from an automatic fire alarm 369
system at a commercial establishment or residential building, the 370
board of township trustees gives written notice by certified mail 371
that it may assess a charge of up to three hundred dollars for 372
each subsequent false alarm ~~within a period of thirty days~~ 373
occurring after any three false alarm alarms by that system within 374
the same calendar year, the board of township trustees may assess 375
that charge. This notice shall be mailed to the owner and the 376
lessee, if any, of the building in which the system is installed. 377
After the board gives this notice, the board need not give any 378
additional written notices before assessing a charge for a false 379
alarm as provided by this section. ~~If not paid within sixty days~~ 380
~~after the owner or lessee receives a written notice by certified~~ 381
~~mail that a charge has been assessed, the charge shall be entered~~ 382
~~upon the real property tax list and tax duplicate, shall be a lien~~ 383
~~upon the property served, and shall be collected as other taxes.~~ 384
~~Charges collected under this section shall be returned to the~~ 385
~~township general fund.~~ 386

~~As~~ (B) If payment of the bill assessing a charge for a false 387
alarm is not received within thirty days, the township fiscal 388
officer shall send a notice by certified mail to the manager and 389
to the owner, if different, of the real estate of which the 390

commercial establishment is a part, or to the occupant, lessee, 391
agent, or tenant and to the owner, if different, of the real 392
estate of which the residential building is a part, indicating 393
that failure to pay the bill within thirty days, or to show just 394
cause why the bill should not be paid within thirty days, will 395
result in the assessment of a lien upon the real estate in the 396
amount of the bill. If payment is not received or just cause for 397
nonpayment is not shown within those thirty days, the amount of 398
the bill shall be entered upon the tax duplicate, shall be a lien 399
upon the real estate from the date of the entry, and shall be 400
collected as other taxes and returned to the township treasury to 401
be earmarked for use for fire services. 402

(C) As used in this section, "commercial establishment" means 403
a building or buildings in an area used primarily for 404
nonresidential, commercial purposes. 405

Sec. 505.94. (A) A board of township trustees may, by 406
resolution, require the registration of all transient vendors 407
within the unincorporated territory of the township and may 408
regulate the time, place, and manner in which these vendors may 409
sell, offer for sale, or solicit orders for future delivery of 410
goods, or the board may, by resolution, prohibit these activities 411
within that territory. If the board requires the registration of 412
all transient vendors, it may establish a reasonable registration 413
fee, not to exceed ~~seventy-five~~ one hundred fifty dollars for a 414
registration period, and this registration shall be valid for a 415
period of at least ninety days after the date of registration. Any 416
board of township trustees that provides for the registration and 417
regulation, or prohibition, of transient vendors under this 418
section shall notify the prosecuting attorney of the county in 419
which the township is located of its registration and regulatory 420
requirements or prohibition. No transient vendor shall fail to 421
register or to comply with regulations or prohibitions established 422

by a board of township trustees under this division. 423

This division does not authorize a board of township trustees 424
to apply a resolution it adopts under this division to any person 425
invited by an owner or tenant to visit the owner's or tenant's 426
premises to sell, offer for sale, or solicit orders for future 427
delivery of goods. 428

(B) As used in this section: 429

(1) "Goods" means goods, wares, services, merchandise, 430
periodicals, and other articles or publications. 431

(2) "Transient vendor" means any person who opens a temporary 432
place of business for the sale of goods or who, on the streets or 433
while traveling about the township, either sells or offers for 434
sale goods, or solicits orders for future delivery of goods where 435
payment is required prior to the delivery of the goods. "Transient 436
vendor" does not include any person who represents any entity 437
exempted from taxation under section 5709.04 of the Revised Code, 438
that notifies the board of township trustees that its 439
representatives are present in the township for the purpose of 440
either selling or offering for sale goods, or soliciting orders 441
for future delivery of goods, and does not include a person 442
licensed under Chapter 4707. of the Revised Code. 443

Sec. 515.01. The board of township trustees may provide 444
artificial lights for any road, highway, public place, or building 445
under its supervision or control, or for any territory within the 446
township and outside the boundaries of any municipal corporation, 447
when the board determines that the public safety or welfare 448
requires that the road, highway, public place, building, or 449
territory shall be lighted. The lighting may be procured either by 450
the township installing a lighting system or by contracting with 451
any person or corporation to furnish lights. 452

If lights are furnished under contract, the contract may 453
provide that the equipment employed may be owned by the township 454
or by the person or corporation supplying ~~it~~ the lights. 455

If the board determines to procure lighting by contract and 456
the total estimated cost of the contract exceeds twenty-five 457
thousand dollars, the board shall prepare plans and specifications 458
for the lighting equipment and shall, for two weeks, advertise for 459
bids for furnishing the lighting equipment, either by posting the 460
advertisement in three conspicuous places in the township or by 461
publication of the advertisement once a week, for two consecutive 462
weeks, in a newspaper of general circulation in the township. Any 463
such contract for lighting shall be made with the lowest and best 464
bidder. 465

No lighting contract awarded by the board shall be made to 466
cover a period of more than ~~ten~~ twenty years. The cost of 467
installing and operating any lighting system or any light 468
furnished under contract shall be paid from the general fund of 469
the township treasury. 470

Sec. 5705.10. (A) All revenue derived from the general levy 471
for current expense within the ten-mill limitation, from any 472
general levy for current expense authorized by vote in excess of 473
the ten-mill limitation, and from sources other than the general 474
property tax, unless its use for a particular purpose is 475
prescribed by law, shall be paid into the general fund. 476

(B) All revenue derived from general or special levies for 477
debt charges, whether within or in excess of the ten-mill 478
limitation, which is levied for the debt charges on serial bonds, 479
notes, or certificates of indebtedness having a life less than 480
five years, shall be paid into the bond retirement fund; and all 481
such revenue which is levied for the debt charges on all other 482
bonds, notes, or certificates of indebtedness shall be paid into 483

the sinking fund. 484

(C) All revenue derived from a special levy shall be credited 485
to a special fund for the purpose for which the levy was made. 486

(D) Except as otherwise provided by resolution adopted 487
pursuant to section 3315.01 of the Revised Code, all revenue 488
derived from a source other than the general property tax and 489
which the law prescribes shall be used for a particular purpose, 490
shall be paid into a special fund for such purpose. Except as 491
otherwise provided by resolution adopted pursuant to section 492
3315.01 of the Revised Code or as otherwise provided by section 493
3315.40 of the Revised Code, all revenue derived from a source 494
other than the general property tax, for which the law does not 495
prescribe use for a particular purpose, including interest earned 496
on the principal of any special fund, regardless of the source or 497
purpose of the principal, shall be paid into the general fund. 498

(E) All proceeds from the sale of public obligations or 499
fractionalized interests in public obligations as defined in 500
section 133.01 of the Revised Code, except premium and accrued 501
interest, shall be paid into a special fund for the purpose of 502
such issue, and any interest and other income earned on money in 503
such special fund may be used for the purposes for which the 504
indebtedness was authorized or may be credited to the general fund 505
or other fund or account as the taxing authority authorizes and 506
used for the purposes of that fund or account. The premium and 507
accrued interest received from such sale shall be paid into the 508
sinking fund or the bond retirement fund of the subdivision. 509

~~If~~ (F) Except as provided in division (G) of this section, if 510
a permanent improvement of the subdivision is sold, the amount 511
received from the sale shall be paid into the sinking fund, the 512
bond retirement fund, or ~~into~~ a special fund for the construction 513
or acquisition of permanent improvements; provided that the 514
proceeds from the sale of a public utility shall be paid into the 515

sinking fund or bond retirement fund to the extent necessary to 516
provide for the retirement of the outstanding indebtedness 517
incurred in the construction or acquisition of such utility. 518
Proceeds from the sale of property other than a permanent 519
improvement shall be paid into the fund from which such property 520
was acquired or is maintained, or, if there is no such fund, into 521
the general fund. 522

(G) A township that has a population greater than fifteen 523
thousand according to the most recent federal decennial census and 524
that has declared one or more improvements in the township to be a 525
public purpose under section 5709.73 of the Revised Code may pay 526
proceeds from the sale of a permanent improvement of the township 527
into its general fund if both of the following conditions are 528
satisfied: 529

(1) The township fiscal officer determines that all 530
foreseeable public infrastructure improvements, as defined in 531
section 5709.40 of the Revised Code, to be made in the township in 532
the ten years immediately following the date the permanent 533
improvement is sold will have been financed through resolutions 534
adopted under section 5709.73 of the Revised Code on or before the 535
date of the sale. The fiscal officer shall provide written 536
certification of this determination for the township's records. 537

(2) The permanent improvement being sold was financed 538
entirely from moneys in the township's general fund. 539

(H) Money paid into any fund shall be used only for the 540
purposes for which such fund is established. 541

Section 2. That existing sections 148.04, 148.06, 305.11, 542
504.11, 505.375, 505.391, 505.94, 515.01, and 5705.10 of the 543
Revised Code are hereby repealed. 544