

Sec. 5505.06. (A) The members of the state highway patrol retirement board shall be the trustees of the funds ~~of the state highway patrol retirement system, and the~~ CREATED BY SECTION 5505.03 OF THE REVISED CODE. THE BOARD AND OTHER FIDUCIARIES SHALL DISCHARGE THEIR DUTIES WITH RESPECT TO SUCH FUNDS SOLELY IN THE INTEREST OF THE PARTICIPANTS AND BENEFICIARIES; FOR THE EXCLUSIVE PURPOSE OF PROVIDING BENEFITS TO PARTICIPANTS AND THEIR BENEFICIARIES AND DEFRAYING REASONABLE EXPENSES OF ADMINISTERING THE SYSTEM; WITH CARE, SKILL, PRUDENCE, AND DILIGENCE UNDER THE CIRCUMSTANCES THEN PREVAILING THAT A PRUDENT MAN ACTING IN A LIKE CAPACITY AND FAMILIAR WITH SUCH MATTERS WOULD USE IN THE CONDUCT OF AN ENTERPRISE OF A LIKE CHARACTER AND WITH LIKE AIMS; AND BY DIVERSIFYING THE INVESTMENTS OF THE SYSTEM SO AS TO MINIMIZE THE RISK OF LARGE LOSSES, UNLESS UNDER THE CIRCUMSTANCES IT IS CLEARLY PRUDENT NOT TO DO SO. IN EXERCISING ITS FIDUCIARY RESPONSIBILITY WITH RESPECT TO THE INVESTMENT OF SUCH FUNDS, IT SHALL BE THE INTENT OF THE BOARD TO GIVE CONSIDERATION TO INVESTMENTS THAT ENHANCE THE GENERAL WELFARE OF THE STATE AND ITS CITIZENS WHERE SUCH INVESTMENTS OFFER QUALITY RETURN AND SAFETY COMPARABLE TO OTHER INVESTMENTS CURRENTLY AVAILABLE TO THE BOARD. THE BOARD SHALL ADOPT IN REGULAR MEETING, POLICIES, OBJECTIVES OR CRITERIA FOR THE OPERATION OF THE INVESTMENT PROGRAM. AMENDMENTS AND ADDITIONS TO THE POLICY SHALL BE ADOPTED IN REGULAR MEETING. THE BOARD SHALL PUBLISH ITS POLICIES UNDER THIS PROVISION NO

LESS THAN ANNUALLY AND SHALL MAKE COPIES AVAILABLE TO INTERESTED PARTIES. THE board ~~shall have full power to~~ MAY invest ~~and reinvest~~ such funds IN ANY BONDS, NOTES, CERTIFICATES OF INDEBTEDNESS, MORTGAGE NOTES, REAL ESTATE, STOCKS, SHARES, DEBENTURES, OR OTHER OBLIGATIONS, OR SECURITIES DESCRIBED BELOW:

(A) THE FOLLOWING OBLIGATIONS OF THE FEDERAL GOVERNMENT AND RELATED AGENCIES:

(1) ~~In bonds~~ BONDS, NOTES, OR OTHER OBLIGATIONS of OR GUARANTEED BY the United States, ~~this state, or in debentures the principal and interest of which are guaranteed in full by~~ OR THOSE FOR WHICH THE CREDIT OF the United States ~~government or this state;~~

(2) ~~In bonds~~ IS PLEDGED FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST THEREOF;

(2) BONDS, NOTES, DEBENTURES, OR ANY OTHER OBLIGATIONS OR SECURITIES ISSUED BY ANY FEDERAL GOVERNMENT AGENCY PRESENTLY OR IN THE FUTURE ESTABLISHED BY ACT OF CONGRESS, AND AS AMENDED OR SUPPLEMENTED FROM TIME TO TIME;

(3) OBLIGATIONS OF LOCAL HOUSING AGENCIES, WHICH OBLIGATIONS ARE SECURED EITHER BY A REQUISITION AGREEMENT OR BY AN ANNUAL CONTRIBUTIONS CONTRACT BY AND BETWEEN THE LOCAL HOUSING AGENCY AND THE PUBLIC HOUSING ADMINISTRATION, AS AUTHORIZED UNDER THE "UNITED STATES HOUSING ACT OF 1937," 50 STAT. 888, 42 U.S.C. 1401, AS AMENDED;

(4) LOANS TO VETERANS GUARANTEED IN WHOLE OR IN PART BY THE UNITED STATES GOVERNMENT PURSUANT TO TITLE III OF THE "SERVICEMEN'S READJUSTMENT ACT OF 1944," 58 STAT. 284, 38 U.S.C. 693, AS AMENDED, PROVIDED SUCH GUARANTEED LOANS ARE LIENS UPON REAL ESTATE.

(B) THE FOLLOWING STATE, COUNTY, AND MUNICIPAL OBLIGATIONS:

(1) BONDS, notes, ~~and~~ certificates of indebtedness, ~~and~~ OR other obligations ISSUED, ASSUMED, OR GUARANTEED BY THIS STATE, ANY AUTHORITY, BOARD OF TRUSTEES, COMMISSION, OR OTHER AGENCY of ~~the~~ THIS state, ~~of~~ any county, ~~township,~~ municipal corporation, OR ANY TOWNSHIP, school district, conservancy district, ~~or~~ sanitary district ~~of the state,~~ or ~~any~~ other legally constituted taxing or bond issuing authority, POLITICAL subdivision, or ~~municipal~~ PUBLIC corporation ~~within the~~ ORGANIZED UNDER THE LAWS OF THIS state;

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~~(3) In revenue bonds issued by a taxing subdivision of the state;~~

~~(4) In shares and certificates or other evidences of deposits issued by a state chartered building and loan association organized under the laws of the state (but only to the extent that said shares, certificates or other evidences of deposits are insured under the "National Housing Act" and the amendments thereto);~~

~~(5) In obligations consisting of notes, bonds or debentures which are direct obligations of a corporation engaged directly and primarily in the production, transportation, distribution, or sale, of electricity or gas, or the operation of telephone or telegraph systems or water works, or any combination of them; provided the obligor corporation is incorporated under the laws of the United States, or any state, or the District of Columbia; and provided that the said, WHETHER SUCH BONDS, NOTES, CERTIFICATES OF INDEBTEDNESS, OR OTHER OBLIGATIONS ARE SECURED BY THE GENERAL TAXING POWERS, BY PLEDGE OF OR LIEN UPON A DESIGNATED TAX, LEVY, IMPOST, OR EXCISE, SINGLY OR IN COMBINATION, BY PLEDGE OF OR LIEN UPON THE REVENUES DERIVED FROM A PUBLICLY OWNED FACILITY FOR THE USE OR SERVICES OF WHICH CHARGES ARE OR ARE TO BE MADE, OR BY ANY OTHER MEANS AUTHORIZED UNDER THE LAWS OF THIS STATE;~~

(2) BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED, ASSUMED, OR GUARANTEED BY ANY OTHER STATE, OR BY ANY LEGALLY CONSTITUTED AGENCY OF SUCH STATE, PROVIDED THE BONDS, NOTES, OR OTHER OBLIGATIONS ARE SECURED BY THE GENERAL CREDIT AND TAXING POWERS OR BY PLEDGE OF OR LIEN UPON A DESIGNATED TAX, LEVY, IMPOST, OR EXCISE, SINGLY OR IN COMBINATION, WHICH MUST BE IMPOSED AND COLLECTED UNDER THE LAWS OF SUCH STATE WHILE BONDS SECURED THEREBY ARE OUTSTANDING, PROVIDED THAT, WITHIN TEN YEARS PRIOR TO THE PURCHASE OF THE INVESTMENT, THERE HAS BEEN NO DEFAULT IN THE PAYMENT OF PRINCIPAL OR INTEREST, CONTINUING MORE THAN NINETY DAYS, ON ANY OF THE BONDS, NOTES, OR OTHER OBLIGATIONS OF SUCH STATE OR OF ANY LEGALLY CONSTITUTED AGENCY OF SUCH STATE, WHICH OBLIGATIONS ARE SECURED IN LIKE MANNER;

(3) BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED, ASSUMED, OR GUARANTEED BY ANY MUNICIPAL UNIT OF ANY OTHER STATE, PROVIDED THE MUNICIPAL UNIT HAS:

(a) A POPULATION AS SHOWN BY THE LAST PRECEDING FEDERAL CENSUS OF NOT LESS THAN TWENTY-FIVE THOUSAND;

(b) PLEDGED ITS FAITH AND CREDIT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF THE BONDS, NOTES, OR OTHER OBLIGATIONS;

(c) THE POWER TO LEVY TAXES ON THE TAXABLE REAL PROPERTY THEREIN FOR THE PAYMENT OF BOTH PRINCIPAL AND INTEREST OF THE BONDS, NOTES, OR OTHER OBLIGATIONS WITHOUT LIMITATIONS OF RATE OR AMOUNT;

(d) WITHIN THE TEN YEARS PRIOR TO THE MAKING OF THE INVESTMENT, NOT DEFAULTED IN PAYMENT OF PRINCIPAL OR INTEREST OF ANY DEBT EVIDENCED BY ITS BONDS, NOTES, OR OTHER OBLIGATIONS FOR MORE THAN NINETY DAYS;

(e) OUTSTANDING AT THE TIME OF PURCHASE AT LEAST ONE MILLION DOLLARS PRINCIPAL AMOUNT OF DEBT SECURED BY ITS FAITH AND CREDIT.

AS USED IN DIVISION (B)(3) OF THIS SECTION, "MUNICIPAL UNIT" MEANS ANY COUNTY, VILLAGE, OR OTHER MUNICIPAL CORPORATION, TOWNSHIP, SCHOOL DISTRICT, WATER DISTRICT, SANITARY OR SEWER DISTRICT, OR OTHER POLITICAL SUBDIVISION OF A STATE.

(4) REVENUE BONDS OF A UNIT, PROVIDED:

(a) THE UNIT HAD OUTSTANDING AT THE TIME OF THE INVESTMENT FIVE MILLION DOLLARS PRINCIPAL AMOUNT OF DEBT SECURED BY THE REVENUES PLEDGED TO SECURE THE REVENUE BONDS;

(b) THE ENABLING LEGISLATION CONTAINS PROVISIONS OR COVENANTS REQUIRING THE UNIT ISSUING THE REVENUE BONDS TO FIX, MAINTAIN, AND COLLECT CHARGES FOR THE SERVICES FURNISHED BY THE UTILITY ADEQUATE TO PROVIDE REVENUES SUFFICIENT TO MEET ALL PROPER AND REASONABLE COSTS OF OPERATING AND MAINTAINING THE UTILITY AND TO MEET PRINCIPAL AND INTEREST REQUIREMENTS OF THE REVENUE BONDS;

(c) THE UNIT HAS NOT WITHIN THE TEN YEARS PRIOR TO THE MAKING OF THE INVESTMENT DEFAULTED IN PAYMENT OF PRINCIPAL OR INTEREST OF ANY DEBT SECURED BY THE REVENUES PLEDGED TO SECURE THE REVENUE BONDS.

(5) AS USED IN DIVISION (B)(4) OF THIS SECTION:

(a) "UNIT" MEANS ANY OTHER STATE OR POLITICAL SUBDIVISION THEREOF, ANY AUTHORITY,

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DEPARTMENT, DISTRICT OR COMMISSION, OR AGENCY OR INSTRUMENTALITY OF ANY OF THE FOREGOING, ANY AGENCY OR INSTRUMENTALITY OF THE FEDERAL GOVERNMENT, OR ANY PUBLIC BODY CREATED BY AN ACT OF CONGRESS AND PURSUANT TO A COMPACT BETWEEN TWO OR MORE STATES.

(b) "UTILITY" MEANS ANY WATERWORKS SYSTEM, GAS SYSTEM, ELECTRIC LIGHT SYSTEM, SEWER OR SEWERAGE DISPOSAL SYSTEM, BRIDGE, TUNNEL, TURNPIKE, OR OTHER HIGHWAY, OR ANY COMBINATION OF TWO OR MORE OF THE FOREGOING. "SYSTEM" MEANS A SUPPLY OR GENERATING SYSTEM, A TRANSMISSION OR DISTRIBUTION SYSTEM, OR BOTH, AND ALL APPURTENANCES THEREOF.

(c) "REVENUE BONDS" MEANS ANY BONDS OR OTHER INTEREST-BEARING OBLIGATIONS OF A UNIT, THE PRINCIPAL AND INTEREST OF WHICH ARE BY THEIR TERMS PAYABLE FROM THE REVENUES DERIVED FROM A UTILITY OWNED OR OPERATED BY THE UNIT THAT ISSUED THE BONDS OR OTHER OBLIGATIONS, OR BY AN AGENCY OR INSTRUMENTALITY THEREOF, WHETHER THE BONDS ARE SECURED BY A MORTGAGE OR A TRUST INDENTURE OR NOT.

(d) "ENABLING LEGISLATION" MEANS ANY ACT OF CONGRESS OR OF THE LEGISLATURE OF ANY STATE, ANY ORDINANCE OR RESOLUTION OF THE UNIT AUTHORIZING OR PROVIDING FOR THE ISSUANCE OF REVENUE BONDS, OR ANY MORTGAGE, TRUST INDENTURE, TRUST AGREEMENT, OR OTHER INSTRUMENT EXECUTED AS SECURITY FOR REVENUE BONDS, SINGLY OR IN COMBINATION.

THE OBLIGATIONS DESCRIBED IN DIVISIONS (B)(1), (2), (3), AND (4) OF THIS SECTION SHALL BE RATED AT THE TIME OF PURCHASE WITHIN THE THREE HIGHEST CLASSIFICATIONS ESTABLISHED BY AT LEAST TWO STANDARD RATING SERVICES OR, IF NOT RATED, SHALL BE CERTIFIED IN WRITING BY ONE OR MORE SUCH SERVICES TO BE OF INVESTMENT QUALITY EQUIVALENT TO, OR HIGHER THAN, THE QUALITY OF BONDS RATED IN THE THIRD HIGHEST INVESTMENT CLASSIFICATION.

(C) THE FOLLOWING CANADIAN OBLIGATIONS, WHICH SHALL NOT EXCEED FIFTEEN PER CENT OF THE TOTAL VALUE OF ALL FUNDS DESCRIBED IN SECTION 5505.03 OF THE REVISED CODE:

(1) BONDS, DEBENTURES, NOTES, OR OTHER OBLIGATIONS ISSUED, GUARANTEED, OR ASSUMED AS TO BOTH PRINCIPAL AND INTEREST BY THE GOVERNMENT OF THE DOMINION OF CANADA, BY ANY PROVINCE OF CANADA, OR BY ANY CITY OF CANADA THAT HAS A POPULATION OF NOT LESS THAN ONE HUNDRED FIFTY THOUSAND INHABITANTS, PROVIDED THAT:

(a) THE FAITH AND CREDIT OF THE ISSUER, GUARANTOR, OR ASSUMER OF THE BONDS, DEBENTURES, NOTES, OR OTHER OBLIGATIONS IS PLEDGED FOR THE PAYMENT OF PRINCIPAL AND INTEREST THEREOF, AND THAT THE PRINCIPAL AND INTEREST THEREOF ARE PAYABLE IN UNITED STATES FUNDS, EITHER UNCONDITIONALLY OR AT THE OPTION OF THE HOLDER;

(b) ANY SUCH CITY HAS POWER TO LEVY TAXES ON THE TAXABLE REAL ESTATE PROPERTY THEREIN OR TO COLLECT OTHER REVENUES FOR THE PAYMENT OF BOTH PRINCIPAL AND INTEREST OF THE BONDS, DEBENTURES, NOTES, OR OTHER OBLIGATIONS WITHOUT LIMITATION OF RATE OR AMOUNT;

(c) THE ISSUER, GUARANTOR, OR ASSUMER OF THE BONDS, DEBENTURES, NOTES, OR OTHER OBLIGATIONS HAS NOT WITHIN TEN YEARS PRIOR TO THE MAKING OF THE INVESTMENT DEFAULTED IN PAYMENT OF PRINCIPAL OR INTEREST OF ANY DEBT EVIDENCED BY ITS BONDS, DEBENTURES, NOTES, OR OTHER OBLIGATIONS FOR MORE THAN NINETY DAYS;

(d) THE BONDS, DEBENTURES, NOTES, OR OTHER obligations ~~shall~~ ARE RATED at the time of purchase ~~be rated in~~ WITHIN the THREE highest ~~or next highest classification~~ CLASSIFICATIONS established by at least two standard rating services ~~selected from a list of standard rating services which shall be furnished by the superintendent of banks;~~

~~(6) In stocks,~~ OR, IF NOT RATED, ARE CERTIFIED IN WRITING BY ONE OR MORE SUCH SERVICES TO BE OF INVESTMENT QUALITY EQUIVALENT TO, OR HIGHER THAN, THE QUALITY OF BONDS RATED IN THE THIRD HIGHEST INVESTMENT CLASSIFICATION.

(D) THE preferred ~~or~~ CONVERTIBLE AND common ; STOCKS issued or guaranteed by a corporation created or existing under the laws of the United States or any state ~~, district or territory~~ thereof; provided that:

~~(a) For~~(1) THAT FOR a period of five fiscal years for which the necessary statistical data are available next preceding the date of investment, such corporation, as disclosed by its

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published fiscal annual statements, ~~has~~ had an average annual net income plus its average annual fixed charges at least equal to one and one-half times the sum of its average annual dividend requirement for preferred stock and its average ANNUAL fixed charges for the same period; however, during neither of the last two years of such period shall the sum of its annual net income and its annual fixed charges be less than one and one-half times the sum of its dividend requirements for preferred stock and its fixed charges for the same period ~~(as)~~. AS used in this paragraph "fixed charges" means interest on funded or unfunded debt, contingent interest charges, amortization of debt discount and expense and rentals for leased property and, in the case of consolidated earnings statements of parent and subsidiary corporations ~~shall include~~, WHICH SHALL BE USED IF AVAILABLE, INCLUDES all fixed charges and preferred dividend requirement, if any, of the subsidiaries);

~~(b) Such~~(2) THAT THE corporation has no arrears of dividends on its preferred stock;

(3) AS TO THE COMMON STOCK OF ANY CORPORATION THAT:

~~(e)(a)~~ Such common stock is registered on a national securities exchange as provided in the "Federal Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C.A. 77b, ~~as amended, but such registration shall not be required of the following stocks:~~

~~(i) The common stock of a bank which is a member of the federal deposit insurance corporation and has capital funds, represented by capital, surplus and undivided profits, of at least twenty million dollars;~~

~~(ii) The common stock of a life insurance company which has capital funds, represented by capital, special surplus funds and unassigned surplus, of at least fifty million dollars;~~

~~(iii) The common stock of a fire or casualty insurance company or combination thereof, which has capital funds, represented by capital, net surplus and voluntary reserves, of at least fifty million dollars OR, IF TRADED ONLY IN THE OVER-THE-COUNTER MARKET, AT LEAST TEN MEMBER FIRMS OF THE NATIONAL ASSOCIATION OF SECURITIES DEALERS MAKE MARKETS IN THE STOCK;~~

~~(d)(b)~~ The preferred stock of such corporation, if any be outstanding, qualifies for investment under this division;

~~(e)(c)~~ Such corporation, having no preferred stock outstanding, ~~has~~ had earnings for the five fiscal years next preceding the date of investment of at least twice the interest of ON all mortgages, bonds, debentures, and funded debts, if any, after deduction of the proper charges for replacements, depreciation, and obsolescence;

~~(f)(d)~~ Such corporation ~~has~~ paid a cash dividend on its common stock in ~~each year~~ AT LEAST THREE YEARS of the ~~ten year~~ FIVE-YEAR period next preceding the date of investment and the AGGREGATE net earnings available for dividends on the common stock of such corporation for the whole of such period ~~has been~~ WERE at least equal to the amount of such dividends paid;

~~(g)(4)~~ In applying the earnings test under this division to any issuing, assuming, or guaranteeing corporation, where such corporation ~~has~~ acquired its property or any substantial part thereof within a five year period immediately preceding the date of investment by consolidation, merger, or by the purchase of all or a substantial portion of the property of any other corporation or corporations, or has acquired the assets of any unincorporated business enterprise by purchase or otherwise, net income, fixed charges, and preferred dividends of the several predecessor or constituent corporations or enterprises shall be consolidated and adjusted so as to ascertain whether or not the applicable requirements of this section have been complied with;

~~(h)(5)~~ The ~~total~~ value of THE TOTAL INVESTMENT IN common and preferred stocks does not exceed ~~fifteen~~ THIRTY-FIVE per cent of the total value of all funds described in section 5505.03 of the Revised Code, ~~provided further,~~ INCLUDING SUCH STOCK AT COST.

~~(i) Not more than one and one half per cent of the total value of such funds is invested in the common stock of a single corporation;~~

~~(ii) The total number of common shares held in a single corporation does not exceed ten per cent of the issued and outstanding common stock of such corporation;~~

~~(iii) Not more than two per cent of the total value of such funds is invested in common stocks during any calendar year;~~

~~(iv) As used in division (A)(6)(h) of this section, "value" consists of cash, the par value or unpaid balance of all unmatured or unpaid investments requiring the payment of a fixed amount at payment date, and the cost price of all other investments;~~

~~(7) In bonds, secured or unsecured, or other certificate of senior indebtedness issued by a corporation whose stocks, preferred or common, would be eligible for purchase by the board under division (A)(6) of this section.~~

~~(B)(E)~~ DEBT OR EQUITY INTERESTS IN ANY CORPORATION, PARTNERSHIP, PROPRIETORSHIP, OR OTHER ENTITY NOT OTHERWISE MEETING THE INVESTMENT REQUIREMENTS OF THIS SECTION, PROVIDED MORE

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THAN ONE-HALF OF ITS ASSETS ARE WITHIN THIS STATE OR MORE THAN ONE-HALF OF ITS EMPLOYEES ARE EMPLOYED WITHIN THIS STATE OR ITS PRINCIPAL OFFICE IS LOCATED WITHIN THIS STATE, AND PROVIDED LIABILITY IS LIMITED TO THE AMOUNT OF THE INVESTMENT. INVESTMENTS MADE UNDER THIS DIVISION SHALL NOT EXCEED IN THE AGGREGATE FIVE PER CENT OF THE TOTAL VALUE OF ALL FUNDS DESCRIBED IN SECTION 5505.03 OF THE REVISED CODE.

(F) NOTES, BONDS, DEBENTURES, PREFERRED STOCKS, CONDITIONAL SALES CONTRACTS, OR EQUIPMENT TRUST CERTIFICATES ISSUED UNDER AN INDENTURE, WHICH ARE THE DIRECT OBLIGATIONS OR, IN THE CASE OF EQUIPMENT TRUST CERTIFICATES, ARE SECURED BY DIRECT OBLIGATIONS, OF A RAILROAD OR INDUSTRIAL CORPORATION, OR A CORPORATION ENGAGED DIRECTLY AND PRIMARILY IN THE PRODUCTION, TRANSPORTATION, DISTRIBUTION, OR SALE OF ELECTRICITY OR GAS, OR THE OPERATION OF TELEPHONE OR TELEGRAPH SYSTEMS OR WATERWORKS, OR IN SOME COMBINATION OF THEM; PROVIDED THAT THE OBLIGOR CORPORATION THAT IS INCORPORATED UNDER THE LAWS OF THE UNITED STATES, OR BY ANY STATE THEREOF, AND THE OBLIGATIONS ARE RATED AT THE TIME OF PURCHASE WITHIN THE THREE HIGHEST CLASSIFICATIONS ESTABLISHED BY AT LEAST TWO STANDARD RATING SERVICES SELECTED FROM A LIST OF THE STANDARD RATING SERVICES WHICH SHALL BE PRESCRIBED BY THE SUPERINTENDENT OF BANKS; OR THAT FOR A PERIOD OF FIVE FISCAL YEARS FOR WHICH THE NECESSARY STATISTICAL DATA ARE AVAILABLE NEXT PRECEDING THE DATE OF INVESTMENT, THE CORPORATION AS DISCLOSED BY ITS PUBLISHED FISCAL ANNUAL STATEMENTS HAD AN AVERAGE PRE-TAX INCOME PLUS ITS AVERAGE ANNUAL FIXED CHARGES AT LEAST EQUIVALENT TO TWO TIMES ITS AVERAGE ANNUAL FIXED CHARGES FOR THE SAME PERIOD; PROVIDED, DURING NEITHER OF THE LAST TWO YEARS OF THE PERIOD SHALL THE SUM OF ITS ANNUAL PRE-TAX INCOME AND ITS ANNUAL FIXED CHARGES HAVE BEEN LESS THAN TWO TIMES ITS FIXED CHARGES FOR THE SAME PERIOD. AS USED IN THIS DIVISION, "FIXED CHARGES" MEANS INTEREST ON FUNDED OR UNFUNDED DEBT, CONTINGENT INTEREST CHARGES, AMORTIZATION OF DEBT DISCOUNT, AND EXPENSE AND ONE-THIRD OF RENTALS FOR LEASED

PROPERTY AND, IN THE CASE OF CONSOLIDATED EARNINGS STATEMENTS OF PARENT AND SUBSIDIARY CORPORATIONS, WHICH SHALL BE USED IF AVAILABLE, INCLUDES ALL FIXED CHARGES OF THE SUBSIDIARIES.

(G) THE FOLLOWING INSURED SHARES, CERTIFICATES, SAVINGS ACCOUNTS, AND NOTES SECURED BY MORTGAGES ON REAL ESTATE:

(1) SHARES, CERTIFICATES, OR OTHER EVIDENCES OF DEPOSITS ISSUED BY A STATE CHARTERED BUILDING AND LOAN ASSOCIATION ORGANIZED UNDER THE LAWS OF THE STATE, WHICH ASSOCIATION HAS OBTAINED INSURANCE OF ACCOUNTS AS PROVIDED IN SUBCHAPTER IV OF THE "NATIONAL HOUSING ACT," 48 STAT. 1246 (1934), 12 U.S.C. 1701, AS AMENDED, BUT ONLY TO THE EXTENT THAT THE EVIDENCES OF DEPOSITS ARE INSURED UNDER THE ACT, AS AMENDED, AND IN SHARES, CERTIFICATES, OR OTHER EVIDENCES OF DEPOSITS OF A MEMBER OF A DEPOSIT GUARANTY ASSOCIATION ORGANIZED UNDER SECTIONS 1151.80 TO 1151.92 OF THE REVISED CODE;

(2) SHARES, CERTIFICATES, OR OTHER EVIDENCES OF DEPOSITS ISSUED BY A FEDERAL SAVINGS AND LOAN ASSOCIATION ORGANIZED AND INCORPORATED UNDER THE "HOME OWNERS' LOAN ACT OF 1933," 48 STAT. 12 U.S.C. 1461, AS AMENDED, BUT ONLY TO THE EXTENT THAT THE SHARES, CERTIFICATES, OR OTHER EVIDENCES OF DEPOSITS ARE INSURED UNDER SUBCHAPTER IV OF THE "NATIONAL HOUSING ACT," 48 STAT. 1246 (1934), 12 U.S.C. 1701, AS AMENDED;

(3) SAVINGS ACCOUNTS IN A NATIONAL BANK LOCATED IN THIS STATE OR A BANK LOCATED IN AND ORGANIZED UNDER THE LAWS OF THIS STATE IF THE DEPOSITS OF THE DEPOSITORY BANK ARE INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION, CREATED UNDER THE "FEDERAL DEPOSIT INSURANCE CORPORATION ACT OF 1933," 48 STAT. 162, 12 U.S.C. 264, AS AMENDED;

(4) NOTES SECURED BY MORTGAGES INSURED BY THE FEDERAL HOUSING COMMISSIONER, OR HIS SUCCESSOR OR ASSIGNS, OR IN DEBENTURES ISSUED BY THE COMMISSIONER, WHICH ARE GUARANTEED AS TO PRINCIPAL AND INTEREST BY THE FEDERAL HOUSING ADMINISTRATION;

(5) BONDS AND NOTES BACKED BY POOLS OF FIRST LIENS ON FEE SIMPLE ESTATES IN LAND IN THIS STATE THAT ARE IMPROVED BY ONE- TO FOUR-FAMILY RESIDENTIAL STRUCTURES;

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(6) BONDS, NOTES, OR OTHER EVIDENCES OF INDEBTEDNESS THAT ARE SECURED BY FIRST LIENS UPON IMPROVED COMMERCIAL REAL PROPERTY, UPON CONDITION THAT:

(a) NO MORTGAGE LOAN ON ANY ONE PROPERTY SHALL, AT THE TIME OF INVESTMENT BY THE BOARD, EXCEED NINETY PER CENT OF THE VALUE OF THE REAL PROPERTY SECURING THE LOAN UNLESS THAT PORTION OF THE LOAN EXCEEDING NINETY PER CENT IS INSURED OR UNLESS THE MORTGAGE IS A PARTICIPATING OR CONVERTIBLE MORTGAGE;

(b) THE AGGREGATE INVESTMENT IN MORTGAGE LOANS ON COMMERCIAL PROPERTY THAT ARE NOT INSURED BY THE FEDERAL HOUSING COMMISSIONER SHALL NOT EXCEED TEN PER CENT OF THE TOTAL VALUE OF ALL FUNDS DESCRIBED IN SECTION 5505.03 OF THE REVISED CODE;

(7) PASS-THROUGH SECURITIES BACKED BY POOLS OF FIRST LIENS ON FEE SIMPLE ESTATES IN LAND IN THIS STATE THAT ARE IMPROVED BY ONE- TO FOUR-FAMILY RESIDENTIAL STRUCTURES;

(8) PASS-THROUGH SECURITIES BACKED BY POOLS OF FIRST LIENS UPON IMPROVED COMMERCIAL REAL PROPERTY, PROVIDED NO MORTGAGE LOAN ON ANY ONE PROPERTY AT THE TIME OF INVESTMENT BY THE BOARD, SHALL EXCEED NINETY PER CENT OF THE VALUE OF THE REAL PROPERTY SECURING THE LOAN UNLESS THAT PORTION OF THE LOAN EXCEEDING NINETY PER CENT IS INSURED.

(H) REAL ESTATE WITHIN THE UNITED STATES, PROVIDED THAT THE AGGREGATE OF ALL INVESTMENTS MADE UNDER THIS DIVISION SHALL NOT EXCEED TWENTY-FIVE PER CENT OF THE TOTAL VALUE OF ALL FUNDS DESCRIBED IN SECTION 5505.03 OF THE REVISED CODE, EXCEPT THAT NO INVESTMENT IN REAL ESTATE MADE UNDER AUTHORITY GRANTED ELSEWHERE IN THIS SECTION SHALL BE COUNTED TOWARD THIS LIMITATION.

THE BOARD MAY INVEST UNDER THIS DIVISION IN ANY INTEREST IN REAL PROPERTY, INCLUDING, BUT NOT LIMITED TO, IMPROVED OR UNIMPROVED REAL PROPERTY, SUITABLE, OR ADAPTABLE WITHOUT EXCESSIVE COST, FOR MORE THAN ONE USE, AND WHETHER OR NOT INCOME-PRODUCING; MORTGAGES; DEEDS OF TRUST; NOTES SECURED BY REAL PROPERTY; LEASEHOLDS; LEASES; GROUND LEASES; AIR

RIGHTS; LIMITED PARTNERSHIPS; REAL PROPERTY INTERESTS OWNED, DEVELOPED, OR MANAGED BY JOINT VENTURES OR LIMITED PARTNERSHIPS; VARIABLE NOTES SECURED BY REAL PROPERTY; PARTICIPATIONS, CREATED BY ANY PERSON REGULARLY ENGAGED IN THE BUSINESS OF MAKING, OR ACTING AS A BROKER OF, MORTGAGE LOANS, IN NOTES SECURED BY REAL PROPERTY; INTERESTS IN COLLECTIVE INVESTMENT FUNDS; AND CONDOMINIUM INTERESTS; PROVIDED THAT LIABILITY SHALL BE LIMITED TO THE AMOUNT OF THE INVESTMENT. UNIMPROVED REAL PROPERTY ACQUIRED SHALL BE SUBJECT TO A DEVELOPMENT PLAN.

REAL PROPERTY PURCHASED UNDER THIS DIVISION MAY BE IMPROVED BY THE BOARD. EXPENDITURES FOR IMPROVEMENTS MAY INCLUDE, BUT ARE NOT LIMITED TO, EXPENDITURES FOR DEMOLITION OF EXISTING STRUCTURES, GRADING AND LANDSCAPING, CONSTRUCTION OF NEW STRUCTURES, MODIFICATION OF EXISTING STRUCTURES, FIXTURES, EQUIPMENT, AND RELATED PERSONAL PROPERTY. THE BOARD MAY MANAGE THE REAL PROPERTY OR MAY CONTRACT FOR MANAGEMENT RESPONSIBILITIES WITH FIRMS HAVING EXPERTISE IN THE MANAGEMENT OF SIMILAR REAL PROPERTY.

REAL PROPERTY PURCHASED OR IMPROVED UNDER THIS DIVISION:

- (1) SHALL BE GEOGRAPHICALLY DISPERSED;
- (2) MAY BE LEASED TO CORPORATIONS, PARTNERSHIPS, OR SOLE PROPRIETORSHIPS WITH OR WITHOUT PURCHASE OPTION PROVISIONS, AND LEASE PAYMENTS MAY, BUT NEED NOT, INCLUDE ALL OR PART OF THE PURCHASE AND IMPROVEMENT COSTS;
- (3) MAY BE MORTGAGED TO FACILITATE ACTIVITIES AUTHORIZED IN THIS DIVISION.

- (I) THE FOLLOWING COMMON STOCKS:
 - (1) THE COMMON STOCK OF A BANK THAT IS A MEMBER OF THE FEDERAL DEPOSIT INSURANCE CORPORATION AND HAS CAPITAL FUNDS, REPRESENTED BY CAPITAL, SURPLUS, AND UNDIVIDED PROFITS, OF AT LEAST TWENTY MILLION DOLLARS;
 - (2) THE COMMON STOCK OF A LIFE INSURANCE COMPANY THAT HAS CAPITAL FUNDS, REPRESENTED BY CAPITAL, SPECIAL SURPLUS FUNDS, AND UNASSIGNED SURPLUS, OF AT LEAST FIFTY MILLION DOLLARS;

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(3) THE COMMON STOCK OF A FIRE OR CASUALTY INSURANCE COMPANY, OR A COMBINATION THEREOF, THAT HAS CAPITAL FUNDS REPRESENTED BY CAPITAL, NET SURPLUS, AND VOLUNTARY RESERVES, OF AT LEAST FIFTY MILLION DOLLARS.

(J)(1) VARIOUS FORMS OF COMMERCIAL PAPER ISSUED BY ANY CORPORATION THAT IS INCORPORATED UNDER THE LAWS OF THE UNITED STATES OR ANY STATE THEREOF; BANKER'S ACCEPTANCES THAT ARE ELIGIBLE FOR DISCOUNT AT ANY FEDERAL RESERVE BANK; NEGOTIABLE TIME CERTIFICATES OF DEPOSIT ISSUED BY COMMERCIAL BANKS AND DOMESTIC BUILDING AND LOAN ASSOCIATIONS AS DEFINED IN SECTION 1151.01 OF THE REVISED CODE, IF SUCH OBLIGATIONS MATURE WITHIN SIX MONTHS FROM THE DATE OF PURCHASE; AND REPURCHASE AGREEMENTS SECURED BY OBLIGATIONS OF THE UNITED STATES TREASURY OR FEDERAL AGENCIES OR BY ANY OTHER MONEY MARKET INSTRUMENTS SPECIFIED IN THIS SECTION;

(2) CORPORATE DEBENTURES CONVERTIBLE OR EXCHANGEABLE INTO COMMON STOCK, PROVIDED THE CORPORATION MEETS THE REQUIREMENTS OF DIVISION (D) OF THIS SECTION.

All investments PURCHASED BY THE BOARD shall be ~~purchased at current market prices and the instruments of title of such investments shall be placed in the hands of~~ DELIVERED TO the treasurer of state, who is hereby designated as the custodian thereof, or ~~in the hands of~~ TO his authorized agent. ~~Securities so purchased~~ SUCH SECURITIES may be deposited by the treasurer of state for safekeeping with an authorized agent, selected by the treasurer of state, who is a qualified trustee under section 135.18 of the Revised Code. The treasurer of state shall collect the principal and the interest AND DIVIDENDS thereon as the same become due and payable and when collected shall credit same to the retirement system.

(C) The treasurer of state shall honor and pay all vouchers drawn on the funds of the retirement system for payment of such investments upon delivery to him, or to his authorized agent, of the instruments of title of such investments when there is attached to such vouchers a certified copy of a resolution of the board authorizing the purchase of such investments. The board may sell any of said investments upon like resolution, and the proceeds thereof shall be paid by the purchaser to the treasurer of state upon delivery to him of the

instruments of title of such investments by the treasurer of state or his authorized agent. When paid, said proceeds shall be credited to the retirement system.

ALL OF THE BOARD BUSINESS SHALL BE TRANSACTED, ALL ITS FUNDS INVESTED, ALL WARRANTS FOR MONEY DRAWN AND PAYMENTS MADE, AND ALL OF ITS CASH, SECURITIES, AND OTHER PROPERTY HELD, IN THE NAME OF THE BOARD OR ITS NOMINEE, PROVIDED THAT NOMINEES ARE AUTHORIZED BY BOARD RESOLUTION FOR THE PURPOSE OF FACILITATING THE OWNERSHIP AND TRANSFER OF INVESTMENTS AND RESTRICTED TO MEMBERS OF THE BOARD, THE SECRETARY, AND DESIGNATED MEMBERS OF THE STAFF, OR A PARTNERSHIP COMPOSED OF ANY OF THE FOREGOING PERSONS.

No investment shall be made under this section without prior approval by the state highway patrol retirement board.

Any statement of financial position distributed by the board shall include the market value, as of the statement date, of all investments held by the board under this section.

Effective L
Nov. 5, 1981