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Sub. H. B. No. 312

Representatives Schuring, Greenspan

Cosponsors: Representatives Blessing, Faber, Ginter, Anielski, Antonio, Arndt, Ashford, Barnes, Boyd, Craig, Cupp, Dean, Dever, Edwards, Fedor, Green, Hagan, Hambley, Holmes, Householder, Hughes, Ingram, Johnson, Landis, Lang, LaTourette, Leland, Lepore-Hagan, Manning, O'Brien, Patterson, Pelanda, Perales, Reineke, Rezabek, Roegner, Rogers, Ryan, Schaffer, Seitz, Sheehy, Smith, R., Sprague, Stein, Strahorn, Sweeney, Thompson, West, Wiggam, Young, Zeltwanger

Senators Coley, Beagle, Dolan, Eklund, Hackett, Hoagland, Huffman, Manning, McColley, Oelslager, Peterson, Terhar, Wilson

A BILL

To amend sections 117.09, 117.103, 117.38, 118.05, 118.07, 149.43, 505.64, 511.234, 940.11, 940.12, 1545.072, 1711.131, 2913.21, 3313.291, and 3375.392 and to enact sections 9.21, 9.22, 717.31, 3313.311, 3314.52, 3326.52, 3328.52, and 6119.60 of the Revised Code to regulate the use of credit cards and debit cards by political subdivisions, to modify the duties and powers of the Auditor of State, to specify that electronic submission of a public record request entitles the requestor to damages if the public office fails to comply with the Public Records Act, to make changes to the law governing financial planning and supervision commissions, and to authorize a property tax abatement for certain property subject to a submerged land lease and held by a municipal corporation.

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

Section 1. That sections 117.09, 117.103, 117.38, 118.05, 118.07, 149.43, 505.64, 511.234, 940.11, 940.12, 1545.072, 1711.131, 2913.21, 3313.291, and 3375.392 be amended and sections 9.21, 9.22, 717.31, 3313.311, 3314.52, 3326.52, 3328.52, and 6119.60 of the Revised Code be enacted to read as follows:

Sec. 9.21. (A) Not later than three months after the effective date of this section, the legislative authority of a political subdivision that holds a credit card account on the effective date of this section shall adopt a written policy for the use of credit card accounts. Otherwise, a legislative authority shall adopt a written policy before first holding a credit card account.

The policy shall include provisions addressing all of the following:

(1) The officers or positions authorized to use a credit card account;

(2) The types of expenses for which a credit card account may be used;

(3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;

(4) The procedure for submitting itemized receipts to the fiscal officer or the fiscal officer's designee;

(5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for

reporting lost or stolen credit cards; 44

(6) The political subdivision's credit card account's 45
maximum credit limit or limits; 46

(7) The actions or omissions by an officer or employee 47
that qualify as misuse of a credit card account. 48

(B) The name of the political subdivision shall appear on 49
each presentation instrument related to the account including 50
cards and checks. 51

(C) If the political subdivision's fiscal officer does not 52
retain general possession and control of the credit card account 53
and presentation instruments related to the account including 54
cards and checks, the legislative authority shall appoint a 55
compliance officer to perform the duties enumerated under 56
division (D) of this section. The compliance officer may not use 57
a credit card account and may not authorize an officer or 58
employee to use a credit card account. The fiscal officer is not 59
eligible for appointment as compliance officer. 60

(D) The compliance officer, if applicable, and the 61
legislative authority at least quarterly shall review the number 62
of cards and accounts issued, the number of active cards and 63
accounts issued, the cards' and accounts' expiration dates, and 64
the cards' and accounts' credit limits. 65

(E) If the fiscal officer retains general possession and 66
control of the credit card account and presentation instruments 67
related to the account including cards and checks, and the 68
legislative authority authorizes an officer or employee to use a 69
credit card account, the fiscal officer may use a system to sign 70
out credit cards to the authorized users. The officer or 71
employee is liable in person and upon any official bond the 72

officer or employee has given to the political subdivision to 73
reimburse the treasury the amount for which the officer or 74
employee does not provide itemized receipts in accordance with 75
the policy described in division (A) of this section. 76

(F) The use of a credit card account for expenses beyond 77
those authorized by the legislative authority constitutes misuse 78
of a credit card account. An officer or employee of the 79
political subdivision or a public servant as defined under 80
section 2921.01 of the Revised Code who knowingly misuses a 81
credit card account held by the legislative authority violates 82
section 2913.21 of the Revised Code. 83

(G) The fiscal officer or the fiscal officer's designee 84
annually shall file a report with the legislative authority 85
detailing all rewards received based on the use of the political 86
subdivision's credit card account. 87

(H) As used in this section: 88

"Credit card account" means any bank-issued credit card 89
account, store-issued credit card account, financial 90
institution-issued credit card account, financial depository- 91
issued credit card account, affinity credit card account, or any 92
other card account allowing the holder to purchase goods or 93
services on credit or to transact with the account, and any 94
debit or gift card account related to the receipt of grant 95
moneys. "Credit card account" does not include a procurement 96
card account, gasoline or telephone credit card account, or any 97
other card account where merchant category codes are in place as 98
a system of control for use of the card account. 99

"Political subdivision" means any body corporate and 100
politic that is responsible for government activities in a 101

geographic area smaller than that of the state. "Political 102
subdivision" does not include a county. 103

Sec. 9.22. As used in this section, "political 104
subdivision" means a county, township, municipal corporation, or 105
any other body corporate and politic that is responsible for 106
government activities in a geographic area smaller than that of 107
the state. 108

No political subdivision may hold or utilize a debit card 109
account, except for law enforcement purposes. Possession or use 110
of a debit card account by a political subdivision except for 111
law enforcement purposes is a violation of section 2913.21 of 112
the Revised Code. 113

This section does not apply to debit card accounts related 114
to the receipt of grant moneys. 115

Sec. 117.09. By virtue of ~~his~~ the office, the auditor of 116
state shall be the chief inspector and supervisor of public 117
offices and may appoint not more than ~~three~~ six deputy 118
inspectors and supervisors and a clerk. Not more than ~~two~~ three 119
deputy inspectors and supervisors shall belong to the same 120
political party. 121

The auditor of state shall appoint such state examiners as 122
are necessary, who shall be known as assistant auditors of 123
state, and such additional employees as ~~he~~ the auditor of state 124
requires. No person shall be appointed an assistant auditor of 125
state unless ~~he~~ the person holds a baccalaureate degree from an 126
accredited college or university, or has successfully completed 127
at least sixteen semester hours or the equivalent in accounting 128
or a related field from an accredited college or university or 129
an accredited trade, technical, or vocational school beyond the 130

high school level, or possesses at least three years' experience 131
in accounting or a related field. 132

Any employee called upon to testify in any legal 133
proceedings in regard to any official matter is entitled to 134
compensation and expenses provided in this section. Each 135
employee shall be reimbursed for travel, including meals, 136
hotels, and other actual and necessary expenses when traveling 137
on official business, under order of the auditor of state, away 138
from ~~his~~ the employee's headquarters or ~~the~~ place of ~~his~~ 139
principal assignment, in the manner and at the same rates as are 140
provided by the rules of the director of budget and management 141
governing travel. 142

The auditor of state may employ experts or assistants 143
necessary to disclose the facts concerning any matter and fix 144
their compensation. 145

Sec. 117.103. (A) (1) The auditor of state shall establish 146
and maintain a system for the reporting of fraud, including 147
misuse and misappropriation of public money, by any public 148
office or public official. The system shall allow Ohio residents 149
and the employees of any public office to make anonymous 150
complaints through a toll-free telephone number, the auditor of 151
state's web site, or the United States mail to the auditor of 152
state's office. The auditor of state shall review all complaints 153
in a timely manner. 154

~~The (2) (a) Subject to division (A) (2) (b) of this section,~~ 155
the auditor of state shall keep a log of all complaints filed 156
under this section, which is a public record under section 157
149.43 of the Revised Code. The log shall include the date the 158
complaint was received, a general description of the nature of 159
the complaint, the name of the public office or agency with 160

regard to which the complaint is directed, and a general 161
description of the status of the review by the auditor of state. 162
If section 149.43 of the Revised Code or another statute 163
provides for an applicable exemption from the definition of 164
public record for the information recorded on the log, that 165
information may be redacted. 166

(b) The auditor shall not log a complaint regarding an 167
ongoing criminal investigation, but shall log the complaint not 168
later than thirty days after the investigation is complete. 169

(B) (1) A public office shall provide information about the 170
Ohio fraud-reporting system and the means of reporting fraud to 171
each new employee upon employment with the public office. Each 172
new employee shall confirm receipt of this information within 173
thirty days after beginning employment. The auditor of state 174
shall provide a model form on the auditor of state's web site to 175
be printed and used by new public employees to sign and verify 176
their receipt of information as required by this section. The 177
auditor of state shall confirm, when conducting an audit under 178
section 117.11 of the Revised Code, that new employees have been 179
provided information as required by this division. 180

(2) ~~On the effective date of this section~~ May 4, 2012, 181
each public office shall make all its employees aware of the 182
fraud-reporting system required by this section. 183

(3) Divisions (B) (1) and (2) of this section are satisfied 184
if a public office provides information about the fraud- 185
reporting system and the means of reporting fraud in the 186
employee handbook or manual for the public office. An employee 187
shall sign and verify the employee's receipt of such a handbook 188
or manual. 189

Sec. 117.38. (A) Each public office, other than a state agency, shall file a financial report for each fiscal year. The auditor of state may prescribe forms by rule or may issue guidelines, or both, for such reports. If the auditor of state has not prescribed a rule regarding the form for the report, the public office shall submit its report on the form utilized by the public office.

(B) The report shall be certified by the proper officer or board and filed with the auditor of state within sixty days after the close of the fiscal year, except that public offices reporting pursuant to generally accepted accounting principles shall file their reports within one hundred fifty days after the close of the fiscal year. The auditor of state may extend the deadline for filing a financial report and establish terms and conditions for any such extension. At the time the report is filed with the auditor of state, the chief fiscal officer, except as otherwise provided in section 319.11 of the Revised Code, shall publish notice in a newspaper published in the political subdivision or taxing district, and if there is no such newspaper, then in a newspaper of general circulation in the political subdivision or taxing district. The notice shall state that the financial report has been completed by the public office and is available for public inspection at the office of the chief fiscal officer.

(C) The report shall contain the following:

~~(A)~~ (1) Amount of collections and receipts, and accounts due from each source;

~~(B)~~ (2) Amount of expenditures for each purpose;

~~(C)~~ (3) Income of each public service industry owned or

operated by a municipal corporation, and the cost of such 219
ownership or operation; 220

~~(D) (4) Amount of public debt of each taxing district, the 221
purpose for which each item of such debt was created, and the 222
provision made for the payment thereof. The substance of the 223
report shall be published at the expense of the state in an 224
annual volume of statistics, which shall be submitted to the 225
governor. The auditor of state shall transmit the report to the 226
general assembly at its next session. 227~~

(D) Any public office, other than a state agency, that 228
does not file its financial report at the time required by this 229
section shall pay to the auditor of state twenty-five dollars 230
for each day the report remains unfiled after the filing date; 231
provided, that the penalty payments shall not exceed the sum of 232
seven hundred fifty dollars. The auditor of state may waive all 233
or any part of the penalty assessed under this section upon the 234
filing of the past due financial report. All sums collected from 235
such penalties shall be placed in the public audit expense 236
fund--local government. If the auditor of state fails to receive 237
payment for penalties not paid within one year from the required 238
filing date, the auditor may recover the penalties through the 239
process in division (D) of section 117.13 of the Revised Code. 240

(E) Every county agency, board, or commission shall 241
provide to the county auditor, not later than the first day of 242
March each year unless a later date is authorized by the county 243
auditor, all information determined by the county auditor to be 244
necessary for the preparation of the report required by this 245
section. 246

(F) The auditor of state shall publish the substance of 247
the report submitted under this section in an electronic format 248

that is available to the public. 249

Sec. 118.05. (A) Pursuant to the powers of the general 250
assembly and for the purposes of this chapter, upon the 251
occurrence of a fiscal emergency in any municipal corporation, 252
county, or township, as determined pursuant to section 118.04 of 253
the Revised Code, there is established, with respect to that 254
municipal corporation, county, or township, a body both 255
corporate and politic constituting an agency and instrumentality 256
of the state and performing essential governmental functions of 257
the state to be known as the "financial planning and supervision 258
commission for (name of municipal corporation, 259
county, or township)," which, in that name, may exercise all 260
authority vested in such a commission by this chapter. Except as 261
otherwise provided in division (L) of this section, a separate 262
commission is established with respect to each municipal 263
corporation, county, or township as to which there is a fiscal 264
emergency as determined under this chapter. 265

(B) A commission shall consist of the following voting 266
members: 267

(1) Four ex officio members: the treasurer of state; the 268
director of budget and management; in the case of a municipal 269
corporation, the mayor of the municipal corporation and the 270
presiding officer of the legislative authority of the municipal 271
corporation; in the case of a county, a member of the board of 272
county commissioners and the county auditor; in the case of a 273
county that has adopted a charter under Article X, Ohio 274
Constitution, and under that charter has both a county executive 275
and a county fiscal officer, the county executive and the county 276
fiscal officer; and in the case of a township, a member of the 277
board of township trustees and the county auditor. 278

The treasurer of state may designate a deputy treasurer or 279
director within the office of the treasurer of state or any 280
other appropriate person who is not an employee of the treasurer 281
of state's office; the director of budget and management may 282
designate an individual within the office of budget and 283
management or any other appropriate person who is not an 284
employee of the office of budget and management; the presiding 285
officer of the legislative authority of the municipal 286
corporation may designate any other member of the legislative 287
authority; the board of county commissioners may designate any 288
other member of the board or the fiscal officer of the county; 289
the fiscal officer of a county that has adopted a charter under 290
Article X, Ohio Constitution, may designate an individual within 291
the county fiscal office; the county auditor may designate an 292
individual within the county auditor's office; and the board of 293
township trustees may designate any other member of the board or 294
the fiscal officer of the township to attend the meetings of the 295
commission when the ex officio member is absent or unable for 296
any reason to attend. A designee, when present, shall be counted 297
in determining whether a quorum is present at any meeting of the 298
commission and may vote and participate in all proceedings and 299
actions of the commission. The designations shall be in writing, 300
executed by the ex officio member or entity making the 301
designation, and filed with the secretary of the commission. The 302
designations may be changed from time to time in like manner, 303
but due regard shall be given to the need for continuity. 304

(2) If a municipal corporation, county, or township has a 305
population of at least one thousand, three additional members 306
appointed not later than fifteen days after the auditor of state 307
determines that a fiscal emergency exists as follows: 308

For a municipal corporation, the governor shall appoint 309

one member; the mayor shall appoint one member confirmed by the 310
legislative authority of the municipal corporation; and the 311
county auditor of the county in which the largest portion of the 312
territory of the municipal corporation is located shall appoint 313
one member. The county auditor may appoint the county auditor to 314
the commission. 315

For a county, the governor shall appoint one member and 316
the board of county commissioners shall appoint two members. In 317
the case of a county that has adopted a charter under Article X, 318
Ohio Constitution, and under that charter has both a county 319
executive and a county council, the governor shall appoint one 320
member, the county executive shall appoint one member, and the 321
county council shall appoint one member. A member of the board 322
of county commissioners, a county executive, or a member of the 323
county council is ineligible for appointment to the commission 324
under this paragraph. 325

For a township, the governor shall appoint one member and 326
the board of township trustees shall appoint two members. A 327
member of the board of township trustees is ineligible for 328
appointment to the commission under this paragraph. 329

Each of the three appointed members shall serve during the 330
life of the commission, subject to removal by the appointing 331
authority for misfeasance, nonfeasance, or malfeasance in 332
office. In the event of the death, resignation, incapacity, 333
removal, or ineligibility to serve of an appointed member, the 334
appointing authority that appointed the member shall appoint a 335
successor, except as otherwise provided in division (M) of this 336
section. 337

Each appointed member shall be an individual: 338

Who has knowledge and experience in financial matters, 339
financial management, or business organization or operations; 340

Whose residency, office, or principal place of 341
professional or business activity is situated within the 342
municipal corporation, county, or township, except that a county 343
auditor who serves on the commission of a municipal corporation 344
is not required to reside or have an office or principal place 345
of professional or business activity in the municipal 346
corporation; 347

Who shall not become a candidate for elected public office 348
while serving as a member of the commission, except a county 349
auditor who serves on the commission of a municipal corporation 350
may be a candidate for reelection to the county auditor's 351
office. 352

(C) Immediately after appointment of the initial appointed 353
members of the commission, the governor shall call the first 354
meeting of the commission and shall cause written notice of the 355
time, date, and place of the first meeting to be given to each 356
member of the commission at least forty-eight hours in advance 357
of the meeting. 358

(D) The director of budget and management shall serve as 359
chairperson of the commission. The commission shall elect one of 360
its members to serve as vice-chairperson and may appoint a 361
secretary and any other officers, who need not be members of the 362
commission, it considers necessary. The chairperson may remove 363
an appointed member if that member fails to attend three 364
meetings. In that event, the appointing authority shall fill the 365
vacancy in the same manner as the original appointment, except 366
as otherwise provided in division (M) of this section. 367

(E) The commission may adopt and alter bylaws and rules, 368
which shall not be subject to section 111.15 or Chapter 119. of 369
the Revised Code, for the conduct of its affairs and for the 370
manner, subject to this chapter, in which its powers and 371
functions shall be exercised and embodied. 372

(F) Four members of a commission established pursuant to 373
divisions (B) (1) and (2) of this section constitute a quorum of 374
the commission. The affirmative vote of a majority of the 375
members of the commission is necessary for any action taken by 376
vote of the commission. No vacancy in the membership of the 377
commission shall impair the rights of a quorum by such vote to 378
exercise all the rights and perform all the duties of the 379
commission. Members of the commission, and their designees, are 380
not disqualified from voting by reason of the functions of the 381
other office they hold and are not disqualified from exercising 382
the functions of the other office with respect to the municipal 383
corporation, county, or township, its officers, or the 384
commission. 385

(G) The auditor of state shall serve as the "financial 386
supervisor" to the commission unless the auditor of state elects 387
to contract for that service. As used in this chapter, 388
"financial supervisor" means the auditor of state. 389

(H) At the request of the commission, the auditor of state 390
shall designate employees of the auditor of state's office to 391
assist the commission and the financial supervisor and to 392
coordinate the work of the auditor of state's office and the 393
financial supervisor. Upon the determination of a fiscal 394
emergency in any municipal corporation, county, or township, the 395
municipal corporation, county, or township shall provide the 396
commission with such reasonable office space in the principal 397

building housing city, county, or township government, where 398
feasible, as it determines is necessary to carry out its duties 399
under this chapter. 400

(I) The financial supervisor, the members of the 401
commission, the auditor of state, and any person authorized to 402
act on behalf of or assist them shall not be personally liable 403
or subject to any suit, judgment, or claim for damages resulting 404
from the exercise of or failure to exercise the powers, duties, 405
and functions granted to them in regard to their functioning 406
under this chapter, but the commission, the financial 407
supervisor, the auditor of state, and those other persons shall 408
be subject to mandamus proceedings to compel performance of 409
their duties under this chapter and with respect to any debt 410
obligations issued pursuant or subject to this chapter. 411

(J) At the request of the commission, the administrative 412
head of any state agency shall temporarily assign personnel 413
skilled in accounting and budgeting procedures to assist the 414
commission or the financial supervisor in its duties as 415
financial supervisor. 416

(K) The appointed members of the commission who are 417
members of the board of township trustees or are not elected 418
officials are not subject to section 102.02 of the Revised Code. 419
Each appointed member of the commission shall file with the 420
commission a signed written statement setting forth the general 421
nature of sales of goods, property, or services or of loans to 422
the municipal corporation, county, or township with respect to 423
which that commission is established, in which the appointed 424
member has a pecuniary interest or in which any member of the 425
appointed member's immediate family, as defined in section 426
102.01 of the Revised Code, or any corporation, partnership, or 427

enterprise of which the appointed member is an officer, 428
director, or partner, or of which the appointed member or a 429
member of the appointed member's immediate family, as so 430
defined, owns more than a five per cent interest, has a 431
pecuniary interest, and of which sale, loan, or interest such 432
member has knowledge. The statement shall be supplemented from 433
time to time to reflect changes in the general nature of any 434
such sales or loans. 435

(L) A commission is not established with respect to any 436
village or township with a population of less than one thousand 437
as of the most recent federal decennial census. Upon the 438
occurrence of a fiscal emergency in such a village or township, 439
the auditor of state shall serve as the financial supervisor of 440
the village or township and shall have all the powers and 441
responsibilities of a commission, including the powers and 442
responsibilities described in section 118.07 of the Revised 443
Code. 444

(M) (1) Notwithstanding any contrary provision of division 445
(B) (2) or (D) of this section, if one or more appointed seats on 446
a commission that was established before October 17, 2017, are 447
or become vacant, division (M) of this section applies 448
concerning the commission. 449

(2) In the case of a commission established with respect 450
to a municipal corporation: 451

(a) If one such vacancy exists on the commission, the 452
county auditor of the county in which the largest portion of the 453
territory of the municipal corporation is located shall appoint 454
a member to fill the vacancy. The county auditor may appoint the 455
county auditor to the commission. Of the two remaining appointed 456
members of the commission, the mayor shall determine, not later 457

than the fifteenth day after the effective date of this 458
amendment or the fifteenth day after the vacancy occurs, 459
whichever is later, which of those members shall be considered 460
the member appointed by the mayor for purposes of divisions (B) 461
(2) and (D) of this section, and the other appointed member 462
shall be considered the member appointed by the governor for 463
purposes of divisions (B) (2) and (D) of this section. 464

(b) If two such vacancies exist on the commission, the 465
county auditor of the county in which the largest portion of the 466
territory of the municipal corporation is located shall appoint 467
a member to fill one vacancy, and the mayor shall appoint a 468
member confirmed by the legislative authority of the municipal 469
corporation to fill the other vacancy. The county auditor may 470
appoint the county auditor to the commission. The remaining 471
appointed member of the commission shall be considered the 472
member appointed by the governor for purposes of divisions (B) 473
(2) and (D) of this section. 474

(c) If three such vacancies exist on the commission, the 475
members shall be appointed in accordance with division (B) (2) of 476
this section. 477

(3) In the case of a commission established with respect 478
to a township: 479

(a) If one such vacancy exists on the commission, the 480
board of township trustees shall appoint a member to fill the 481
vacancy, who shall not be a member of the board of township 482
trustees. Of the two remaining appointed members of the 483
commission, the board of township trustees shall determine, not 484
later than the fifteenth day after the effective date of this 485
amendment or the fifteenth day after the vacancy occurs, 486
whichever is later, which of those members shall be considered 487

the member appointed by the board of township trustees for 488
purposes of divisions (B) (2) and (D) of this section, and the 489
other appointed member shall be considered the member appointed 490
by the governor for purposes of divisions (B) (2) and (D) of this 491
section. 492

(b) If two such vacancies exist on the commission, the 493
board of township trustees shall appoint two members to fill the 494
vacancies, who shall not be members of the board of township 495
trustees. The remaining appointed member of the commission shall 496
be considered the member appointed by the governor for purposes 497
of divisions (B) (2) and (D) of this section. 498

(c) If three such vacancies exist on the commission, the 499
members shall be appointed in accordance with division (B) (2) of 500
this section. 501

(4) After one or more vacancies in appointed seats on a 502
commission have been filled under division (M) of this section, 503
any subsequent vacancy or vacancies shall be filled under 504
division (B) (2) or (D) of this section, as applicable. 505

Sec. 118.07. (A) The financial planning and supervision 506
commission, or when authorized by the commission, the financial 507
supervisor, shall have the following powers, duties, and 508
functions: 509

(1) To review all tax budgets, tax levy ordinances, bond 510
and note ordinances or resolutions, appropriation measures of 511
the municipal corporation, county, or township, and certificates 512
of estimated resources to require that such are consistent with 513
the financial plan and a balanced appropriation budget for the 514
current fiscal year, and any supporting information upon which 515
the financial plan and balanced appropriation budget has been 516

developed and based, and to determine whether revenue estimates 517
and estimates of expenditures and appropriations will result in 518
a balanced budget; 519

(2) To inspect and secure copies of any document, 520
ordinance, resolution, or instrument pertaining to the effective 521
financial accounting and reporting system, debt obligations, 522
debt limits, financial plan, balanced appropriation budgets, 523
appropriation measures, report of audit, statement or invoice, 524
or other worksheet or record of the municipal corporation, 525
county, or township; provided that any attorney-client privilege 526
shall remain inviolate; 527

(3) To inspect and secure copies of any document, 528
instrument, certification, records of proceedings, or other 529
worksheet or records of the bureau, county budget commission, 530
county auditor, or other official or employee of the municipal 531
corporation, county, or township or other political subdivision, 532
unit, or agency of government of the state; 533

(4) To review, revise, and approve determinations and 534
certifications affecting the municipal corporation, county, or 535
township made by the county budget commission or county auditor 536
pursuant to Chapter 5705. of the Revised Code to ensure such 537
determinations and certifications are consistent with the laws 538
of the state; 539

(5) To bring civil actions, including mandamus, to enforce 540
this chapter; 541

(6) To approve the amount and purpose of any issue of debt 542
obligations; 543

(7) To authenticate and assist the appropriate officers of 544
the municipal corporation, county, or township in the delivery 545

of debt obligations of the municipal corporation, county, or township;	546 547
(8) To consult with the officials of the municipal corporation, county, or township and the auditor of state regarding any necessary or appropriate steps to bring the books of account, accounting systems, and financial procedures and reports of the municipal corporation, county, or township into compliance with requirements prescribed by the auditor of state, and regarding desirable modifications and supplementary systems and procedures pertinent to the municipal corporation, county, or township;	548 549 550 551 552 553 554 555 556
(9) To assist or provide assistance to the municipal corporation, county, or township in the structuring or the terms of, and the placement of sale of, debt obligations of the municipal corporation, county, or township;	557 558 559 560
(10) To perform all other powers, duties, and functions as provided under this chapter;	561 562
(11) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the exercise of its powers under this chapter;	563 564 565
(12) To consult with officials of the municipal corporation, county, or township and make recommendations for cost reductions or revenue increases to achieve balanced budgets and carry out the financial plan.	566 567 568 569
(B) During the fiscal emergency period, the commission or, when authorized by the commission, the financial supervisor, shall, in addition to other powers:	570 571 572
(1) With respect to the appropriation measure in effect at the commencement of the fiscal emergency period of the municipal	573 574

corporation, county, or township if such period commenced more 575
than three months prior to the end of the current fiscal year, 576
and otherwise with respect to the appropriation measure for the 577
next fiscal year: 578

(a) Review and determine the adequacy of all revenues to 579
meet all expenditures for such fiscal year; 580

(b) Review and determine the extent of any deficiency of 581
revenues to meet such expenditures; 582

(c) Require the municipal corporation, county, or township 583
to provide justification documents to substantiate, to the 584
extent and in the manner considered necessary, any item of 585
revenue or appropriation; 586

(d) Not later than sixty days after taking office or after 587
receipt of such appropriation measure for the next fiscal year, 588
report to the municipal corporation, county, or township on such 589
determination. 590

(2) Require the municipal corporation, county, or 591
township, by ordinance or resolution, to establish monthly 592
levels of expenditures and encumbrances consistent with the 593
financial plan and the commission's or, when authorized by the 594
commission, the financial supervisor's review pursuant to 595
divisions (B) (1) (a) and (1) (b) of this section. The commission 596
or, when authorized by the commission, the financial supervisor, 597
shall approve and monitor the monthly levels of expenditures and 598
encumbrances and require justification documents to substantiate 599
any departure from any approved level. 600

(C) In making any determination pursuant to division (B) 601
of this section, the commission and the financial supervisor may 602
rely on any information considered in its judgment reliable or 603

material and shall not be restricted by any tax budget or 604
certificate or any other document which the municipal 605
corporation, county, or township may have adopted or received 606
from any other governmental agency. 607

(D) The municipal corporation, county, state, and township 608
officers or employees thereof, are hereby authorized and 609
directed to assist diligently and promptly the commission and 610
the financial supervisor in the prosecution of their duties, 611
including the furnishing of any materials, including 612
justification documents, required. 613

(E) Annually on or before the first day of April ~~during~~ 614
~~the fiscal emergency period, the commission director of budget~~ 615
~~and management, as chairperson of a commission, or the auditor~~ 616
~~of state, as financial supervisor as provided in division (L) of~~ 617
~~section 118.05 of the Revised Code,~~ shall make reports and 618
recommendations to the speaker of the house of representatives 619
and the president of the senate concerning progress of the 620
municipal corporation, county, or township to eliminate fiscal 621
emergency conditions, failures of the municipal corporation, 622
county, or township to comply with this chapter, and 623
recommendations for further actions to attain the objectives of 624
this chapter, including legislative action to make provisions of 625
law more effective for their purposes, or to enhance revenue 626
raising or financing capabilities of municipal corporations, 627
counties, or townships. The ~~commission director or the auditor~~ 628
~~of state~~ may make such interim reports as ~~it~~ ~~the director or the~~ 629
~~auditor of state~~ may determine to be appropriate for such 630
purposes and shall make such additional reports as may be 631
requested by either house of the general assembly. 632

Sec. 149.43. (A) As used in this section: 633

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(f) Records specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

(i) Records containing information that is confidential	662
under section 2710.03 or 4112.05 of the Revised Code;	663
(j) DNA records stored in the DNA database pursuant to	664
section 109.573 of the Revised Code;	665
(k) Inmate records released by the department of	666
rehabilitation and correction to the department of youth	667
services or a court of record pursuant to division (E) of	668
section 5120.21 of the Revised Code;	669
(l) Records maintained by the department of youth services	670
pertaining to children in its custody released by the department	671
of youth services to the department of rehabilitation and	672
correction pursuant to section 5139.05 of the Revised Code;	673
(m) Intellectual property records;	674
(n) Donor profile records;	675
(o) Records maintained by the department of job and family	676
services pursuant to section 3121.894 of the Revised Code;	677
(p) Peace officer, parole officer, probation officer,	678
bailiff, prosecuting attorney, assistant prosecuting attorney,	679
correctional employee, community-based correctional facility	680
employee, youth services employee, firefighter, EMT,	681
investigator of the bureau of criminal identification and	682
investigation, or federal law enforcement officer residential	683
and familial information;	684
(q) In the case of a county hospital operated pursuant to	685
Chapter 339. of the Revised Code or a municipal hospital	686
operated pursuant to Chapter 749. of the Revised Code,	687
information that constitutes a trade secret, as defined in	688
section 1333.61 of the Revised Code;	689

(r) Information pertaining to the recreational activities	690
of a person under the age of eighteen;	691
(s) In the case of a child fatality review board acting	692
under sections 307.621 to 307.629 of the Revised Code or a	693
review conducted pursuant to guidelines established by the	694
director of health under section 3701.70 of the Revised Code,	695
records provided to the board or director, statements made by	696
board members during meetings of the board or by persons	697
participating in the director's review, and all work products of	698
the board or director, and in the case of a child fatality	699
review board, child fatality review data submitted by the board	700
to the department of health or a national child death review	701
database, other than the report prepared pursuant to division	702
(A) of section 307.626 of the Revised Code;	703
(t) Records provided to and statements made by the	704
executive director of a public children services agency or a	705
prosecuting attorney acting pursuant to section 5153.171 of the	706
Revised Code other than the information released under that	707
section;	708
(u) Test materials, examinations, or evaluation tools used	709
in an examination for licensure as a nursing home administrator	710
that the board of executives of long-term services and supports	711
administers under section 4751.04 of the Revised Code or	712
contracts under that section with a private or government entity	713
to administer;	714
(v) Records the release of which is prohibited by state or	715
federal law;	716
(w) Proprietary information of or relating to any person	717
that is submitted to or compiled by the Ohio venture capital	718

authority created under section 150.01 of the Revised Code;	719
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	720 721 722 723 724 725
(y) Records listed in section 5101.29 of the Revised Code;	726
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	727 728 729
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	730 731 732
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	733 734 735
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	736 737 738
(dd) Personal information, as defined in section 149.45 of the Revised Code;	739 740
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional	741 742 743 744 745 746

ballot affirmation completed by a program participant who has a 747
confidential voter registration record, and records or portions 748
of records pertaining to that program that identify the number 749
of program participants that reside within a precinct, ward, 750
township, municipal corporation, county, or any other geographic 751
area smaller than the state. As used in this division, 752
"confidential address" and "program participant" have the 753
meaning defined in section 111.41 of the Revised Code. 754

(ff) Orders for active military service of an individual 755
serving or with previous service in the armed forces of the 756
United States, including a reserve component, or the Ohio 757
organized militia, except that, such order becomes a public 758
record on the day that is fifteen years after the published date 759
or effective date of the call to order. 760

(2) "Confidential law enforcement investigatory record" 761
means any record that pertains to a law enforcement matter of a 762
criminal, quasi-criminal, civil, or administrative nature, but 763
only to the extent that the release of the record would create a 764
high probability of disclosure of any of the following: 765

(a) The identity of a suspect who has not been charged 766
with the offense to which the record pertains, or of an 767
information source or witness to whom confidentiality has been 768
reasonably promised; 769

(b) Information provided by an information source or 770
witness to whom confidentiality has been reasonably promised, 771
which information would reasonably tend to disclose the source's 772
or witness's identity; 773

(c) Specific confidential investigatory techniques or 774
procedures or specific investigatory work product; 775

(d) Information that would endanger the life or physical 776
safety of law enforcement personnel, a crime victim, a witness, 777
or a confidential information source. 778

(3) "Medical record" means any document or combination of 779
documents, except births, deaths, and the fact of admission to 780
or discharge from a hospital, that pertains to the medical 781
history, diagnosis, prognosis, or medical condition of a patient 782
and that is generated and maintained in the process of medical 783
treatment. 784

(4) "Trial preparation record" means any record that 785
contains information that is specifically compiled in reasonable 786
anticipation of, or in defense of, a civil or criminal action or 787
proceeding, including the independent thought processes and 788
personal trial preparation of an attorney. 789

(5) "Intellectual property record" means a record, other 790
than a financial or administrative record, that is produced or 791
collected by or for faculty or staff of a state institution of 792
higher learning in the conduct of or as a result of study or 793
research on an educational, commercial, scientific, artistic, 794
technical, or scholarly issue, regardless of whether the study 795
or research was sponsored by the institution alone or in 796
conjunction with a governmental body or private concern, and 797
that has not been publicly released, published, or patented. 798

(6) "Donor profile record" means all records about donors 799
or potential donors to a public institution of higher education 800
except the names and reported addresses of the actual donors and 801
the date, amount, and conditions of the actual donation. 802

(7) "Peace officer, parole officer, probation officer, 803
bailiff, prosecuting attorney, assistant prosecuting attorney, 804

correctional employee, community-based correctional facility 805
employee, youth services employee, firefighter, EMT, 806
investigator of the bureau of criminal identification and 807
investigation, or federal law enforcement officer residential 808
and familial information" means any information that discloses 809
any of the following about a peace officer, parole officer, 810
probation officer, bailiff, prosecuting attorney, assistant 811
prosecuting attorney, correctional employee, community-based 812
correctional facility employee, youth services employee, 813
firefighter, EMT, investigator of the bureau of criminal 814
identification and investigation, or federal law enforcement 815
officer: 816

(a) The address of the actual personal residence of a 817
peace officer, parole officer, probation officer, bailiff, 818
assistant prosecuting attorney, correctional employee, 819
community-based correctional facility employee, youth services 820
employee, firefighter, EMT, an investigator of the bureau of 821
criminal identification and investigation, or federal law 822
enforcement officer, except for the state or political 823
subdivision in which the peace officer, parole officer, 824
probation officer, bailiff, assistant prosecuting attorney, 825
correctional employee, community-based correctional facility 826
employee, youth services employee, firefighter, EMT, 827
investigator of the bureau of criminal identification and 828
investigation, or federal law enforcement officer resides; 829

(b) Information compiled from referral to or participation 830
in an employee assistance program; 831

(c) The social security number, the residential telephone 832
number, any bank account, debit card, charge card, or credit 833
card number, or the emergency telephone number of, or any 834

medical information pertaining to, a peace officer, parole 835
officer, probation officer, bailiff, prosecuting attorney, 836
assistant prosecuting attorney, correctional employee, 837
community-based correctional facility employee, youth services 838
employee, firefighter, EMT, investigator of the bureau of 839
criminal identification and investigation, or federal law 840
enforcement officer; 841

(d) The name of any beneficiary of employment benefits, 842
including, but not limited to, life insurance benefits, provided 843
to a peace officer, parole officer, probation officer, bailiff, 844
prosecuting attorney, assistant prosecuting attorney, 845
correctional employee, community-based correctional facility 846
employee, youth services employee, firefighter, EMT, 847
investigator of the bureau of criminal identification and 848
investigation, or federal law enforcement officer by the peace 849
officer's, parole officer's, probation officer's, bailiff's, 850
prosecuting attorney's, assistant prosecuting attorney's, 851
correctional employee's, community-based correctional facility 852
employee's, youth services employee's, firefighter's, EMT's, 853
investigator of the bureau of criminal identification and 854
investigation's, or federal law enforcement officer's employer; 855

(e) The identity and amount of any charitable or 856
employment benefit deduction made by the peace officer's, parole 857
officer's, probation officer's, bailiff's, prosecuting 858
attorney's, assistant prosecuting attorney's, correctional 859
employee's, community-based correctional facility employee's, 860
youth services employee's, firefighter's, EMT's, investigator of 861
the bureau of criminal identification and investigation's, or 862
federal law enforcement officer's employer from the peace 863
officer's, parole officer's, probation officer's, bailiff's, 864
prosecuting attorney's, assistant prosecuting attorney's, 865

correctional employee's, community-based correctional facility 866
employee's, youth services employee's, firefighter's, EMT's, 867
investigator of the bureau of criminal identification and 868
investigation's, or federal law enforcement officer's 869
compensation unless the amount of the deduction is required by 870
state or federal law; 871

(f) The name, the residential address, the name of the 872
employer, the address of the employer, the social security 873
number, the residential telephone number, any bank account, 874
debit card, charge card, or credit card number, or the emergency 875
telephone number of the spouse, a former spouse, or any child of 876
a peace officer, parole officer, probation officer, bailiff, 877
prosecuting attorney, assistant prosecuting attorney, 878
correctional employee, community-based correctional facility 879
employee, youth services employee, firefighter, EMT, 880
investigator of the bureau of criminal identification and 881
investigation, or federal law enforcement officer; 882

(g) A photograph of a peace officer who holds a position 883
or has an assignment that may include undercover or plain 884
clothes positions or assignments as determined by the peace 885
officer's appointing authority. 886

As used in divisions (A) (7) and (B) (9) of this section, 887
"peace officer" has the same meaning as in section 109.71 of the 888
Revised Code and also includes the superintendent and troopers 889
of the state highway patrol; it does not include the sheriff of 890
a county or a supervisory employee who, in the absence of the 891
sheriff, is authorized to stand in for, exercise the authority 892
of, and perform the duties of the sheriff. 893

As used in divisions (A) (7) and (B) (9) of this section, 894
"correctional employee" means any employee of the department of 895

rehabilitation and correction who in the course of performing 896
the employee's job duties has or has had contact with inmates 897
and persons under supervision. 898

As used in divisions (A) (7) and (B) (9) of this section, 899
"youth services employee" means any employee of the department 900
of youth services who in the course of performing the employee's 901
job duties has or has had contact with children committed to the 902
custody of the department of youth services. 903

As used in divisions (A) (7) and (B) (9) of this section, 904
"firefighter" means any regular, paid or volunteer, member of a 905
lawfully constituted fire department of a municipal corporation, 906
township, fire district, or village. 907

As used in divisions (A) (7) and (B) (9) of this section, 908
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 909
emergency medical services for a public emergency medical 910
service organization. "Emergency medical service organization," 911
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 912
in section 4765.01 of the Revised Code. 913

As used in divisions (A) (7) and (B) (9) of this section, 914
"investigator of the bureau of criminal identification and 915
investigation" has the meaning defined in section 2903.11 of the 916
Revised Code. 917

As used in divisions (A) (7) and (B) (9) of this section, 918
"federal law enforcement officer" has the meaning defined in 919
section 9.88 of the Revised Code. 920

(8) "Information pertaining to the recreational activities 921
of a person under the age of eighteen" means information that is 922
kept in the ordinary course of business by a public office, that 923
pertains to the recreational activities of a person under the 924

age of eighteen years, and that discloses any of the following:	925
(a) The address or telephone number of a person under the	926
age of eighteen or the address or telephone number of that	927
person's parent, guardian, custodian, or emergency contact	928
person;	929
(b) The social security number, birth date, or	930
photographic image of a person under the age of eighteen;	931
(c) Any medical record, history, or information pertaining	932
to a person under the age of eighteen;	933
(d) Any additional information sought or required about a	934
person under the age of eighteen for the purpose of allowing	935
that person to participate in any recreational activity	936
conducted or sponsored by a public office or to use or obtain	937
admission privileges to any recreational facility owned or	938
operated by a public office.	939
(9) "Community control sanction" has the same meaning as	940
in section 2929.01 of the Revised Code.	941
(10) "Post-release control sanction" has the same meaning	942
as in section 2967.01 of the Revised Code.	943
(11) "Redaction" means obscuring or deleting any	944
information that is exempt from the duty to permit public	945
inspection or copying from an item that otherwise meets the	946
definition of a "record" in section 149.011 of the Revised Code.	947
(12) "Designee" and "elected official" have the same	948
meanings as in section 109.43 of the Revised Code.	949
(B) (1) Upon request and subject to division (B) (8) of this	950
section, all public records responsive to the request shall be	951
promptly prepared and made available for inspection to any	952

person at all reasonable times during regular business hours. 953
Subject to division (B) (8) of this section, upon request, a 954
public office or person responsible for public records shall 955
make copies of the requested public record available at cost and 956
within a reasonable period of time. If a public record contains 957
information that is exempt from the duty to permit public 958
inspection or to copy the public record, the public office or 959
the person responsible for the public record shall make 960
available all of the information within the public record that 961
is not exempt. When making that public record available for 962
public inspection or copying that public record, the public 963
office or the person responsible for the public record shall 964
notify the requester of any redaction or make the redaction 965
plainly visible. A redaction shall be deemed a denial of a 966
request to inspect or copy the redacted information, except if 967
federal or state law authorizes or requires a public office to 968
make the redaction. 969

(2) To facilitate broader access to public records, a 970
public office or the person responsible for public records shall 971
organize and maintain public records in a manner that they can 972
be made available for inspection or copying in accordance with 973
division (B) of this section. A public office also shall have 974
available a copy of its current records retention schedule at a 975
location readily available to the public. If a requester makes 976
an ambiguous or overly broad request or has difficulty in making 977
a request for copies or inspection of public records under this 978
section such that the public office or the person responsible 979
for the requested public record cannot reasonably identify what 980
public records are being requested, the public office or the 981
person responsible for the requested public record may deny the 982
request but shall provide the requester with an opportunity to 983

revise the request by informing the requester of the manner in 984
which records are maintained by the public office and accessed 985
in the ordinary course of the public office's or person's 986
duties. 987

(3) If a request is ultimately denied, in part or in 988
whole, the public office or the person responsible for the 989
requested public record shall provide the requester with an 990
explanation, including legal authority, setting forth why the 991
request was denied. If the initial request was provided in 992
writing, the explanation also shall be provided to the requester 993
in writing. The explanation shall not preclude the public office 994
or the person responsible for the requested public record from 995
relying upon additional reasons or legal authority in defending 996
an action commenced under division (C) of this section. 997

(4) Unless specifically required or authorized by state or 998
federal law or in accordance with division (B) of this section, 999
no public office or person responsible for public records may 1000
limit or condition the availability of public records by 1001
requiring disclosure of the requester's identity or the intended 1002
use of the requested public record. Any requirement that the 1003
requester disclose the requester's identity or the intended use 1004
of the requested public record constitutes a denial of the 1005
request. 1006

(5) A public office or person responsible for public 1007
records may ask a requester to make the request in writing, may 1008
ask for the requester's identity, and may inquire about the 1009
intended use of the information requested, but may do so only 1010
after disclosing to the requester that a written request is not 1011
mandatory and that the requester may decline to reveal the 1012
requester's identity or the intended use and when a written 1013

request or disclosure of the identity or intended use would 1014
benefit the requester by enhancing the ability of the public 1015
office or person responsible for public records to identify, 1016
locate, or deliver the public records sought by the requester. 1017

(6) If any person chooses to obtain a copy of a public 1018
record in accordance with division (B) of this section, the 1019
public office or person responsible for the public record may 1020
require that person to pay in advance the cost involved in 1021
providing the copy of the public record in accordance with the 1022
choice made by the person seeking the copy under this division. 1023
The public office or the person responsible for the public 1024
record shall permit that person to choose to have the public 1025
record duplicated upon paper, upon the same medium upon which 1026
the public office or person responsible for the public record 1027
keeps it, or upon any other medium upon which the public office 1028
or person responsible for the public record determines that it 1029
reasonably can be duplicated as an integral part of the normal 1030
operations of the public office or person responsible for the 1031
public record. When the person seeking the copy makes a choice 1032
under this division, the public office or person responsible for 1033
the public record shall provide a copy of it in accordance with 1034
the choice made by the person seeking the copy. Nothing in this 1035
section requires a public office or person responsible for the 1036
public record to allow the person seeking a copy of the public 1037
record to make the copies of the public record. 1038

(7) (a) Upon a request made in accordance with division (B) 1039
of this section and subject to division (B) (6) of this section, 1040
a public office or person responsible for public records shall 1041
transmit a copy of a public record to any person by United 1042
States mail or by any other means of delivery or transmission 1043
within a reasonable period of time after receiving the request 1044

for the copy. The public office or person responsible for the 1045
public record may require the person making the request to pay 1046
in advance the cost of postage if the copy is transmitted by 1047
United States mail or the cost of delivery if the copy is 1048
transmitted other than by United States mail, and to pay in 1049
advance the costs incurred for other supplies used in the 1050
mailing, delivery, or transmission. 1051

(b) Any public office may adopt a policy and procedures 1052
that it will follow in transmitting, within a reasonable period 1053
of time after receiving a request, copies of public records by 1054
United States mail or by any other means of delivery or 1055
transmission pursuant to division (B) (7) of this section. A 1056
public office that adopts a policy and procedures under division 1057
(B) (7) of this section shall comply with them in performing its 1058
duties under that division. 1059

(c) In any policy and procedures adopted under division 1060
(B) (7) of this section: 1061

(i) A public office may limit the number of records 1062
requested by a person that the office will physically deliver by 1063
United States mail or by another delivery service to ten per 1064
month, unless the person certifies to the office in writing that 1065
the person does not intend to use or forward the requested 1066
records, or the information contained in them, for commercial 1067
purposes; 1068

(ii) A public office that chooses to provide some or all 1069
of its public records on a web site that is fully accessible to 1070
and searchable by members of the public at all times, other than 1071
during acts of God outside the public office's control or 1072
maintenance, and that charges no fee to search, access, 1073
download, or otherwise receive records provided on the web site, 1074

may limit to ten per month the number of records requested by a 1075
person that the office will deliver in a digital format, unless 1076
the requested records are not provided on the web site and 1077
unless the person certifies to the office in writing that the 1078
person does not intend to use or forward the requested records, 1079
or the information contained in them, for commercial purposes. 1080

(iii) For purposes of division (B) (7) of this section, 1081
"commercial" shall be narrowly construed and does not include 1082
reporting or gathering news, reporting or gathering information 1083
to assist citizen oversight or understanding of the operation or 1084
activities of government, or nonprofit educational research. 1085

(8) A public office or person responsible for public 1086
records is not required to permit a person who is incarcerated 1087
pursuant to a criminal conviction or a juvenile adjudication to 1088
inspect or to obtain a copy of any public record concerning a 1089
criminal investigation or prosecution or concerning what would 1090
be a criminal investigation or prosecution if the subject of the 1091
investigation or prosecution were an adult, unless the request 1092
to inspect or to obtain a copy of the record is for the purpose 1093
of acquiring information that is subject to release as a public 1094
record under this section and the judge who imposed the sentence 1095
or made the adjudication with respect to the person, or the 1096
judge's successor in office, finds that the information sought 1097
in the public record is necessary to support what appears to be 1098
a justiciable claim of the person. 1099

(9) (a) Upon written request made and signed by a 1100
journalist on or after December 16, 1999, a public office, or 1101
person responsible for public records, having custody of the 1102
records of the agency employing a specified peace officer, 1103
parole officer, probation officer, bailiff, prosecuting 1104

attorney, assistant prosecuting attorney, correctional employee, 1105
community-based correctional facility employee, youth services 1106
employee, firefighter, EMT, investigator of the bureau of 1107
criminal identification and investigation, or federal law 1108
enforcement officer shall disclose to the journalist the address 1109
of the actual personal residence of the peace officer, parole 1110
officer, probation officer, bailiff, prosecuting attorney, 1111
assistant prosecuting attorney, correctional employee, 1112
community-based correctional facility employee, youth services 1113
employee, firefighter, EMT, investigator of the bureau of 1114
criminal identification and investigation, or federal law 1115
enforcement officer and, if the peace officer's, parole 1116
officer's, probation officer's, bailiff's, prosecuting 1117
attorney's, assistant prosecuting attorney's, correctional 1118
employee's, community-based correctional facility employee's, 1119
youth services employee's, firefighter's, EMT's, investigator of 1120
the bureau of criminal identification and investigation's, or 1121
federal law enforcement officer's spouse, former spouse, or 1122
child is employed by a public office, the name and address of 1123
the employer of the peace officer's, parole officer's, probation 1124
officer's, bailiff's, prosecuting attorney's, assistant 1125
prosecuting attorney's, correctional employee's, community-based 1126
correctional facility employee's, youth services employee's, 1127
firefighter's, EMT's, investigator of the bureau of criminal 1128
identification and investigation's, or federal law enforcement 1129
officer's spouse, former spouse, or child. The request shall 1130
include the journalist's name and title and the name and address 1131
of the journalist's employer and shall state that disclosure of 1132
the information sought would be in the public interest. 1133

(b) Division (B) (9) (a) of this section also applies to 1134
journalist requests for customer information maintained by a 1135

municipally owned or operated public utility, other than social 1136
security numbers and any private financial information such as 1137
credit reports, payment methods, credit card numbers, and bank 1138
account information. 1139

(c) As used in division (B)(9) of this section, 1140
"journalist" means a person engaged in, connected with, or 1141
employed by any news medium, including a newspaper, magazine, 1142
press association, news agency, or wire service, a radio or 1143
television station, or a similar medium, for the purpose of 1144
gathering, processing, transmitting, compiling, editing, or 1145
disseminating information for the general public. 1146

(C)(1) If a person allegedly is aggrieved by the failure 1147
of a public office or the person responsible for public records 1148
to promptly prepare a public record and to make it available to 1149
the person for inspection in accordance with division (B) of 1150
this section or by any other failure of a public office or the 1151
person responsible for public records to comply with an 1152
obligation in accordance with division (B) of this section, the 1153
person allegedly aggrieved may do only one of the following, and 1154
not both: 1155

(a) File a complaint with the clerk of the court of claims 1156
or the clerk of the court of common pleas under section 2743.75 1157
of the Revised Code; 1158

(b) Commence a mandamus action to obtain a judgment that 1159
orders the public office or the person responsible for the 1160
public record to comply with division (B) of this section, that 1161
awards court costs and reasonable attorney's fees to the person 1162
that instituted the mandamus action, and, if applicable, that 1163
includes an order fixing statutory damages under division (C)(2) 1164
of this section. The mandamus action may be commenced in the 1165

court of common pleas of the county in which division (B) of 1166
this section allegedly was not complied with, in the supreme 1167
court pursuant to its original jurisdiction under Section 2 of 1168
Article IV, Ohio Constitution, or in the court of appeals for 1169
the appellate district in which division (B) of this section 1170
allegedly was not complied with pursuant to its original 1171
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1172

(2) If a requester transmits a written request by hand 1173
delivery, electronic submission, or certified mail to inspect or 1174
receive copies of any public record in a manner that fairly 1175
describes the public record or class of public records to the 1176
public office or person responsible for the requested public 1177
records, except as otherwise provided in this section, the 1178
requester shall be entitled to recover the amount of statutory 1179
damages set forth in this division if a court determines that 1180
the public office or the person responsible for public records 1181
failed to comply with an obligation in accordance with division 1182
(B) of this section. 1183

The amount of statutory damages shall be fixed at one 1184
hundred dollars for each business day during which the public 1185
office or person responsible for the requested public records 1186
failed to comply with an obligation in accordance with division 1187
(B) of this section, beginning with the day on which the 1188
requester files a mandamus action to recover statutory damages, 1189
up to a maximum of one thousand dollars. The award of statutory 1190
damages shall not be construed as a penalty, but as compensation 1191
for injury arising from lost use of the requested information. 1192
The existence of this injury shall be conclusively presumed. The 1193
award of statutory damages shall be in addition to all other 1194
remedies authorized by this section. 1195

The court may reduce an award of statutory damages or not 1196
award statutory damages if the court determines both of the 1197
following: 1198

(a) That, based on the ordinary application of statutory 1199
law and case law as it existed at the time of the conduct or 1200
threatened conduct of the public office or person responsible 1201
for the requested public records that allegedly constitutes a 1202
failure to comply with an obligation in accordance with division 1203
(B) of this section and that was the basis of the mandamus 1204
action, a well-informed public office or person responsible for 1205
the requested public records reasonably would believe that the 1206
conduct or threatened conduct of the public office or person 1207
responsible for the requested public records did not constitute 1208
a failure to comply with an obligation in accordance with 1209
division (B) of this section; 1210

(b) That a well-informed public office or person 1211
responsible for the requested public records reasonably would 1212
believe that the conduct or threatened conduct of the public 1213
office or person responsible for the requested public records 1214
would serve the public policy that underlies the authority that 1215
is asserted as permitting that conduct or threatened conduct. 1216

(3) In a mandamus action filed under division (C) (1) of 1217
this section, the following apply: 1218

(a) (i) If the court orders the public office or the person 1219
responsible for the public record to comply with division (B) of 1220
this section, the court shall determine and award to the relator 1221
all court costs, which shall be construed as remedial and not 1222
punitive. 1223

(ii) If the court makes a determination described in 1224

division (C) (3) (b) (iii) of this section, the court shall 1225
determine and award to the relator all court costs, which shall 1226
be construed as remedial and not punitive. 1227

(b) If the court renders a judgment that orders the public 1228
office or the person responsible for the public record to comply 1229
with division (B) of this section or if the court determines any 1230
of the following, the court may award reasonable attorney's fees 1231
to the relator, subject to the provisions of division (C) (4) of 1232
this section: 1233

(i) The public office or the person responsible for the 1234
public records failed to respond affirmatively or negatively to 1235
the public records request in accordance with the time allowed 1236
under division (B) of this section. 1237

(ii) The public office or the person responsible for the 1238
public records promised to permit the relator to inspect or 1239
receive copies of the public records requested within a 1240
specified period of time but failed to fulfill that promise 1241
within that specified period of time. 1242

(iii) The public office or the person responsible for the 1243
public records acted in bad faith when the office or person 1244
voluntarily made the public records available to the relator for 1245
the first time after the relator commenced the mandamus action, 1246
but before the court issued any order concluding whether or not 1247
the public office or person was required to comply with division 1248
(B) of this section. No discovery may be conducted on the issue 1249
of the alleged bad faith of the public office or person 1250
responsible for the public records. This division shall not be 1251
construed as creating a presumption that the public office or 1252
the person responsible for the public records acted in bad faith 1253
when the office or person voluntarily made the public records 1254

available to the relator for the first time after the relator 1255
commenced the mandamus action, but before the court issued any 1256
order described in this division. 1257

(c) The court shall not award attorney's fees to the 1258
relator if the court determines both of the following: 1259

(i) That, based on the ordinary application of statutory 1260
law and case law as it existed at the time of the conduct or 1261
threatened conduct of the public office or person responsible 1262
for the requested public records that allegedly constitutes a 1263
failure to comply with an obligation in accordance with division 1264
(B) of this section and that was the basis of the mandamus 1265
action, a well-informed public office or person responsible for 1266
the requested public records reasonably would believe that the 1267
conduct or threatened conduct of the public office or person 1268
responsible for the requested public records did not constitute 1269
a failure to comply with an obligation in accordance with 1270
division (B) of this section; 1271

(ii) That a well-informed public office or person 1272
responsible for the requested public records reasonably would 1273
believe that the conduct or threatened conduct of the public 1274
office or person responsible for the requested public records 1275
would serve the public policy that underlies the authority that 1276
is asserted as permitting that conduct or threatened conduct. 1277

(4) All of the following apply to any award of reasonable 1278
attorney's fees awarded under division (C) (3) (b) of this 1279
section: 1280

(a) The fees shall be construed as remedial and not 1281
punitive. 1282

(b) The fees awarded shall not exceed the total of the 1283

reasonable attorney's fees incurred before the public record was 1284
made available to the relator and the fees described in division 1285
(C) (4) (c) of this section. 1286

(c) Reasonable attorney's fees shall include reasonable 1287
fees incurred to produce proof of the reasonableness and amount 1288
of the fees and to otherwise litigate entitlement to the fees. 1289

(d) The court may reduce the amount of fees awarded if the 1290
court determines that, given the factual circumstances involved 1291
with the specific public records request, an alternative means 1292
should have been pursued to more effectively and efficiently 1293
resolve the dispute that was subject to the mandamus action 1294
filed under division (C) (1) of this section. 1295

(5) If the court does not issue a writ of mandamus under 1296
division (C) of this section and the court determines at that 1297
time that the bringing of the mandamus action was frivolous 1298
conduct as defined in division (A) of section 2323.51 of the 1299
Revised Code, the court may award to the public office all court 1300
costs, expenses, and reasonable attorney's fees, as determined 1301
by the court. 1302

(D) Chapter 1347. of the Revised Code does not limit the 1303
provisions of this section. 1304

(E) (1) To ensure that all employees of public offices are 1305
appropriately educated about a public office's obligations under 1306
division (B) of this section, all elected officials or their 1307
appropriate designees shall attend training approved by the 1308
attorney general as provided in section 109.43 of the Revised 1309
Code. In addition, all public offices shall adopt a public 1310
records policy in compliance with this section for responding to 1311
public records requests. In adopting a public records policy 1312

under this division, a public office may obtain guidance from 1313
the model public records policy developed and provided to the 1314
public office by the attorney general under section 109.43 of 1315
the Revised Code. Except as otherwise provided in this section, 1316
the policy may not limit the number of public records that the 1317
public office will make available to a single person, may not 1318
limit the number of public records that it will make available 1319
during a fixed period of time, and may not establish a fixed 1320
period of time before it will respond to a request for 1321
inspection or copying of public records, unless that period is 1322
less than eight hours. 1323

(2) The public office shall distribute the public records 1324
policy adopted by the public office under division (E)(1) of 1325
this section to the employee of the public office who is the 1326
records custodian or records manager or otherwise has custody of 1327
the records of that office. The public office shall require that 1328
employee to acknowledge receipt of the copy of the public 1329
records policy. The public office shall create a poster that 1330
describes its public records policy and shall post the poster in 1331
a conspicuous place in the public office and in all locations 1332
where the public office has branch offices. The public office 1333
may post its public records policy on the internet web site of 1334
the public office if the public office maintains an internet web 1335
site. A public office that has established a manual or handbook 1336
of its general policies and procedures for all employees of the 1337
public office shall include the public records policy of the 1338
public office in the manual or handbook. 1339

(F)(1) The bureau of motor vehicles may adopt rules 1340
pursuant to Chapter 119. of the Revised Code to reasonably limit 1341
the number of bulk commercial special extraction requests made 1342
by a person for the same records or for updated records during a 1343

calendar year. The rules may include provisions for charges to 1344
be made for bulk commercial special extraction requests for the 1345
actual cost of the bureau, plus special extraction costs, plus 1346
ten per cent. The bureau may charge for expenses for redacting 1347
information, the release of which is prohibited by law. 1348

(2) As used in division (F) (1) of this section: 1349

(a) "Actual cost" means the cost of depleted supplies, 1350
records storage media costs, actual mailing and alternative 1351
delivery costs, or other transmitting costs, and any direct 1352
equipment operating and maintenance costs, including actual 1353
costs paid to private contractors for copying services. 1354

(b) "Bulk commercial special extraction request" means a 1355
request for copies of a record for information in a format other 1356
than the format already available, or information that cannot be 1357
extracted without examination of all items in a records series, 1358
class of records, or database by a person who intends to use or 1359
forward the copies for surveys, marketing, solicitation, or 1360
resale for commercial purposes. "Bulk commercial special 1361
extraction request" does not include a request by a person who 1362
gives assurance to the bureau that the person making the request 1363
does not intend to use or forward the requested copies for 1364
surveys, marketing, solicitation, or resale for commercial 1365
purposes. 1366

(c) "Commercial" means profit-seeking production, buying, 1367
or selling of any good, service, or other product. 1368

(d) "Special extraction costs" means the cost of the time 1369
spent by the lowest paid employee competent to perform the task, 1370
the actual amount paid to outside private contractors employed 1371
by the bureau, or the actual cost incurred to create computer 1372

programs to make the special extraction. "Special extraction 1373
costs" include any charges paid to a public agency for computer 1374
or records services. 1375

(3) For purposes of divisions (F)(1) and (2) of this 1376
section, "surveys, marketing, solicitation, or resale for 1377
commercial purposes" shall be narrowly construed and does not 1378
include reporting or gathering news, reporting or gathering 1379
information to assist citizen oversight or understanding of the 1380
operation or activities of government, or nonprofit educational 1381
research. 1382

(G) A request by a defendant, counsel of a defendant, or 1383
any agent of a defendant in a criminal action that public 1384
records related to that action be made available under this 1385
section shall be considered a demand for discovery pursuant to 1386
the Criminal Rules, except to the extent that the Criminal Rules 1387
plainly indicate a contrary intent. The defendant, counsel of 1388
the defendant, or agent of the defendant making a request under 1389
this division shall serve a copy of the request on the 1390
prosecuting attorney, director of law, or other chief legal 1391
officer responsible for prosecuting the action. 1392

Sec. 505.64. (A) The board of township trustees of any 1393
township may authorize an officer, employee, or appointee of the 1394
township to use a credit card account held by the board of 1395
township trustees ~~to pay for work related expenses. The debt~~ 1396
~~incurred as a result of the use of a credit card pursuant to~~ 1397
~~this section shall be paid from moneys appropriated by the board~~ 1398
~~of township trustees for such expenses in accordance with this~~ 1399
section. 1400

~~(B) The officer, employee, or appointee shall be liable in~~ 1401
~~person and upon any official bond the officer, employee, or~~ 1402

~~appointee has given to the township for the unauthorized use of~~ 1403
~~a credit card held by the board of township trustees. The~~ 1404
~~prosecuting attorney of the county shall recover the amount of~~ 1405
~~any unauthorized expenses incurred by the officer, employee, or~~ 1406
~~appointee by civil action in any court of appropriate~~ 1407
~~jurisdiction. This section does not limit any other liability of~~ 1408
~~an officer, employee, or appointee for unauthorized use of a~~ 1409
~~credit card held by the board of township trustees.~~ 1410

~~(C) An officer, employee, or appointee who is authorized~~ 1411
~~to use a credit card held by the board of township trustees and~~ 1412
~~who suspects the loss, theft, or possibility of unauthorized use~~ 1413
~~of the credit card shall notify the board of township trustees~~ 1414
~~of the suspected loss, theft, or possible unauthorized use~~ 1415
~~immediately in writing. The officer, employee, or appointee may~~ 1416
~~be held liable in person and upon any official bond the officer,~~ 1417
~~employee, or appointee has given to the township for up to fifty~~ 1418
~~dollars in unauthorized debt incurred before the board receives~~ 1419
~~such notification.~~ 1420

~~(D) Misuse of a credit card held by the board of township~~ 1421
~~trustees by an~~ Not later than three months after the effective 1422
date of this amendment, the board of township trustees of any 1423
township that holds a credit card account on the effective date 1424
of this amendment shall adopt a written policy for the use of 1425
credit card accounts. Otherwise, a board shall adopt a written 1426
policy before first holding a credit card account. 1427

The policy shall include provisions addressing all of the 1428
following: 1429

(1) The officers, positions, or appointees authorized to 1430
use a credit card account; 1431

- (2) The types of expenses of which a credit card account may be used; 1432
1433
- (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks; 1434
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1436
- (4) The procedure for submitting itemized receipts to the fiscal officer or the fiscal officer's designee; 1437
1438
- (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards; 1439
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- (6) The township's credit card account's maximum credit limit or limits; 1442
1443
- (7) The actions or omissions by an officer, employee, or appointee that qualify as misuse of a credit card account. 1444
1445
- (B) The name of the township shall appear on each presentation instrument related to the account including cards and checks. 1446
1447
1448
- (C) If the township fiscal officer does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the following applies: 1449
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1452
- (1) In a township that has adopted a limited home rule government under Chapter 504. of the Revised Code, the board shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize an officer, employee, or appointee to use a credit card account, except that a board of township trustees serving in the role of 1453
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compliance officer may use a credit card account if so 1460
authorized under the policy and may authorize an officer, 1461
employee, or appointee to use a credit card account as provided 1462
in division (A) of this section. The fiscal officer is not 1463
eligible for appointment as compliance officer. 1464

(2) In a township that has not adopted a limited home rule 1465
government under Chapter 504. of the Revised Code, the fiscal 1466
officer monthly shall present to the board credit card account 1467
transaction detail from the previous month. The board shall 1468
review the credit card account transaction detail and the 1469
chairperson of the board shall sign an attestation stating the 1470
board reviewed the credit card account transaction detail. 1471

(D) The compliance officer, if applicable, and the board 1472
at least once every six months shall review the number of cards 1473
and accounts issued, the number of active cards and accounts 1474
issued, the cards' and accounts' expiration dates, and the 1475
cards' and accounts' credit limits. 1476

(E) If the fiscal officer retains general possession and 1477
control of the credit card account and presentation instruments 1478
related to the account including cards and checks, and the board 1479
authorizes an officer, employee, or appointee to use a credit 1480
card, the fiscal officer may use a system to sign out credit 1481
cards to the authorized users. The officer, employee, or 1482
appointee is liable in person and upon any official bond the 1483
officer, employee, or appointee has given to the township to 1484
reimburse the township treasury the amount for which the 1485
officer, employee, or appointee does not provide itemized 1486
receipts in accordance with the policy described in division (A) 1487
of this section. 1488

(F) The use of a credit card account for expenses beyond 1489

those authorized by the board constitutes misuse of a credit 1490
card account. An officer, employee, or appointee of a township 1491
is a violation of or a public servant as defined under section 1492
2921.01 of the Revised Code who knowingly misuses a credit card 1493
account held by the board violates section 2913.21 of the 1494
Revised Code. 1495

(G) The fiscal officer or the fiscal officer's designee 1496
annually shall file a report with the board detailing all 1497
rewards received based on the use of the township's credit card 1498
account. 1499

(H) As used in this section, "credit card account" means 1500
any bank-issued credit card account, store-issued credit card 1501
account, financial institution-issued credit card account, 1502
financial depository-issued credit card account, affinity credit 1503
card account, or any other card account allowing the holder to 1504
purchase goods or services on credit or to transact with the 1505
account, and any debit or gift card account related to the 1506
receipt of grant moneys. "Credit card account" does not include 1507
a procurement card account, gasoline or telephone credit card 1508
account, or any other card account where merchant category codes 1509
are in place as a system of control for use of the card account. 1510

Sec. 511.234. ~~(A) The~~ Not later than three months after 1511
the effective date of this amendment, the board of park 1512
commissioners of a township park district may authorize an 1513
officer, employee, or appointee of the board to use that holds a 1514
credit card held by the board to pay for expenses related to 1515
park district business. The debt incurred as a result of the use 1516
of a credit card under this section shall be paid from park 1517
district funds. 1518

~~(B) No officer, employee, or appointee of a board of park~~ 1519

~~commissioners who is authorized to use a credit card held by the~~ 1520
~~board shall use it to incur any unauthorized debt against the~~ 1521
~~park district's credit.~~ 1522

~~(C) Whoever violates division (B) of this section is~~ 1523
~~guilty of one of the following:~~ 1524

~~(1) A misdemeanor of the first degree if the amount of the~~ 1525
~~unauthorized debt is no more than one hundred fifty dollars;~~ 1526

~~(2) A felony of the fourth degree if the amount of the~~ 1527
~~unauthorized debt exceeds one hundred fifty dollars.~~ 1528

~~(D) An officer, employee, or appointee, in a civil action,~~ 1529
~~may be found personally liable to the park district for the~~ 1530
~~officer's, employee's, or appointee's unauthorized use of the~~ 1531
~~park district credit card.~~ 1532

~~(E) Whenever any officer, employee, or appointee~~ 1533
~~authorized to use a credit card held by the board of park~~ 1534
~~commissioners suspects the loss, theft, or possibility of~~ 1535
~~another person's unauthorized use of the credit card that the~~ 1536
~~officer, employee, or appointee is authorized to use, the~~ 1537
~~officer, employee, or appointee shall so notify the board~~ 1538
~~immediately in writing. The officer, employee, or appointee may~~ 1539
~~be held personally liable for unauthorized debt resulting from~~ 1540
~~the loss, theft, or unauthorized use, in the amount of fifty~~ 1541
~~dollars or the amount charged to the credit card as a result of~~ 1542
~~the loss, theft, or unauthorized use, whichever is less. account~~ 1543
~~on the effective date of this amendment shall adopt a written~~ 1544
~~policy for the use of credit card accounts. Otherwise, a board~~ 1545
~~shall adopt a written policy before first holding a credit card~~ 1546
~~account.~~ 1547

The policy shall include provisions addressing all of the 1548

<u>following:</u>	1549
<u>(1) The officers, positions, or appointees authorized to use a credit card account;</u>	1550 1551
<u>(2) The types of expenses for which a credit card account may be used;</u>	1552 1553
<u>(3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;</u>	1554 1555 1556
<u>(4) The procedure for submitting itemized receipts to the clerk or the clerk's designee;</u>	1557 1558
<u>(5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;</u>	1559 1560 1561
<u>(6) The district's credit card account's maximum credit limit or limits;</u>	1562 1563
<u>(7) The actions or omissions by an officer, employee, or appointee that qualify as misuse of a credit card account.</u>	1564 1565
<u>(B) The name of the township park district shall appear on each presentation instrument related to the account including cards and checks.</u>	1566 1567 1568
<u>(C) If the clerk of the district does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the board shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize an officer, employee, or appointee to use a credit card account, except that a board of park</u>	1569 1570 1571 1572 1573 1574 1575 1576

commissioners serving in the role of compliance officer may use 1577
a credit card account if so authorized under the policy and may 1578
authorize an officer, employee, or appointee to use a credit 1579
card account as provided in division (A) of this section. The 1580
clerk is not eligible for appointment as compliance officer. 1581

(D) The compliance officer, if applicable, and the board 1582
at least quarterly shall review the number of cards and accounts 1583
issued, the number of active cards and accounts issued, the 1584
cards' and accounts' expiration dates, and the cards' and 1585
accounts' credit limits. 1586

(E) If the clerk retains general possession and control of 1587
the credit card account and presentation instruments related to 1588
the account including cards and checks, and the board authorizes 1589
an officer, employee, or appointee to use a credit card, the 1590
clerk may use a system to sign out credit cards to the 1591
authorized users. The officer, employee, or appointee is liable 1592
in person and upon any official bond the officer, employee, or 1593
appointee has given to the township park district to reimburse 1594
the district treasury the amount for which the officer, 1595
employee, or appointee does not provide itemized receipts in 1596
accordance with the policy described in division (A) of this 1597
section. 1598

(F) The use of a credit card account for expenses beyond 1599
those authorized by the board constitutes misuse of a credit 1600
card account. An officer, employee, or appointee of a township 1601
park district or a public servant as defined under section 1602
2921.01 of the Revised Code who knowingly misuses a credit card 1603
account held by the board violates section 2913.21 of the 1604
Revised Code. 1605

(G) The clerk or the clerk's designee annually shall file 1606

a report with the board detailing all rewards received based on 1607
the use of the township park district's credit card account. 1608

(H) As used in this section, "credit card account" means 1609
any bank-issued credit card account, store-issued credit card 1610
account, financial institution-issued credit card account, 1611
financial depository-issued credit card account, affinity credit 1612
card account, or any other card account allowing the holder to 1613
purchase goods or services on credit or to transact with the 1614
account, and any debit or gift card account related to the 1615
receipt of grant moneys. "Credit card account" does not include 1616
a procurement card account, gasoline or telephone credit card 1617
account, or any other card account where merchant category codes 1618
are in place as a system of control for use of the card account. 1619

Sec. 717.31. (A) Not later than three months after the 1620
effective date of this section, a legislative authority of a 1621
municipal corporation that holds a credit card account on the 1622
effective date of this section shall adopt a written policy for 1623
the use of credit card accounts. Otherwise, a legislative 1624
authority shall adopt a written policy before first holding a 1625
credit card account. 1626

The policy shall include provisions addressing all of the 1627
following: 1628

(1) The officers or positions authorized to use a credit 1629
card account; 1630

(2) The types of expenses for which a credit card account 1631
may be used; 1632

(3) The procedure for acquisition, use, and management of 1633
a credit card account and presentation instruments related to 1634
the account including cards and checks; 1635

(4) The procedure for submitting itemized receipts to the village clerk or city auditor or the clerk's or auditor's designee; 1636
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(5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards; 1639
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(6) The municipal corporation's credit card account's maximum credit limit or limits; 1642
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(7) The actions or omissions by an officer or employee that qualify as misuse of a credit card account. 1644
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(B) The name of the municipal corporation shall appear on each presentation instrument related to the account including cards and checks. 1646
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(C) If the village clerk or city auditor, as applicable, does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the following applies: 1649
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(1) In a municipal corporation that has the authority to operate a mayor's court pursuant to Chapter 1905. of the Revised Code, the chief executive officer of the municipal corporation shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize an officer or employee to use a credit card account. The village clerk or city auditor is not eligible for appointment as compliance officer. 1653
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(2) In a municipal corporation that does not have the authority to operate a mayor's court pursuant to Chapter 1905. of the Revised Code, the village clerk or city auditor monthly 1662
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shall present to the legislative authority credit card account 1665
transaction detail from the previous month. The legislative 1666
authority shall review the credit card account transaction 1667
detail and the presiding officer of the legislative authority 1668
shall sign an attestation stating the legislative authority 1669
reviewed the credit card account transaction detail. 1670

(D) The compliance officer, if applicable, and the 1671
legislative authority at least quarterly shall review the number 1672
of cards and accounts issued, the number of active cards and 1673
accounts issued, the cards' and accounts' expiration dates, and 1674
the cards' and accounts' credit limits. 1675

(E) If the village clerk or city auditor retains general 1676
possession and control of the credit card account and 1677
presentation instruments related to the account including cards 1678
and checks, and the legislative authority authorizes an officer 1679
or employee to use a credit card, the village clerk or city 1680
auditor may use a system to sign out credit cards to the 1681
authorized users. The officer or employee is liable in person 1682
and upon any official bond the officer or employee has given to 1683
the municipal corporation to reimburse the treasury the amount 1684
for which the officer or employee does not provide itemized 1685
receipts in accordance with the policy described in division (A) 1686
of this section. 1687

(F) The use of a credit card account for expenses beyond 1688
those authorized by the legislative authority constitutes misuse 1689
of a credit card account. An officer or employee of the 1690
municipal corporation or a public servant as defined under 1691
section 2921.01 of the Revised Code who knowingly misuses a 1692
credit card account held by the municipal corporation violates 1693
section 2913.21 of the Revised Code. 1694

(G) The village clerk or city auditor, as applicable, or the designee of that applicable officer annually shall file a report with the legislative authority detailing all rewards received based on the use of the municipal corporation's credit card account. 1695
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(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account. 1700
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Sec. 940.11. ~~The~~ (A) Not later than three months after the effective date of this amendment, the supervisors of a soil and water conservation district may hold one or more that hold a credit cards on behalf of the district and may authorize any supervisor or employee of the district to use such a credit card to pay for expenses related to the purposes of the district. The supervisors shall pay the debt incurred as a result of the use of such a credit card from money accepted by the supervisors as authorized under division (E) of section 940.06 of the Revised Code or from the special fund established for the district under section 940.12 of the Revised Code. The misuse of card account on the effective date of this amendment shall adopt a written policy for the use of credit card accounts. Otherwise, the supervisors shall adopt a written policy before first holding a credit card account. 1711
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The policy shall include provisions addressing all of the 1726
following: 1727

(1) The supervisors or positions authorized to use a 1728
credit card account; 1729

(2) The types of expenses for which a credit card account 1730
may be used; 1731

(3) The procedure for acquisition, use, and management of 1732
a credit card account and presentation instruments related to 1733
the account including cards and checks; 1734

(4) The procedure for submitting itemized receipts to the 1735
fiscal agent or the fiscal agent's designee; 1736

(5) The procedure for credit card issuance, credit card 1737
reissuance, credit card cancellation, and the process for 1738
reporting lost or stolen credit cards; 1739

(6) The district's credit card account's maximum credit 1740
limit or limits; 1741

(7) The actions or omissions by an officer or employee 1742
that qualify as misuse of a credit card account. 1743

(B) The name of the soil and water conservation district 1744
shall appear on each presentation instrument related to the 1745
account including cards and checks. 1746

(C) If the fiscal agent of the district does not retain 1747
general possession and control of the credit card account and 1748
presentation instruments related to the account including cards 1749
and checks, the supervisors shall appoint a compliance officer 1750
to perform the duties enumerated under division (D) of this 1751
section. The compliance officer may not use a credit card 1752
account and may not authorize a supervisor or employee to use a 1753

credit card account. The fiscal agent is not eligible for 1754
appointment as compliance officer. 1755

(D) The compliance officer, if applicable, and the 1756
supervisors at least quarterly shall review the number of cards 1757
and accounts issued, the number of active cards and accounts 1758
issued, the cards' and accounts' expiration dates, and the 1759
cards' and accounts' credit limits. 1760

(E) If the fiscal agent retains general possession and 1761
control of the credit card account and presentation instruments 1762
related to the account including cards and checks, and the 1763
supervisors authorize a supervisor or employee to use a credit 1764
card, the fiscal agent may use a system to sign out credit cards 1765
to the authorized users. The supervisor or employee is liable in 1766
person and upon any official bond the supervisor or employee has 1767
given to the district to reimburse the district treasury the 1768
amount for which the supervisor or employee does not provide 1769
itemized receipts in accordance with the policy described in 1770
division (A) of this section. 1771

(F) The use of a credit card account for expenses beyond 1772
those authorized by the supervisors constitutes misuse of a 1773
credit card account. A supervisor or employee of a soil and 1774
water conservation district or a public servant as defined under 1775
section 2921.01 of the Revised Code who knowingly misuses a 1776
credit card account held on behalf of a soil and water 1777
conservation district is a violation of violates section 2913.21 1778
of the Revised Code. In addition, a supervisor or employee of a 1779
district who makes unauthorized use of such a credit card may be 1780
held personally liable to the district for the unauthorized use. 1781
This section does not limit any other liability of a supervisor 1782
or employee of a district for the unauthorized use of such a 1783

~~credit card.~~ 1784

~~A supervisor or employee of a soil and water conservation district who is authorized to use a credit card that is held on behalf of the district and who suspects the loss, theft, or possibility of another person's unauthorized use of the credit card immediately shall notify the supervisors in writing of the suspected loss, theft, or possible unauthorized use.~~ 1785
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(G) The fiscal agent or the fiscal agent's designee annually shall file a report with the supervisors detailing all rewards received based on the use of the soil and water conservation district's credit card account. 1791
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(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account. 1795
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Sec. 940.12. The board of county commissioners of each county in which there is a soil and water conservation district may levy a tax within the ten-mill limitation and may appropriate money from the proceeds of the levy or from the general fund of the county. The money shall be held in a special fund for the credit of the district, to be expended for the purposes prescribed in ~~sections~~ section 940.08 and 940.11 of the Revised Code or under the policy adopted under section 940.11 of 1806
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the Revised Code, for construction and maintenance of 1814
improvements by the district, and for other expenses incurred in 1815
carrying out the program of the district upon the written order 1816
of the fiscal agent for the district after authorization by a 1817
majority of the supervisors of the district. 1818

Sec. 1545.072. (A) The Not later than three months after 1819
the effective date of this amendment, a board of park 1820
commissioners may authorize an officer, employee, or appointee- 1821
of the board to use of a park district that holds a credit card 1822
held by the park district to pay for expenses related to park- 1823
district business. The debt incurred as a result of the use of a 1824
credit card under this section shall be paid from park district- 1825
funds account on the effective date of this amendment shall 1826
adopt a written policy for the use of credit card accounts. 1827
Otherwise, a board shall adopt a written policy before first 1828
holding a credit card account. 1829

The policy shall include provisions addressing all of the 1830
following: 1831

(1) The officers, positions, or appointees authorized to 1832
use park district credit card accounts; 1833

(2) The types of expenses for which a credit card account 1834
may be used; 1835

(3) The procedure for acquisition, use, and management of 1836
a credit card account and presentation instruments related to 1837
the account including cards and checks; 1838

(4) The procedure for submitting itemized receipts to the 1839
treasurer or the treasurer's designee; 1840

(5) The procedure for credit card issuance, credit card 1841
reissuance, credit card cancellation, and the process for 1842

reporting lost or stolen credit cards; 1843

(6) The district's credit card account's maximum credit limit or limits; 1844
1845

(7) The actions or omissions by an officer, employee, or appointee that qualify as misuse of a credit card account. 1846
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(B) Misuse of a credit card held by the board by an The name of the park district shall appear on each presentation instrument related to the account including cards and checks. 1848
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(C) If the treasurer of the park district does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the board shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize an officer, employee, or appointee to use a credit card account. The treasurer is not eligible for appointment as compliance officer. 1851
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(D) The compliance officer, if applicable, and the board at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits. 1860
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(E) If the treasurer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the board authorizes an officer, employee, or appointee to use a credit card, the treasurer may use a system to sign out credit cards to the authorized users. The officer, employee, or appointee is liable in person and upon any official bond the officer, 1865
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employee, or appointee has given to the park district to 1872
reimburse the district treasury the amount for which the 1873
officer, employee, or appointee does not provide itemized 1874
receipts in accordance with the policy described in division (A) 1875
of this section. 1876

(F) The use of a credit card account for expenses beyond 1877
those authorized by the board constitutes misuse of a credit 1878
card account. An officer, employee, or appointee of a board of 1879
park commissioners is a violation of or a public servant as 1880
defined under section 2921.01 of the Revised Code who knowingly 1881
misuses a credit card account held by the board violates section 1882
2913.21 of the Revised Code. 1883

~~(C) An officer, employee, or appointee, in a civil action,~~ 1884
~~may be found personally liable to the park district for the~~ 1885
~~officer's, employee's, or appointee's unauthorized use of the~~ 1886
~~park district credit card.~~ 1887

~~(D) Any officer, employee, or appointee who is authorized~~ 1888
~~to use a credit card held by the board of park commissioners and~~ 1889
~~who suspects the loss, theft, or possibility of another person's~~ 1890
~~unauthorized use of the credit card shall notify the board of~~ 1891
~~park commissioners of the suspected loss, theft, or possible~~ 1892
~~unauthorized use immediately in writing.~~ 1893

~~The officer, employee, or appointee may be held personally~~ 1894
~~liable for unauthorized debt resulting from such loss, theft, or~~ 1895
~~unauthorized use, in the amount of fifty dollars or the amount~~ 1896
~~charged to the credit card as a result of the loss, theft, or~~ 1897
~~unauthorized use, whichever is less.~~ 1898

(G) The treasurer or the treasurer's designee annually 1899
shall file a report with the board detailing all rewards 1900

received based on the use of the park district's credit card 1901
account. 1902

(H) As used in this section, "credit card account" means 1903
any bank-issued credit card account, store-issued credit card 1904
account, financial institution-issued credit card account, 1905
financial depository-issued credit card account, affinity credit 1906
card account, or any other card account allowing the holder to 1907
purchase goods or services on credit or to transact with the 1908
account, and any debit or gift card account related to the 1909
receipt of grant moneys. "Credit card account" does not include 1910
a procurement card account, gasoline or telephone credit card 1911
account, or any other card account where merchant category codes 1912
are in place as a system of control for use of the card account. 1913

Sec. 1711.131. (A) ~~The~~ Not later than three months after 1914
the effective date of this amendment, the board of directors of 1915
a county agricultural society or an independent agricultural 1916
society may authorize by resolution an officer or employee of 1917
the agricultural society to use that holds a credit card held by 1918
the board to pay for expenses related to the purposes of the 1919
agricultural society. If a board elects to authorize the use of 1920
a credit card held by the board as described in this section, 1921
the board first shall adopt a policy specifying the purposes for 1922
which the credit card may be used. 1923

~~(B) An officer or employee of an agricultural society who~~ 1924
~~makes unauthorized use of a credit card held by the society's~~ 1925
~~board of directors is personally liable for the unauthorized~~ 1926
~~use. The prosecuting attorney of the appropriate county shall~~ 1927
~~recover the amount of any unauthorized expenses incurred by the~~ 1928
~~officer or employee through the misuse of the credit card in a~~ 1929
~~civil action in any court of competent jurisdiction. This~~ 1930

~~section does not limit any other liability of the officer or
employee for the unauthorized use of a credit card held by the
board of directors.~~ 1931
1932
1933

~~(C) An officer or employee who is authorized to use a
credit card held by the board of directors of an agricultural
society and who suspects the loss, theft, or possibility of
unauthorized use of the credit card immediately shall notify the
board in writing of the suspected loss, theft, or possible
unauthorized use. The officer or employee may be held personally
liable for not more than fifty dollars in unauthorized debt
incurred before the board receives the notification.~~ 1934
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~~(D) The misuse by an account on the effective date of this
amendment shall adopt a written policy for the use of credit
card accounts. Otherwise, a board shall adopt a written policy
before first holding a credit card account.~~ 1942
1943
1944
1945

~~The policy shall include provisions addressing all of the
following:~~ 1946
1947

~~(1) The officers or positions authorized to use credit
card accounts;~~ 1948
1949

~~(2) The types of expenses for which a credit card account
may be used;~~ 1950
1951

~~(3) The procedure for acquisition, use, and management of
a credit card account and presentation instruments related to
the account including cards and checks;~~ 1952
1953
1954

~~(4) The procedure for submitting itemized receipts to the
treasurer or the treasurer's designee;~~ 1955
1956

~~(5) The procedure for credit card issuance, credit card
reissuance, credit card cancellation, and the process for~~ 1957
1958

reporting lost or stolen credit cards; 1959

(6) The society's credit card account's maximum credit limit or limits; 1960
1961

(7) The actions or omissions by an officer or employee that qualify as misuse of a credit card account. 1962
1963

(B) The name of the county agricultural society or independent agricultural society shall appear on each presentation instrument related to the account including cards and checks. 1964
1965
1966
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(C) If the treasurer of the agricultural society does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the board shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize an officer or employee to use a credit card account. The treasurer is not eligible for appointment as compliance officer. 1968
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(D) The compliance officer, if applicable, and the board at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits. 1977
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(E) If the treasurer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the board authorizes an officer or employee to use a credit card, the treasurer may use a system to sign out credit cards to the authorized users. The officer or employee is liable in person 1982
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and upon any official bond the officer or employee has given to 1988
the agricultural society to reimburse the society treasury the 1989
amount for which the officer or employee does not provide 1990
itemized receipts in accordance with the policy described in 1991
division (A) of this section. 1992

(F) The use of a credit card account for expenses beyond 1993
those authorized by the board constitutes misuse of a credit 1994
card account. An officer or employee of an agricultural society 1995
or a public servant as defined under section 2921.01 of the 1996
Revised Code who knowingly misuses a credit card account held by 1997
the society's board of directors is a violation of violates 1998
section 2913.21 of the Revised Code. 1999

(G) The treasurer or the treasurer's designee annually 2000
shall file a report with the board detailing all rewards 2001
received based on the use of the society's credit card account. 2002

(H) As used in this section, "credit card account" means 2003
any bank-issued credit card account, store-issued credit card 2004
account, financial institution-issued credit card account, 2005
financial depository-issued credit card account, affinity credit 2006
card account, or any other card account allowing the holder to 2007
purchase goods or services on credit or to transact with the 2008
account, and any debit or gift card account related to the 2009
receipt of grant moneys. "Credit card account" does not include 2010
a procurement card account, gasoline or telephone credit card 2011
account, or any other card account where merchant category codes 2012
are in place as a system of control for use of the card account. 2013

Sec. 2913.21. (A) No person shall do any of the following: 2014

(1) Practice deception for the purpose of procuring the 2015
issuance of a credit card, when a credit card is issued in 2016

actual reliance thereon;	2017
(2) Knowingly buy or sell a credit card from or to a person other than the issuer;	2018 2019
<u>(3) As an officer, employee, or appointee of a political subdivision or as a public servant as defined under section 2921.01 of the Revised Code, knowingly misuse a credit card account held by a political subdivision.</u>	2020 2021 2022 2023
(B) No person, with purpose to defraud, shall do any of the following:	2024 2025
(1) Obtain control over a credit card as security for a debt;	2026 2027
(2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that the card has expired or been revoked, or was obtained, is retained, or is being used in violation of law;	2028 2029 2030 2031
(3) Furnish property or services upon presentation of a credit card, knowing that the card is being used in violation of law;	2032 2033 2034
(4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that the representation is false.	2035 2036 2037
(C) No person, with purpose to violate this section, shall receive, possess, control, or dispose of a credit card.	2038 2039
(D) (1) Whoever violates this section is guilty of misuse of credit cards.	2040 2041
(2) Except as otherwise provided in division (D) (4) of this section, a violation of division (A), (B) (1), or (C) of	2042 2043

this section is a misdemeanor of the first degree. 2044

(3) Except as otherwise provided in this division or 2045
division (D) (4) of this section, a violation of division (B) (2), 2046
(3), or (4) of this section is a misdemeanor of the first 2047
degree. If the cumulative retail value of the property and 2048
services involved in one or more violations of division (B) (2), 2049
(3), or (4) of this section, which violations involve one or 2050
more credit card accounts and occur within a period of ninety 2051
consecutive days commencing on the date of the first violation, 2052
is one thousand dollars or more and is less than seven thousand 2053
five hundred dollars, misuse of credit cards in violation of any 2054
of those divisions is a felony of the fifth degree. If the 2055
cumulative retail value of the property and services involved in 2056
one or more violations of division (B) (2), (3), or (4) of this 2057
section, which violations involve one or more credit card 2058
accounts and occur within a period of ninety consecutive days 2059
commencing on the date of the first violation, is seven thousand 2060
five hundred dollars or more and is less than one hundred fifty 2061
thousand dollars, misuse of credit cards in violation of any of 2062
those divisions is a felony of the fourth degree. If the 2063
cumulative retail value of the property and services involved in 2064
one or more violations of division (B) (2), (3), or (4) of this 2065
section, which violations involve one or more credit card 2066
accounts and occur within a period of ninety consecutive days 2067
commencing on the date of the first violation, is one hundred 2068
fifty thousand dollars or more, misuse of credit cards in 2069
violation of any of those divisions is a felony of the third 2070
degree. 2071

(4) If the victim of the offense is an elderly person or 2072
disabled adult, and if the offense involves a violation of 2073
division (B) (1) or (2) of this section, division (D) (4) of this 2074

section applies. Except as otherwise provided in division (D) (4) 2075
of this section, a violation of division (B) (1) or (2) of this 2076
section is a felony of the fifth degree. If the debt for which 2077
the card is held as security or the cumulative retail value of 2078
the property or services involved in the violation is one 2079
thousand dollars or more and is less than seven thousand five 2080
hundred dollars, a violation of either of those divisions is a 2081
felony of the fourth degree. If the debt for which the card is 2082
held as security or the cumulative retail value of the property 2083
or services involved in the violation is seven thousand five 2084
hundred dollars or more and is less than thirty-seven thousand 2085
five hundred dollars, a violation of either of those divisions 2086
is a felony of the third degree. If the debt for which the card 2087
is held as security or the cumulative retail value of the 2088
property or services involved in the violation is thirty-seven 2089
thousand five hundred dollars or more, a violation of either of 2090
those divisions is a felony of the second degree. 2091

Sec. 3313.291. The board of education of a school district 2092
may adopt a resolution establishing a petty cash account from 2093
which a designated district official may draw moneys by check 2094
signed by that official ~~or by debit card~~ for purchases made 2095
within the district. The resolution establishing the account 2096
shall specify the maximum amount of money that may be placed in 2097
the account; designate the district officials who may draw 2098
moneys from the account, or require the treasurer of such board 2099
to designate such officials; and specify the requirements and 2100
procedures for replenishing the account. 2101

Sec. 3313.311. (A) Not later than three months after the 2102
effective date of this section, a board of education of any 2103
school district, a governing board of an educational service 2104
center, or a governing authority of an information technology 2105

center that holds a credit card account on the effective date of 2106
this section shall adopt a written policy for the use of credit 2107
card accounts. Otherwise, a board or authority shall adopt a 2108
written policy before first holding a credit card account. 2109

The policy shall include provisions addressing all of the 2110
following: 2111

(1) The officers or positions authorized to use credit 2112
card accounts; 2113

(2) The types of expenses for which a credit card account 2114
may be used; 2115

(3) The procedure for acquisition, use, and management of 2116
a credit card account and presentation instruments related to 2117
the account including cards and checks; 2118

(4) The procedure for submitting itemized receipts to the 2119
treasurer or chief fiscal officer or the treasurer's or chief 2120
fiscal officer's designee; 2121

(5) The procedure for credit card issuance, credit card 2122
reissuance, credit card cancellation, and the process for 2123
reporting lost or stolen credit cards; 2124

(6) The entity's credit card account's maximum credit 2125
limit or limits; 2126

(7) The actions or omissions by an officer or employee 2127
that qualify as misuse of a credit card account. 2128

(B) The name of the school district, educational service 2129
center, or information technology center shall appear on each 2130
presentation instrument related to the account including cards 2131
and checks. 2132

(C) If the treasurer of the board of education, treasurer 2133
of the educational service center, or chief fiscal officer of 2134
the information technology center does not retain general 2135
possession and control of the credit card account and 2136
presentation instruments related to the account including cards 2137
and checks, the board, governing board, or governing authority 2138
shall appoint a compliance officer to perform the duties 2139
enumerated under division (D) of this section. Except a 2140
superintendent of a school district or chief administrator of an 2141
information technology center serving as compliance officer, the 2142
compliance officer may not use a credit card account. The 2143
compliance officer may not authorize an officer or employee to 2144
use a credit card account. If a school district superintendent 2145
acting as compliance officer has authority to use a credit card 2146
account, the treasurer or the treasurer's designee, who shall 2147
not be the school district superintendent, monthly shall review 2148
the credit card account transaction detail and shall sign an 2149
attestation stating the treasurer or designee reviewed the 2150
credit card account transaction detail. If the chief 2151
administrator of an information technology center acting as 2152
compliance officer has authority to use a credit card account, 2153
the governing authority monthly shall review the credit card 2154
account transaction detail and shall sign an attestation stating 2155
the governing authority reviewed the credit card account 2156
transaction detail. The treasurer of the board of education, 2157
treasurer of the educational service center, and chief fiscal 2158
officer of the information technology center are not eligible 2159
for appointment as compliance officer. The superintendent of a 2160
school district or chief administrator of an information 2161
technology center is eligible for appointment as compliance 2162
officer. 2163

(D) The compliance officer, if applicable, at least once 2164
every six months shall review the number of cards and accounts 2165
issued, the number of active cards and accounts issued, the 2166
cards' and accounts' expiration dates, and the cards' and 2167
accounts' credit limits. 2168

(E) If the treasurer of the board of education, treasurer 2169
of the educational service center, or chief fiscal officer of 2170
the information technology center retains general possession and 2171
control of the credit card account and presentation instruments 2172
related to the account including cards and checks, and the board 2173
or authority authorizes an officer or employee to use a credit 2174
card, the treasurer or chief fiscal officer may use a system to 2175
sign out credit cards to the authorized users. The officer or 2176
employee is liable in person and upon any official bond the 2177
officer or employee has given to the school district, 2178
educational service center, or information technology center to 2179
reimburse the treasury the amount for which the officer or 2180
employee does not provide itemized receipts in accordance with 2181
the policy described in division (A) of this section. 2182

(F) The use of a credit card account for expenses beyond 2183
those authorized by the board or authority constitutes misuse of 2184
a credit card account. An officer or employee of a school 2185
district, educational service center, or information technology 2186
center or a public servant as defined under section 2921.01 of 2187
the Revised Code who knowingly misuses a credit card account 2188
held by a board or authority violates section 2913.21 of the 2189
Revised Code. 2190

(G) The treasurer or chief fiscal officer, as applicable, 2191
or the designee of that applicable officer annually shall file a 2192
report with the board or authority detailing all rewards 2193

received based on the use of the credit card account. 2194

(H) As used in this section, "credit card account" means 2195
any bank-issued credit card account, store-issued credit card 2196
account, financial institution-issued credit card account, 2197
financial depository-issued credit card account, affinity credit 2198
card account, or any other card account allowing the holder to 2199
purchase goods or services on credit or to transact with the 2200
account, and any debit or gift card account related to the 2201
receipt of grant moneys. "Credit card account" does not include 2202
a procurement card account, gasoline or telephone credit card 2203
account, or any other card account where merchant category codes 2204
are in place as a system of control for use of the card account. 2205

Sec. 3314.52. (A) Not later than three months after the 2206
effective date of this section, the governing authority of a 2207
community school that holds a credit card account on the 2208
effective date of this section shall adopt a written policy for 2209
the use of credit card accounts. Otherwise, a governing 2210
authority shall adopt a written policy before first holding a 2211
credit card account. 2212

The policy shall include provisions addressing all of the 2213
following: 2214

(1) The officers or positions authorized to use credit 2215
card accounts; 2216

(2) The types of expenses for which a credit card account 2217
may be used; 2218

(3) The procedure for acquisition, use, and management of 2219
a credit card account and presentation instruments related to 2220
the account including cards and checks; 2221

(4) The procedure for submitting itemized receipts to the 2222

designated fiscal officer or the designated fiscal officer's 2223
designee; 2224

(5) The procedure for credit card issuance, credit card 2225
reissuance, credit card cancellation, and the process for 2226
reporting lost or stolen credit cards; 2227

(6) The community school's credit card account's maximum 2228
credit limit or limits; 2229

(7) The actions or omissions by an officer or employee 2230
that qualify as misuse of a credit card account. 2231

(B) The name of the community school shall appear on each 2232
presentation instrument related to the account including cards 2233
and checks. 2234

(C) If the designated fiscal officer of the community 2235
school does not retain general possession and control of the 2236
credit card account and presentation instruments related to the 2237
account including cards and checks, the governing authority 2238
shall appoint a compliance officer to perform the duties 2239
enumerated under division (D) of this section. Except a chief 2240
administrator of a community school serving as compliance 2241
officer, the compliance officer may not use a credit card 2242
account. The compliance officer may not authorize an officer or 2243
employee to use a credit card account. If a chief administrator 2244
acting as compliance officer has authority to use a credit card 2245
account, the governing authority monthly shall review the credit 2246
card account transaction detail and shall sign an attestation 2247
stating the governing authority reviewed the credit card account 2248
transaction detail. The designated fiscal officer is not 2249
eligible for appointment as compliance officer. The chief 2250
administrator is eligible for appointment as compliance officer. 2251

(D) The compliance officer, if applicable, and the governing authority at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits. 2252
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(E) If the designated fiscal officer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the governing authority authorizes an officer or employee to use a credit card, the fiscal officer may use a system to sign out credit cards to the authorized users. The officer or employee is liable in person and upon any official bond the officer or employee has given to the community school to reimburse the school treasury the amount for which the officer or employee does not provide itemized receipts in accordance with the policy described in division (A) of this section. 2257
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(F) The use of a credit card account for expenses beyond those authorized by the governing authority constitutes misuse of a credit card account. An officer or employee of a community school or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the governing authority violates section 2913.21 of the Revised Code. 2269
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(G) The designated fiscal officer or the designated fiscal officer's designee annually shall file a report with the governing authority detailing all rewards received based on the use of the community school's credit card account. 2276
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(H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card 2280
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account, financial institution-issued credit card account, 2282
financial depository-issued credit card account, affinity credit 2283
card account, or any other card account allowing the holder to 2284
purchase goods or services on credit or to transact with the 2285
account, and any debit or gift card account related to the 2286
receipt of grant moneys. "Credit card account" does not include 2287
a procurement card account, gasoline or telephone credit card 2288
account, or any other card account where merchant category codes 2289
are in place as a system of control for use of the card account. 2290

Sec. 3326.52. (A) Not later than three months after the 2291
effective date of this section, the governing body of a STEM 2292
school that holds a credit card account on the effective date of 2293
this section shall adopt a written policy for the use of credit 2294
card accounts. Otherwise, a governing body shall adopt a written 2295
policy before first holding a credit card account. 2296

The policy shall include provisions addressing all of the 2297
following: 2298

(1) The officers or positions authorized to use credit 2299
card accounts; 2300

(2) The types of expenses for which a credit card account 2301
may be used; 2302

(3) The procedure for acquisition, use, and management of 2303
a credit card account and presentation instruments related to 2304
the account including cards and checks; 2305

(4) The procedure for submitting itemized receipts to the 2306
treasurer or the treasurer's designee; 2307

(5) The procedure for credit card issuance, credit card 2308
reissuance, credit card cancellation, and the process for 2309
reporting lost or stolen credit cards; 2310

(6) The STEM school's credit card account's maximum credit 2311
limit or limits; 2312

(7) The actions or omissions by an officer or employee 2313
that qualify as misuse of a credit card account. 2314

(B) The name of the STEM school shall appear on each 2315
presentation instrument related to the account including cards 2316
and checks. 2317

(C) If the treasurer of the STEM school does not retain 2318
general possession and control of the credit card account and 2319
presentation instruments related to the account including cards 2320
and checks, the governing body shall appoint a compliance 2321
officer to perform the duties enumerated under division (D) of 2322
this section. Except a chief administrator of a STEM school 2323
serving as compliance officer, the compliance officer may not 2324
use a credit card account. The compliance officer may not 2325
authorize an officer or employee to use a credit card account. 2326
If the chief administrator acting as compliance officer has 2327
authority to use a credit card account, the governing body 2328
monthly shall review the credit card account transaction detail 2329
and shall sign an attestation stating the governing body 2330
reviewed the credit card account transaction detail. The 2331
treasurer is not eligible for appointment as compliance officer. 2332
The chief administrator is eligible for appointment as 2333
compliance officer. 2334

(D) The compliance officer, if applicable, and the 2335
governing body at least quarterly shall review the number of 2336
cards and accounts issued, the number of active cards and 2337
accounts issued, the cards' and accounts' expiration dates, and 2338
the cards' and accounts' credit limits. 2339

(E) If the treasurer retains general possession and 2340
control of the credit card account and presentation instruments 2341
related to the account including cards and checks, and the 2342
governing body authorizes an officer or employee to use a credit 2343
card, the treasurer may use a system to sign out credit cards to 2344
the authorized users. The officer or employee is liable in 2345
person and upon any official bond the officer or employee has 2346
given to the school to reimburse the school treasury the amount 2347
for which the officer or employee does not provide itemized 2348
receipts in accordance with the policy described in division (A) 2349
of this section. 2350

(F) The use of a credit card account for expenses beyond 2351
those authorized by the governing body constitutes misuse of a 2352
credit card account. An officer or employee of a STEM school or 2353
a public servant as defined under section 2921.01 of the Revised 2354
Code who knowingly misuses a credit card account held by the 2355
governing body violates section 2913.21 of the Revised Code. 2356

(G) The treasurer or the treasurer's designee annually 2357
shall file a report with the governing body detailing all 2358
rewards received based on the use of the STEM school's credit 2359
card account. 2360

(H) As used in this section, "credit card account" means 2361
any bank-issued credit card account, store-issued credit card 2362
account, financial institution-issued credit card account, 2363
financial depository-issued credit card account, affinity credit 2364
card account, or any other card account allowing the holder to 2365
purchase goods or services on credit or to transact with the 2366
account, and any debit or gift card account related to the 2367
receipt of grant moneys. "Credit card account" does not include 2368
a procurement card account, gasoline or telephone credit card 2369

account, or any other card account where merchant category codes 2370
are in place as a system of control for use of the card account. 2371

Sec. 3328.52. (A) Not later than three months after the 2372
effective date of this section, the board of trustees of a 2373
college-preparatory boarding school that holds a credit card 2374
account on the effective date of this section shall adopt a 2375
written policy for the use of credit card accounts. Otherwise, a 2376
board shall adopt a written policy before first holding a credit 2377
card account. 2378

The policy shall include provisions addressing all of the 2379
following: 2380

(1) The officers or positions authorized to use credit 2381
card accounts; 2382

(2) The types of expenses for which a credit card account 2383
may be used; 2384

(3) The procedure for acquisition, use, and management of 2385
a credit card account and presentation instruments related to 2386
the account including cards and checks; 2387

(4) The procedure for submitting itemized receipts to the 2388
fiscal officer or the fiscal officer's designee; 2389

(5) The procedure for credit card issuance, credit card 2390
reissuance, credit card cancellation, and the process for 2391
reporting lost or stolen credit cards; 2392

(6) The school's credit card account's maximum credit 2393
limit or limits; 2394

(7) The actions or omissions by an officer or employee 2395
that qualify as misuse of a credit card account. 2396

(B) The name of the college-preparatory boarding school shall appear on each presentation instrument related to the account including cards and checks. 2397
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(C) If the fiscal officer of the college-preparatory boarding school does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the board shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. Except a chief administrator of college-preparatory boarding school serving as compliance officer, the compliance officer may not use a credit card account. The compliance officer may not authorize an officer or employee to use a credit card account. If the chief administrator acting as compliance officer has authority to use a credit card account, the board monthly shall review the credit card account transaction detail and shall sign an attestation stating the board reviewed the credit card account transaction detail. The fiscal officer is not eligible for appointment as compliance officer. The chief administrator is eligible for appointment as compliance officer. 2400
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(D) The compliance officer, if applicable, and the board at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits. 2417
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(E) If the fiscal officer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the board authorizes an officer or employee to use a credit card, the fiscal officer may use a system to sign out credit cards to the 2422
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authorized users. The officer or employee is liable in person 2427
and upon any official bond the officer or employee has given to 2428
the school to reimburse the school treasury the amount for which 2429
the officer or employee does not provide itemized receipts in 2430
accordance with the policy described in division (A) of this 2431
section. 2432

(F) The use of a credit card account for expenses beyond 2433
those authorized by the board constitutes misuse of a credit 2434
card account. An officer or employee of a college-preparatory 2435
boarding school or a public servant as defined under section 2436
2921.01 of the Revised Code who knowingly misuses a credit card 2437
account held by the board violates section 2913.21 of the 2438
Revised Code. 2439

(G) The fiscal officer or the fiscal officer's designee 2440
annually shall file a report with the board detailing all 2441
rewards received based on the use of the college-preparatory 2442
boarding school's credit card account. 2443

(H) As used in this section, "credit card account" means 2444
any bank-issued credit card account, store-issued credit card 2445
account, financial institution-issued credit card account, 2446
financial depository-issued credit card account, affinity credit 2447
card account, or any other card account allowing the holder to 2448
purchase goods or services on credit or to transact with the 2449
account, and any debit or gift card account related to the 2450
receipt of grant moneys. "Credit card account" does not include 2451
a procurement card account, gasoline or telephone credit card 2452
account, or any other card account where merchant category codes 2453
are in place as a system of control for use of the card account. 2454

Sec. 3375.392. (A) A—Not later than three months after the 2455
effective date of this amendment, a board of library trustees 2456

appointed pursuant to section 3375.06, 3375.10, 3375.12, 2457
3375.15, 3375.22, or 3375.30 of the Revised Code ~~may authorize~~ 2458
~~an officer, employee, or appointee of the~~ a free public library 2459
~~under its jurisdiction to use a credit card that the library~~ 2460
~~holds to pay for expenses related to library business. The debt~~ 2461
~~incurred as a result of the use of the credit card shall be paid~~ 2462
~~from library funds.~~ 2463

~~(B) Misuse of a credit card of a free public library by an~~ 2464
~~or library district that holds a credit card account on the~~ 2465
effective date of this amendment shall adopt a written policy 2466
for the use of credit card accounts. Otherwise, a board shall 2467
adopt a written policy before first holding a credit card 2468
account. 2469

The policy shall include provisions addressing all of the 2470
following: 2471

(1) The officers, positions, or appointees authorized to 2472
use credit card accounts; 2473

(2) The types of expenses for which a credit card account 2474
may be used; 2475

(3) The procedure for acquisition, use, and management of 2476
a credit card account and presentation instruments related to 2477
the account including cards and checks; 2478

(4) The procedure for submitting itemized receipts to the 2479
fiscal officer or the fiscal officer's designee; 2480

(5) The procedure for credit card issuance, credit card 2481
reissuance, credit card cancellation, and the process for 2482
reporting lost or stolen credit cards; 2483

(6) The library's or district's credit card account's 2484

maximum credit limit or limits; 2485

(7) The actions or omissions by an officer, employee, or 2486
appointee that qualify as misuse of a credit card account. 2487

(B) The name of the free public library or library 2488
district shall appear on each presentation instrument related to 2489
the account including cards and checks. 2490

(C) If the fiscal officer of a free public library or 2491
library district does not retain general possession and control 2492
of the credit card account and presentation instruments related 2493
to the account including cards and checks, the board shall 2494
appoint a compliance officer to perform the duties enumerated 2495
under division (D) of this section. The compliance officer may 2496
use a credit card account only upon authority from the fiscal 2497
officer of the free public library or library district, except 2498
the director of a free public library or library district 2499
serving in the role of compliance officer may use a credit card 2500
if so authorized under the policy. If the compliance officer has 2501
authority to use a credit card account, the fiscal officer or 2502
the fiscal officer's designee, who shall not be the compliance 2503
officer, monthly shall review the credit card account 2504
transaction detail and shall sign an attestation stating the 2505
fiscal officer or designee reviewed the credit card account 2506
transaction detail. The compliance officer may not authorize an 2507
officer, employee, or appointee to use a credit card account, 2508
except a director serving in the role of compliance officer may 2509
authorize an officer, employee, or appointee to use a credit 2510
card account. The fiscal officer of the free public library or 2511
library district is not eligible for appointment as compliance 2512
officer. The director is eligible for appointment as compliance 2513
officer. 2514

(D) The compliance officer, if applicable, at least once 2515
every six months shall review the number of cards and accounts 2516
issued, the number of active cards and accounts issued, the 2517
cards' and accounts' expiration dates, and the cards' and 2518
accounts' credit limits. 2519

(E) If the fiscal officer retains general possession and 2520
control of the credit card account and presentation instruments 2521
related to the account including cards and checks, and the board 2522
or director authorizes an officer, employee, or appointee to use 2523
a credit card, the fiscal officer may use a system to sign out 2524
credit cards to the authorized users. The officer, employee, or 2525
appointee is liable in person and upon any official bond the 2526
officer, employee, or appointee has given to the library or 2527
district to reimburse the library or district treasury the 2528
amount for which the officer, employee, or appointee does not 2529
provide itemized receipts in accordance with the policy 2530
described in division (A) of this section. 2531

(F) The use of a credit card account for expenses beyond 2532
those authorized by the board constitutes misuse of a credit 2533
card account. An officer, employee, or appointee of the library 2534
is subject to or district or a public servant as defined under 2535
section 2921.01 of the Revised Code who knowingly misuses a 2536
credit card account held by the board violates section 2913.21 2537
of the Revised Code. The officer, employee, or appointee also 2538
may be found personally liable to the library in a civil action 2539
for the officer's, employee's, or appointee's misuse of the 2540
library's credit card. 2541

~~(C) Any officer, employee, or appointee of a free public~~ 2542
~~library who is authorized to use a credit card that the library~~ 2543
~~holds and who suspects the loss, the theft, or another person's~~ 2544

~~possible unauthorized use of the credit card shall notify the~~ 2545
~~board of library trustees immediately in writing of the~~ 2546
~~suspected loss, theft, or possible unauthorized use. The~~ 2547
~~officer, employee, or appointee may be held personally liable to~~ 2548
~~the library for any unauthorized debt resulting from the credit~~ 2549
~~card's loss, theft, or unauthorized use in the amount of fifty~~ 2550
~~dollars or the amount charged to the credit card as a result of~~ 2551
~~the loss, theft, or unauthorized use, whichever is less.~~ 2552

(G) The fiscal officer or the fiscal officer's designee 2553
annually shall file a report with the board detailing all 2554
rewards received based on the use of the free public library's 2555
or library district's credit card account. 2556

(H) As used in this section, "credit card account" means 2557
any bank-issued credit card account, store-issued credit card 2558
account, financial institution-issued credit card account, 2559
financial depository-issued credit card account, affinity credit 2560
card account, or any other card account allowing the holder to 2561
purchase goods or services on credit or to transact with the 2562
account, and any debit or gift card account related to the 2563
receipt of grant moneys. "Credit card account" does not include 2564
a procurement card account, gasoline or telephone credit card 2565
account, or any other card account where merchant category codes 2566
are in place as a system of control for use of the card account. 2567

Sec. 6119.60. (A) Not later than three months after the 2568
effective date of this section, a board of trustees of a 2569
regional water and sewer district that holds a credit card 2570
account on the effective date of this section shall adopt a 2571
written policy for the use of credit card accounts. Otherwise, a 2572
board shall adopt a written policy before first holding a credit 2573
card account. 2574

<u>The policy shall include provisions addressing all of the</u>	2575
<u>following:</u>	2576
<u>(1) The officers or positions authorized to use credit</u>	2577
<u>card accounts;</u>	2578
<u>(2) The types of expenses for which a credit card account</u>	2579
<u>may be used;</u>	2580
<u>(3) The procedure for acquisition, use, and management of</u>	2581
<u>a credit card account and presentation instruments related to</u>	2582
<u>the account including cards and checks;</u>	2583
<u>(4) The procedure for submitting itemized receipts to the</u>	2584
<u>fiscal officer or the fiscal officer's designee;</u>	2585
<u>(5) The procedure for credit card issuance, credit card</u>	2586
<u>reissuance, credit card cancellation, and the process for</u>	2587
<u>reporting lost or stolen credit cards;</u>	2588
<u>(6) The district's credit card account's maximum credit</u>	2589
<u>limit or limits;</u>	2590
<u>(7) The actions or omissions by an officer or employee</u>	2591
<u>that qualify as misuse of a credit card account.</u>	2592
<u>(B) The name of the regional water and sewer district</u>	2593
<u>shall appear on each presentation instrument related to the</u>	2594
<u>account including cards and checks.</u>	2595
<u>(C) If the fiscal officer of the district does not retain</u>	2596
<u>general possession and control of the credit card account and</u>	2597
<u>presentation instruments related to the account including cards</u>	2598
<u>and checks, the board shall appoint a compliance officer to</u>	2599
<u>perform the duties enumerated under division (D) of this</u>	2600
<u>section. The compliance officer may not use a credit card</u>	2601
<u>account and may not authorize an officer or employee to use a</u>	2602

credit card account. The fiscal officer is not eligible for 2603
appointment as compliance officer. 2604

(D) The compliance officer, if applicable, and the board 2605
at least quarterly shall review the number of cards and accounts 2606
issued, the number of active cards and accounts issued, the 2607
cards' and accounts' expiration dates, and the cards' and 2608
accounts' credit limits. 2609

(E) If the fiscal officer retains general possession and 2610
control of the credit card account and presentation instruments 2611
related to the account including cards and checks, and the board 2612
authorizes an officer or employee to use a credit card, the 2613
fiscal officer may use a system to sign out credit cards to the 2614
authorized users. The officer or employee is liable in person 2615
and upon any official bond the officer or employee has given to 2616
the district to reimburse the district treasury the amount for 2617
which the officer or employee does not provide itemized receipts 2618
in accordance with the policy described in division (A) of this 2619
section. 2620

(F) The use of a credit card account for expenses beyond 2621
those authorized by the board constitutes misuse of a credit 2622
card account. An officer or employee of a regional water and 2623
sewer district or a public servant as defined under section 2624
2921.01 of the Revised Code who knowingly misuses a credit card 2625
account held by the board violates section 2913.21 of the 2626
Revised Code. 2627

(G) The fiscal officer or the fiscal officer's designee 2628
annually shall file a report with the board detailing all 2629
rewards received based on the use of the regional water and 2630
sewer district's credit card account. 2631

(H) As used in this section, "credit card account" means 2632
any bank-issued credit card account, store-issued credit card 2633
account, financial institution-issued credit card account, 2634
financial depository-issued credit card account, affinity credit 2635
card account, or any other card account allowing the holder to 2636
purchase goods or services on credit or to transact with the 2637
account, and any debit or gift card account related to the 2638
receipt of grant moneys. "Credit card account" does not include 2639
a procurement card account, gasoline or telephone credit card 2640
account, or any other card account where merchant category codes 2641
are in place as a system of control for use of the card account. 2642

Section 2. That existing sections 117.09, 117.103, 117.38, 2643
118.05, 118.07, 149.43, 505.64, 511.234, 940.11, 940.12, 2644
1545.072, 1711.131, 2913.21, 3313.291, and 3375.392 of the 2645
Revised Code are hereby repealed. 2646

Section 3. As used in this section, "qualified property" 2647
means territory leased by the state under section 1506.11 of the 2648
Revised Code, the lease of which has been assigned to a 2649
municipal corporation as lessee. 2650

Notwithstanding section 5713.081 and division (F) of 2651
section 1506.11 of the Revised Code, when qualified property 2652
used exclusively for a public purpose for the purposes of 2653
section 5709.08 of the Revised Code has not received tax 2654
exemption under that section, the lessee municipal corporation, 2655
at any time on or before December 31, 2018, may file with the 2656
Tax Commissioner an application requesting that the property be 2657
placed on the tax-exempt list and that unpaid taxes, penalties, 2658
and interest charged and payable after December 31, 2003, on the 2659
property be abated, provided that taxes, penalties, and interest 2660
charged and payable for any tax year the property was used in 2661

the operation of a business may not be abated. 2662

The application shall be made on the form prescribed by 2663
the Tax Commissioner under section 5715.27 of the Revised Code 2664
and shall list the name of the county in which the property is 2665
located; the property's parcel number or legal description; its 2666
assessed value; the amount in dollars of the unpaid taxes, 2667
penalties, and interest charged and payable after December 31, 2668
2003; and any other information required by the Tax 2669
Commissioner. The county auditor shall supply the required 2670
information upon request of the applicant. 2671

After receiving and considering the application, the 2672
Commissioner shall determine if the applicant meets the 2673
qualifications set forth in this section. If so, the 2674
Commissioner shall issue an order directing that the property be 2675
placed on the tax-exempt list of the county and that unpaid 2676
taxes, penalties, and interest charged and payable after 2677
December 31, 2003, be abated except for taxes, penalties, and 2678
interest charged and payable for any tax year that the property 2679
was used in the operation of a business. Such taxes, penalties, 2680
and interest shall be abated even if the property was subject to 2681
more than one lease during the period for which the abatement 2682
was requested. If the Commissioner finds that the property is 2683
not now being used for an exempt purpose or is otherwise 2684
ineligible for abatement of taxes, penalties, and interest under 2685
this section, the Commissioner shall issue an order denying the 2686
application. 2687

If the Commissioner finds that the property is not 2688
entitled to tax exemption and the abatement of unpaid taxes, 2689
penalties, and interest, the Commissioner shall order the county 2690
treasurer of the county in which the property is located to 2691

collect all taxes, penalties, and interest due on the property	2692
in accordance with law.	2693
The Commissioner may apply this section to any qualified	2694
property that is the subject of an application for exemption	2695
pending before the Commissioner on the effective date of this	2696
section without requiring the property owner to file an	2697
additional application.	2698