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Strahorn, Skindell, Brown, DeGeeter, Collier, Miller, Reidelbach, Mason,
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Hughes, Kilbane, Niehaus, Oelslager, T. Patton, Peterson, Schlichter,
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Randy Gardner, Robert Gardner, Goodman, Hagan, Harris, Hottinger,
Jacobson, Jordan, Mallory, Miller, Nein, Padgett, Prentiss, Spada,
Wachtmann, White, Zurz**

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A B I L L

To amend sections 125.021, 3313.64, 4933.12, and 1
4933.121 and to enact sections 317.322, 1343.031, 2
1349.02, 1349.03, 1713.60, 1923.062, 3332.20, 3
3345.53, and 3915.053 of the Revised Code to 4
prohibit certain creditors from charging or 5
collecting interest or finance charges exceeding 6
six per cent per annum on specified obligations of 7
persons who are deployed on active duty; to permit 8
a child whose parent is deployed on active duty to 9
continue to attend school in the district in which 10

the child's parent lived before being called to 11
active military duty; to permit a child living 12
with an agent of the child's parent appointed 13
under a military power of attorney or a comparable 14
document to attend school in the school district 15
in which the agent resides; to exempt members of 16
the armed forces of the United States from any 17
recording fee associated with filing a military 18
power of attorney with the county recorder; to 19
provide under certain circumstances a tenant or 20
resident who is deployed on active duty or a 21
member of his or her immediate family with a stay 22
of proceedings or an adjustment of their rental 23
obligation in an action for possession of 24
residential premises under the Eviction Law; to 25
ensure that individual life insurance policies 26
continue in force despite nonpayment of premiums 27
during the insured's period of active duty; to 28
prohibit a gas or electric company from 29
disconnecting service to the residential premises 30
of any consumer who is deployed on active duty; to 31
allow gas and electric companies to recover 32
arrears incurred during a period of deployment 33
in a specified time period and a specified manner 34
and certain of those companies to recover certain 35
uncollectible amounts owed by residential 36
customers deployed on active duty through a 37
recovery procedure approved by the Public 38
Utilities Commission; to require public and 39
private institutions of higher education to grant 40
a military leave of absence to students who are 41
deployed on active duty, to reinstate those 42
students to the same educational status as before 43

active duty, and to either partially refund paid 44
tuition or credit paid tuition to a future 45
academic term; to permit a person deployed on 46
active duty to terminate a motor vehicle lease or 47
cellular phone contract under specified 48
conditions; and to allow the Department of 49
Administrative Services to make available bulk 50
long distance telephone services at cost to the 51
immediate family members of persons deployed on 52
active duty. 53

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

Section 1. That sections 125.021, 3313.64, 4933.12, and 54
4933.121 be amended and sections 317.322, 1343.031, 1349.02, 55
1349.03, 1713.60, 1923.062, 3332.20, 3345.53, and 3915.053 of the 56
Revised Code be enacted to read as follows: 57

Sec. 125.021. (A) Except as to the military department, the 58
general assembly, the bureau of workers' compensation, and 59
institutions administered by boards of trustees, the department of 60
administrative services may ~~make contracts~~ contract for, operate, 61
and superintend ~~the~~ telephone, other telecommunication, and 62
computer services for state agencies. Nothing 63

~~Nothing~~ in this ~~section~~ division precludes the bureau from 64
~~entering into a contract~~ contracting with the department of 65
~~administrative services for~~ to authorize the department to ~~make~~
~~contracts~~ contract for, operate, or superintend ~~such systems~~ those
services for the bureau. 68

(B)(1) As used in this division: 69

(a) "Active duty" means active duty pursuant to an executive 70
order of the president of the United States, an act of the 71

congress of the United States, or section 5919.29 or 5923.21 of
the Revised Code.

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(b) "Immediate family" means a person's spouse residing in
the person's household, brothers and sisters of the whole or of
the half blood, children, including adopted children and
stepchildren, parents, and grandparents.

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(2) The department of administrative services may enter into
a contract to purchase bulk long distance telephone services and
make them available at cost, or may make bulk long distance
telephone services available at cost under any existing contract
the department has entered into, to members of the immediate
family of persons deployed on active duty so that those family
members can communicate with the persons so deployed. If the
department enters contracts under division (B)(2) of this section
it shall do so in accordance with sections 125.01 to 125.11 of the
Revised Code and in a nondiscriminatory manner that does not place
any potential vendor at a competitive disadvantage.

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(3) If the department decides to exercise either option under
division (B)(2) of this section, it shall adopt, and may amend,
rules under Chapter 119. of the Revised Code to implement that
division.

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Sec. 317.322. Notwithstanding any contrary provision of
section 317.32 or Chapter 1337. of the Revised Code, the county
recorder shall not charge a fee to any member of the armed forces
of the United States who presents for recording a military power
of attorney executed pursuant to section 574(a) of the "National
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674
(1993), 10 U.S.C. 1044b.

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Sec. 1343.031. (A) As used in this section:

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(1) "Active duty" means active duty pursuant to an executive

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order of the president of the United States, an act of the 102
congress of the United States, or section 5919.29 or 5923.21 of 103
the Revised Code. 104

(2) "Obligation" means any retail installment sales contract, 105
other contract for the purchase of goods or services, or bond, 106
bill, note, or other instrument of writing for the payment of 107
money arising out of a contract or other transaction for the 108
purchase of goods or services. 109

(B) Notwithstanding any contrary provision of the Revised 110
Code, no creditor in connection with an obligation entered into on 111
or after the effective date of this section shall charge or 112
collect from a person, or spouse of a person, who is deployed on 113
active duty interest or finance charges exceeding six per cent per 114
annum during the period that the person is deployed on active 115
duty. 116

(C) Notwithstanding any contrary provision of the Revised 117
Code, interest or finance charges in excess of six per cent per 118
annum that otherwise would be incurred but for the prohibition in 119
division (B) of this section are forgiven. 120

(D) The amount of any periodic payment due from a person, or 121
spouse of a person, who is deployed on active duty under the terms 122
of the obligation shall be reduced by the amount of the interest 123
and finance charges forgiven under division (C) of this section 124
that is allocable to the period for which the periodic payment is 125
made. 126

(E) In order for an obligation to be subject to the interest 127
and finance charges limitation of this section, the person, or 128
spouse of the person, deployed on active duty shall provide the 129
creditor with written notice of and a copy of the military or 130
gubernatorial orders calling the person to active duty and of any 131
orders further extending active duty, not later than one hundred 132

eighty days after the date of the person's termination of or 133
release from active duty. 134

(F) Upon receipt of the written notice and a copy of the 135
orders referred to in division (E) of this section, the creditor 136
shall treat the obligation in accordance with division (B) of this 137
section, effective as of the date on which the person is deployed 138
to active duty. 139

(G) A court may grant a creditor relief from the interest and 140
finance charges limitation of this section, if, in the opinion of 141
the court, the ability of the person, or spouse of the person, 142
deployed on active duty to pay interest or finance charges with 143
respect to the obligation at a rate in excess of six per cent per 144
annum is not materially affected by reason of the person's 145
deployment on active duty. 146

Sec. 1349.02. (A) As used in this section: 147

(1) "Active duty" means active duty pursuant to an executive 148
order of the president of the United States, an act of the 149
congress of the United States, or section 5919.29 or 5923.21 of 150
the Revised Code. 151

(2) "Motor vehicle" means any automobile, car minivan, 152
passenger van, sport utility vehicle, pickup truck, or other 153
self-propelled vehicle not operated or driven on fixed rails or 154
track. 155

(B) Any person, or spouse of a person, who is deployed on 156
active duty for a period of not less than one hundred eighty days 157
may terminate any motor vehicle lease that meets both of the 158
following requirements:

(1) It is entered into on or after the effective date of this 159
section. 160

(2) It is executed by or on behalf of the person who is 161

deployed on active duty.

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(C) Termination of the motor vehicle lease shall not be effective until:

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(1) The person who is deployed on active duty or the person's spouse gives the lessor by certified mail, return receipt requested, a notice of the intention to terminate the lease together with a copy of the military or gubernatorial orders calling the person to active duty; and

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(2) The motor vehicle subject to the lease is returned to the custody or control of the lessor not later than fifteen days after the delivery of the written notice.

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(D) Lease amounts unpaid for the period preceding the effective date of the lease's termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, costs of summons, and title or registration fees and any other obligation and liability of the lessee under the terms of the lease, including reasonable charges to the lessee for excess wear, use, and mileage, that are due and unpaid at the time of the lease's termination shall be paid by the lessee.

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(E) The lessor shall refund to the lessee lease amounts paid in advance for a period after the effective date of the lease's termination within thirty days of the effective date of the lease's termination.

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(F) Upon application by the lessor to a court before the effective date of the lease's termination, relief granted by this section may be modified as justice and equity require.

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Sec. 1349.03. (A) As used in this section, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

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(B) Any person, or spouse of a person, who is deployed on active duty may terminate, without penalty, a cellular phone contract that meets both of the following requirements: 190
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(1) It is entered into on or after the effective date of this section. 193
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(2) It is executed by or on behalf of the person who is deployed on active duty. 195
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(C) Termination of the cellular phone contract shall not be effective until: 197
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(1) Thirty days after the person who is deployed on active duty or the person's spouse gives notice by certified mail, return receipt requested, of the intention to terminate the cellular phone contract; and 199
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(2) Unless the person who is deployed on active duty owns the cellular phone, the cellular phone is returned to the custody or control of the cellular telephone company, or the person who is deployed on active duty or the person's spouse agrees in writing to return the cellular phone as soon as practicable after the deployment is completed. 203
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Sec. 1713.60. As used in this section, "active duty" means full-time duty in the active military service of the United States, including full-time training duty, annual training duty, and active state duty for members of the national guard. 209
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(A) Each institution of higher education that holds a certificate of authorization issued under this chapter shall grant a student a military leave of absence from the institution while the student is serving on active duty, and for one year after the conclusion of that service, if the student is a member of the United States national guard or other reserve component of the armed forces of the United States, or a member of those armed 213
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forces in a retired status, and is called to active duty. The
student shall not suffer an academic penalty as a result of the
leave of absence.

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(B) If requested by a student granted a military leave of
absence pursuant to division (A) of this section not later than
one year after the student's release from active duty, the
institution in which the student is enrolled shall do either of
the following, as elected by the student:

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(1) Credit tuition and fee charges toward a subsequent
academic term in an amount that is one hundred per cent of what
the student paid the institution for the academic term in which
the student withdraws;

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(2) Refund tuition and fees paid for the academic term,
provided the student withdraws before the withdraw date
established by the institution. The refund shall equal one hundred
per cent of the tuition and fee charges the student paid the
institution for the academic term. If the student withdraws after
the withdraw date established by the institution, the student is
ineligible for a refund of tuition and fee charges. For the
purposes of this section, the "withdraw date" shall be the same as
the date set by the institution for its general student population
to withdraw from the institution or a course or class without
academic penalty.

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(C) If requested by a student granted a military leave of
absence pursuant to division (A) of this section not later than
one year after the student's release from active duty, the
institution shall restore the student to the educational status
the student had attained prior to being called to active duty
without loss of academic credits earned, scholarships or grants
awarded, or tuition and other fees paid prior to the commencement
of active duty, except as provided in division (B) of this

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section.

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(D) If an institution fails to comply with this section, the student may bring an action against the institution to enforce its provisions in the court of common pleas of the county in which the student resides. If the student resides outside of this state, the action shall be brought in the court of common pleas of the county in which the campus of the institution previously attended by the student is located. The court may award reasonable attorney's fees and expenses if the student prevails in the action.

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Sec. 1923.062. (A) In an action under this chapter for possession of residential premises of a tenant or manufactured home park resident who is deployed on active duty or of any member of the tenant's or resident's immediate family, if the tenant or resident entered into the rental agreement on or after the effective date of this section, the court may, on its own motion, and shall, upon motion made by or on behalf of the tenant or resident, do either of the following if the tenant's or resident's ability to pay the agreed rent is materially affected by the deployment on active duty:

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(1) Stay the proceedings for a period of ninety days, unless, in the opinion of the court, justice and equity require a longer or shorter period of time;

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(2) Adjust the obligation under the rental agreement to preserve the interest of all parties to it.

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(B) If a stay is granted under division (A) of this section, the court may grant the landlord or park operator such relief as equity may require.

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(C) This section does not apply to landlords or park operators operating less than four residential premises.

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(D) As used in this section, "active duty" means active duty

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pursuant to an executive order of the president of the United 281
States, an act of the congress of the United States, or section 282
5919.29 or 5923.21 of the Revised Code. 283

Sec. 3313.64. (A) As used in this section and in section 284
3313.65 of the Revised Code: 285

(1)(a) Except as provided in division (A)(1)(b) of this 286
section, "parent" means either parent, unless the parents are 287
separated or divorced or their marriage has been dissolved or 288
annulled, in which case "parent" means the parent who is the 289
residential parent and legal custodian of the child. When a child 290
is in the legal custody of a government agency or a person other 291
than the child's natural or adoptive parent, "parent" means the 292
parent with residual parental rights, privileges, and 293
responsibilities. When a child is in the permanent custody of a 294
government agency or a person other than the child's natural or 295
adoptive parent, "parent" means the parent who was divested of 296
parental rights and responsibilities for the care of the child and 297
the right to have the child live with the parent and be the legal 298
custodian of the child and all residual parental rights, 299
privileges, and responsibilities. 300

(b) When a child is the subject of a power of attorney 301
executed under sections 3109.51 to 3109.62 of the Revised Code, 302
"parent" means the grandparent designated as attorney in fact 303
under the power of attorney. When a child is the subject of a 304
caretaker authorization affidavit executed under sections 3109.64 305
to 3109.73 of the Revised Code, "parent" means the grandparent 306
that executed the affidavit. 307

(2) "Legal custody," "permanent custody," and "residual 308
parental rights, privileges, and responsibilities" have the same 309
meanings as in section 2151.011 of the Revised Code. 310

(3) "School district" or "district" means a city, local, or
exempted village school district and excludes any school operated
in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home"
means a home, institution, foster home, group home, or other
residential facility in this state that receives and cares for
children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such
purpose by the state or is maintained by the department of youth
services.

(b) The home is operated by a person who is licensed,
certified, or approved by the state to operate the home for such
purpose.

(c) The home accepted the child through a placement by a
person licensed, certified, or approved to place a child in such a
home by the state.

(d) The home is a children's home created under section
5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the
Ohio department of job and family services in accordance with the
requirements of section 5103.03 of the Revised Code and assumes
temporary or permanent custody of children through commitment,
agreement, or surrender, and places children in family homes for
the purpose of adoption;

(c) Comparable agencies of other states or countries that
have complied with applicable requirements of section 2151.39, or
sections 5103.20 to 5103.28 of the Revised Code.

(6) A child is placed for adoption if either of the following

occurs:	341
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	342 343 344 345
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	346 347 348
(7) "Handicapped preschool child" means a handicapped child, as defined by division (A) of section 3323.01 of the Revised Code, who is at least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.	349 350 351 352 353
(8) "Child," unless otherwise indicated, includes handicapped preschool children.	354 355
<u>(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.</u>	356 357 358 359
(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any handicapped preschool child shall be admitted to school as provided in this division.	360 361 362 363 364
(1) A child shall be admitted to the schools of the school district in which the child's parent resides.	365 366
(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:	367 368 369 370

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.	371 372 373
(b) The child resides in a home.	374
(c) The child requires special education.	375
(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:	376 377 378 379 380 381
(a) The placement for adoption has been terminated.	382
(b) Another school district is required to admit the child under division (B)(1) of this section.	383 384
Division (B) of this section does not prohibit the board of education of a school district from placing a handicapped child who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.	385 386 387 388 389
(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as follows:	390 391 392 393
(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, tuition shall be paid in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.	394 395 396 397 398
(2) Except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of	399 400

a government agency or person other than the child's parent, 401
tuition shall be paid by: 402

(a) The district in which the child's parent resided at the 403
time the court removed the child from home or at the time the 404
court vested legal or permanent custody of the child in the person 405
or government agency, whichever occurred first; 406

(b) If the parent's residence at the time the court removed 407
the child from home or placed the child in the legal or permanent 408
custody of the person or government agency is unknown, tuition 409
shall be paid by the district in which the child resided at the 410
time the child was removed from home or placed in legal or 411
permanent custody, whichever occurred first; 412

(c) If a school district cannot be established under division 413
(C)(2)(a) or (b) of this section, tuition shall be paid by the 414
district determined as required by section 2151.357 of the Revised 415
Code by the court at the time it vests custody of the child in the 416
person or government agency; 417

(d) If at the time the court removed the child from home or 418
vested legal or permanent custody of the child in the person or 419
government agency, whichever occurred first, one parent was in a 420
residential or correctional facility or a juvenile residential 421
placement and the other parent, if living and not in such a 422
facility or placement, was not known to reside in this state, 423
tuition shall be paid by the district determined under division 424
(D) of section 3313.65 of the Revised Code as the district 425
required to pay any tuition while the parent was in such facility 426
or placement. 427

(3) If the child is not in the permanent or legal custody of 428
a government agency or person other than the child's parent and 429
the child resides in a home, tuition shall be paid by one of the 430
following: 431

(a) The school district in which the child's parent resides; 432

(b) If the child's parent is not a resident of this state, 433
the home in which the child resides. 434

(D) Tuition required to be paid under divisions (C)(2) and 435
(3)(a) of this section shall be computed in accordance with 436
section 3317.08 of the Revised Code. Tuition required to be paid 437
under division (C)(3)(b) of this section shall be computed in 438
accordance with section 3317.081 of the Revised Code. If a home 439
fails to pay the tuition required by division (C)(3)(b) of this 440
section, the board of education providing the education may 441
recover in a civil action the tuition and the expenses incurred in 442
prosecuting the action, including court costs and reasonable 443
attorney's fees. If the prosecuting attorney or city director of 444
law represents the board in such action, costs and reasonable 445
attorney's fees awarded by the court, based upon the prosecuting 446
attorney's, director's, or one of their designee's time spent 447
preparing and presenting the case, shall be deposited in the 448
county or city general fund. 449

(E) A board of education may enroll a child free of any 450
tuition obligation for a period not to exceed sixty days, on the 451
sworn statement of an adult resident of the district that the 452
resident has initiated legal proceedings for custody of the child. 453

(F) In the case of any individual entitled to attend school 454
under this division, no tuition shall be charged by the school 455
district of attendance and no other school district shall be 456
required to pay tuition for the individual's attendance. 457
Notwithstanding division (B), (C), or (E) of this section: 458

(1) All persons at least eighteen but under twenty-two years 459
of age who live apart from their parents, support themselves by 460
their own labor, and have not successfully completed the high 461
school curriculum or the individualized education program 462

developed for the person by the high school pursuant to section 463
3323.08 of the Revised Code, are entitled to attend school in the 464
district in which they reside. 465

(2) Any child under eighteen years of age who is married is 466
entitled to attend school in the child's district of residence. 467

(3) A child is entitled to attend school in the district in 468
which either of the child's parents is employed if the child has a 469
medical condition that may require emergency medical attention. 470
The parent of a child entitled to attend school under division 471
(F)(3) of this section shall submit to the board of education of 472
the district in which the parent is employed a statement from the 473
child's physician certifying that the child's medical condition 474
may require emergency medical attention. The statement shall be 475
supported by such other evidence as the board may require. 476

(4) Any child residing with a person other than the child's 477
parent is entitled, for a period not to exceed twelve months, to 478
attend school in the district in which that person resides if the 479
child's parent files an affidavit with the superintendent of the 480
district in which the person with whom the child is living resides 481
stating all of the following: 482

(a) That the parent is serving outside of the state in the 483
armed services of the United States; 484

(b) That the parent intends to reside in the district upon 485
returning to this state; 486

(c) The name and address of the person with whom the child is 487
living while the parent is outside the state. 488

(5) Any child under the age of twenty-two years who, after 489
the death of a parent, resides in a school district other than the 490
district in which the child attended school at the time of the 491
parent's death is entitled to continue to attend school in the 492

district in which the child attended school at the time of the 493
parent's death for the remainder of the school year, subject to 494
approval of that district board. 495

(6) A child under the age of twenty-two years who resides 496
with a parent who is having a new house built in a school district 497
outside the district where the parent is residing is entitled to 498
attend school for a period of time in the district where the new 499
house is being built. In order to be entitled to such attendance, 500
the parent shall provide the district superintendent with the 501
following: 502

(a) A sworn statement explaining the situation, revealing the 503
location of the house being built, and stating the parent's 504
intention to reside there upon its completion; 505

(b) A statement from the builder confirming that a new house 506
is being built for the parent and that the house is at the 507
location indicated in the parent's statement. 508

(7) A child under the age of twenty-two years residing with a 509
parent who has a contract to purchase a house in a school district 510
outside the district where the parent is residing and who is 511
waiting upon the date of closing of the mortgage loan for the 512
purchase of such house is entitled to attend school for a period 513
of time in the district where the house is being purchased. In 514
order to be entitled to such attendance, the parent shall provide 515
the district superintendent with the following: 516

(a) A sworn statement explaining the situation, revealing the 517
location of the house being purchased, and stating the parent's 518
intent to reside there; 519

(b) A statement from a real estate broker or bank officer 520
confirming that the parent has a contract to purchase the house, 521
that the parent is waiting upon the date of closing of the 522
mortgage loan, and that the house is at the location indicated in 523

the parent's statement.

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The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to attend school under division (F)(6) or (7) of this section may attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics at the school where the student is attending, and provided the student receives any authorization required by a public agency or private organization of which the school district is a member exercising authority over interscholastic sports.

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(8) A child whose parent is a full-time employee of a city, local, or exempted village school district, or of an educational service center, may be admitted to the schools of the district where the child's parent is employed, or in the case of a child whose parent is employed by an educational service center, in the district that serves the location where the parent's job is primarily located, provided the district board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child may be admitted under this policy after the first day of classes of any school year.

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(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in

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the district in which the child is with the child's parent, and no 556
other school district shall be required to pay tuition for the 557
child's attendance in that school district. 558

The enrollment of a child in a school district under this 559
division shall not be denied due to a delay in the school 560
district's receipt of any records required under section 3313.672 561
of the Revised Code or any other records required for enrollment. 562
Any days of attendance and any credits earned by a child while 563
enrolled in a school district under this division shall be 564
transferred to and accepted by any school district in which the 565
child subsequently enrolls. The state board of education shall 566
adopt rules to ensure compliance with this division. 567

(10) Any child under the age of twenty-two years whose parent 568
has moved out of the school district after the commencement of 569
classes in the child's senior year of high school is entitled, 570
subject to the approval of that district board, to attend school 571
in the district in which the child attended school at the time of 572
the parental move for the remainder of the school year and for one 573
additional semester or equivalent term. A district board may also 574
adopt a policy specifying extenuating circumstances under which a 575
student may continue to attend school under division (F)(10) of 576
this section for an additional period of time in order to 577
successfully complete the high school curriculum for the 578
individualized education program developed for the student by the 579
high school pursuant to section 3323.08 of the Revised Code. 580

(11) As used in this division, "grandparent" means a parent 581
of a parent of a child. A child under the age of twenty-two years 582
who is in the custody of the child's parent, resides with a 583
grandparent, and does not require special education is entitled to 584
attend the schools of the district in which the child's 585
grandparent resides, provided that, prior to such attendance in 586
any school year, the board of education of the school district in 587

which the child's grandparent resides and the board of education 588
of the school district in which the child's parent resides enter 589
into a written agreement specifying that good cause exists for 590
such attendance, describing the nature of this good cause, and 591
consenting to such attendance. 592

In lieu of a consent form signed by a parent, a board of 593
education may request the grandparent of a child attending school 594
in the district in which the grandparent resides pursuant to 595
division (F)(11) of this section to complete any consent form 596
required by the district, including any authorization required by 597
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 598
Upon request, the grandparent shall complete any consent form 599
required by the district. A school district shall not incur any 600
liability solely because of its receipt of a consent form from a 601
grandparent in lieu of a parent. 602

Division (F)(11) of this section does not create, and shall 603
not be construed as creating, a new cause of action or substantive 604
legal right against a school district, a member of a board of 605
education, or an employee of a school district. This section does 606
not affect, and shall not be construed as affecting, any 607
immunities from defenses to tort liability created or recognized 608
by Chapter 2744. of the Revised Code for a school district, 609
member, or employee. 610

(12) A child under the age of twenty-two years is entitled to 611
attend school in a school district other than the district in 612
which the child is entitled to attend school under division (B), 613
(C), or (E) of this section provided that, prior to such 614
attendance in any school year, both of the following occur: 615

(a) The superintendent of the district in which the child is 616
entitled to attend school under division (B), (C), or (E) of this 617
section contacts the superintendent of another district for 618

purposes of this division;

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(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

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While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

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A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

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(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free, appropriate public education, including public preschool, to each homeless child.

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When a child loses permanent housing and becomes a homeless person, as defined in 42 U.S.C.A. 11481(5), or when a child who is such a homeless person changes temporary living arrangements, the child's parent or guardian shall have the option of enrolling the child in either of the following:

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(a) The child's school of origin, as defined in 42 U.S.C.A.

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11432(g)(3)(C);

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(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located.

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(14) A child under the age of twenty-two years who resides with a person other than the child's parent is entitled to attend school in the school district in which that person resides if both of the following apply:

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(a) That person has been appointed, through a military power of attorney executed under section 574(a) of the "National Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, or through a comparable document necessary to complete a family care plan, as the parent's agent for the care, custody, and control of the child while the parent is on active duty as a member of the national guard or a reserve unit of the armed forces of the United States or because the parent is a member of the armed forces of the United States and is on a duty assignment away from the parent's residence.

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(b) The military power of attorney or comparable document includes at least the authority to enroll the child in school.

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The entitlement to attend school in the district in which the parent's agent under the military power of attorney or comparable document resides applies until the end of the school year in which the military power of attorney or comparable document expires.

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(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

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(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

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(2) Residents or domiciliaries of the United States but not

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of Ohio who request admission as participants in an exchange
program operated by a student exchange organization. 680
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(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04,
3327.04, and 3327.06 of the Revised Code, a child may attend 682
school or participate in a special education program in a school 683
district other than in the district where the child is entitled to 684
attend school under division (B) of this section. 685
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(I)(1) Notwithstanding anything to the contrary in this 687
section or section 3313.65 of the Revised Code, a child under 688
twenty-two years of age may attend school in the school district 689
in which the child, at the end of the first full week of October 690
of the school year, was entitled to attend school as otherwise 691
provided under this section or section 3313.65 of the Revised 692
Code, if at that time the child was enrolled in the schools of the 693
district but since that time the child or the child's parent has 694
relocated to a new address located outside of that school district 695
and within the same county as the child's or parent's address 696
immediately prior to the relocation. The child may continue to 697
attend school in the district, and at the school to which the 698
child was assigned at the end of the first full week of October of 699
the current school year, for the balance of the school year. 700
Division (I)(1) of this section applies only if both of the 701
following conditions are satisfied: 702

(a) The board of education of the school district in which 703
the child was entitled to attend school at the end of the first 704
full week in October and of the district to which the child or 705
child's parent has relocated each has adopted a policy to enroll 706
children described in division (I)(1) of this section. 707

(b) The child's parent provides written notification of the 708
relocation outside of the school district to the superintendent of 709
each of the two school districts. 710

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (H) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate

for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded

from public school attendance by the superintendent of public
instruction pursuant to sections 3301.121 and 3313.662 of the
Revised Code.

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(M) In accordance with division (B)(1) of this section, a
child whose parent is a member of the national guard or a reserve
unit of the armed forces of the United States and is called to
active duty, or a child whose parent is a member of the armed
forces of the United States and is ordered to a temporary duty
assignment outside of the district, may continue to attend school
in the district in which the child's parent lived before being
called to active duty or ordered to a temporary duty assignment
outside of the district, as long as the child's parent continues
to be a resident of that district, and regardless of where the
child lives as a result of the parent's active duty status or
temporary duty assignment. However, the district is not
responsible for providing transportation for the child if the
child lives outside of the district as a result of the parent's
active duty status or temporary duty assignment.

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Sec. 3332.20. As used in this section, "active duty" means
full-time duty in the active military service of the United
States, including full-time training duty, annual training duty,
and active state duty for members of the national guard.

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(A) Each institution that holds a certificate of registration
from the state board of career colleges and schools under this
chapter shall grant a student a military leave of absence from the
institution while the student is serving on active duty, and for
one year after the conclusion of that service, if the student is a
member of the United States national guard or other reserve
component of the armed forces of the United States, or a member of
those armed forces in a retired status, and is called to active
duty. The student shall not suffer an academic penalty as a result

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of the leave of absence.

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(B) If requested by a student granted a military leave of absence pursuant to division (A) of this section not later than one year after the student's release from active duty, the institution in which the student is enrolled shall do either of the following, as elected by the student:

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(1) Credit tuition and fee charges toward a subsequent academic term in an amount that is one hundred per cent of what the student paid the institution for the academic term in which the student withdraws;

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(2) Refund tuition and fees paid for the academic term, provided the student withdraws before the withdraw date established by the institution. The refund shall equal one hundred per cent of the tuition and fee charges the student paid the institution for the academic term. If the student withdraws after the withdraw date established by the institution, the student is ineligible for a refund of tuition and fee charges. For the purposes of this section, the "withdraw date" shall be the same as the date set by the institution for its general student population to withdraw from the institution or a course or class without academic penalty.

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(C) If requested by a student granted a military leave of absence pursuant to division (A) of this section not later than one year after the student's release from active duty, the institution shall restore the student to the educational status the student had attained prior to being called to active duty without loss of academic credits earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of active duty, except as provided in division (B) of this section.

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(D) If an institution fails to comply with this section, the

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student may bring an action against the institution to enforce its provisions in the court of common pleas of the county in which the student resides. If the student resides outside of this state, the action shall be brought in the court of common pleas of the county in which the campus of the institution previously attended by the student is located. The court may award reasonable attorney's fees and expenses if the student prevails in the action. 836
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Sec. 3345.53. As used in this section, "active duty" means full-time duty in the active military service of the United States, including full-time training duty, annual training duty, and active state duty for members of the national guard. 843
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(A) Each state institution of higher education, as defined in section 3345.011 of the Revised Code, shall grant a student a military leave of absence from the institution while the student is serving on active duty, and for one year after the conclusion of that service, if the student is a member of the United States national guard or other reserve component of the armed forces of the United States, or a member of those armed forces in a retired status, and is called to active duty. The student shall not suffer an academic penalty as a result of the leave of absence. 847
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(B) If requested by a student granted a military leave of absence pursuant to division (A) of this section not later than one year after the student's release from active duty, the state institution of higher education in which the student is enrolled shall do either of the following, as elected by the student: 856
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(1) Credit tuition and fee charges toward a subsequent academic term in an amount that is one hundred per cent of what the student paid the institution for the academic term in which the student withdraws; 861
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(2) Refund tuition and fees paid for the academic term, 865

provided the student withdraws before the withdraw date 866
established by the institution. The refund shall equal one hundred 867
per cent of the tuition and fee charges the student paid the 868
institution for the academic term. If the student withdraws after 869
the withdraw date established by the institution, the student is 870
ineligible for a refund of tuition and fee charges. For the 871
purposes of this section, the "withdraw date" shall be the same as 872
the date set by the institution for its general student population 873
to withdraw from the institution or a course or class without 874
academic penalty. 875

(C) If requested by a student granted a military leave of 876
absence pursuant to division (A) of this section not later than 877
one year after the student's release from active duty, the state 878
institution of higher education shall restore the student to the 879
educational status the student had attained prior to being called 880
to active duty without loss of academic credits earned, 881
scholarships or grants awarded, or tuition and other fees paid 882
prior to the commencement of active duty, except as provided in 883
division (B) of this section. 884

(D) If a state institution of higher education fails to 885
comply with this section, the student may bring an action against 886
the institution to enforce its provisions in the court of claims. 887
The court may award reasonable attorney's fees and expenses if the 888
student prevails in the action. 889

Sec. 3915.053. (A)(1) Except as provided in division (A)(2) 890
of this section, this section shall apply to any individual life 891
insurance policy insuring the life of a reservist, as defined in 892
section 3923.381 of the Revised Code, who is on active duty 893
pursuant to an executive order of the president of the United 894
States, an act of the congress of the United States, or section 895
5919.29 or 5923.21 of the Revised Code, if the life insurance 896

policy meets both of the following conditions: 897

(a) The policy has been in force for at least one hundred 898
eighty days. 899

(b) The policy has been brought within the "Servicemembers 900
Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. App. 541, et 901
seq. 902

(2) This section does not apply to any policy that was 903
cancelled or that had lapsed for the nonpayment of premiums prior 904
to the commencement of the insured's period of military service. 905

(B) An individual life insurance policy described in division 906
(A) of this section shall not lapse or be forfeited for the 907
nonpayment of premiums during a reservist's period of military 908
service or during the two-year period subsequent to the end of the 909
reservist's period of military service. 910

(C) This section does not limit a life insurance company's 911
enforcement of provisions in the insured's policy relating to 912
naval or military service in time of war. 913

Sec. 4933.12. (A) Except as provided in division (C) of this 914
section and division (E) of section 5117.11 of the Revised Code, 915
if any person supplied with gas neglects or refuses to pay the 916
amount due for ~~such the~~ gas or for rent of articles hired by ~~him~~ 917
the person from a natural gas company or a gas company, the 918
company may stop the gas from entering the premises of ~~such the~~ 919
person. In such cases, after twenty-four hours' notice, the 920
officers, servants, or workers of the company may enter the 921
premises of such persons, between eight a.m. and four p.m., take 922
away such property of the company, and disconnect any meter from 923
the mains or pipes of the company. 924

(B) The company shall not refuse to furnish gas on account of 925

arrearages due it for gas furnished to persons formerly receiving 926
services at the premises as customers of the company, provided the 927
former customers are not continuing to reside at ~~such~~ the 928
premises. 929

(C) The company shall not, for any reason, unless required by 930
the consumer, for safety reasons, or unless tampering with utility 931
company equipment or theft of gas or utility company equipment has 932
occurred, stop gas from entering the premises of any residential 933
consumer for the period beginning on the fifteenth day of November 934
and ending on the fifteenth day of the following April, unless 935
both of the following apply: 936

(1) The account of the consumer is in arrears thirty days or 937
more. 938

(2) ~~Where~~ If the occupant of residential premises is a tenant 939
whose landlord is responsible for payment for the service provided 940
by the company, the company has, five days previously, notified 941
the occupant of its intent to discontinue service to ~~him~~ the 942
occupant. 943

(D) No company shall stop the gas from entering any 944
residential premises between the fifteenth day of November and the 945
fifteenth day of April because of a failure to pay the amount due 946
for ~~such~~ the gas unless the company, at the time it sends or 947
delivers to the premises notices of termination, informs the 948
occupant of the premises where to obtain state and federal aid for 949
payment of utility bills and for home weatherization and 950
information on local government aid for payment of utility bills 951
and for home weatherization. 952

(E) On or before the first day of November, a county human 953
services department may request a company to give prior 954
notification of any residential service terminations to occur 955
during the period beginning on the fifteenth day of November 956

immediately following the department's request and ending on the
fifteenth day of the following April. If a department makes such a
written request, at least twenty-four hours before the company
terminates services to a residential customer in the county during
that period for failure to pay the amount due for service, the
company shall provide written notice to the department of the
residential customer whose service the company so intends to
terminate. No company that has received such a request shall
terminate such service during that period unless it has provided
the notice required under this division.

(F) No company shall stop gas from entering the residential
premises of any residential consumer who is deployed on active
duty for nonpayment for gas supplied to the residential premises.

Upon return of a residential consumer from active duty, the
company shall offer the residential consumer a period equal to at
least the period of deployment on active duty to pay any
arrearages incurred during the period of deployment. The company
shall inform the residential consumer that, if the period the
company offers presents a hardship to the consumer, the consumer
may request a longer period to pay the arrearages and, in the case
of a company that is a public utility as defined in section
4905.02 of the Revised Code, may request the assistance of the
public utilities commission to obtain a longer period. No late
payment fees or interest shall be charged to the residential
consumer during the period of deployment or the repayment period.

If a company that is a public utility determines that amounts
owed by a residential consumer who is deployed on active duty are
uncollectible, the company may file an application with the public
utilities commission for approval of authority to recover the
amounts. The recovery shall be through a rider on the base rates
of customers of the company or through other means as may be
approved by the commission, provided that any amount approved to

be recovered through a rider or other means shall not be 989
considered by the commission in any subsequent rate determination. 990

As used in this division, "active duty" means active duty 991
pursuant to an executive order of the president of the United 992
States, an act of the congress of the United States, or section 993
5919.29 or 5923.21 of the Revised Code. 994

Sec. 4933.121. (A) Except as provided in division (E) of 995
section 5117.11 of the Revised Code, an electric light company 996
shall not, for any reason, unless requested by the consumer, for 997
safety reasons, or unless tampering with utility company equipment 998
or theft of electricity or utility company equipment has occurred, 999
cease to provide electricity to any residential consumer for the 1000
period beginning on the fifteenth day of November and ending on 1001
the fifteenth day of the following April, unless both of the 1002
following apply: 1003

(1) The account of the consumer is in arrears thirty days or 1004
more. 1005

(2) ~~Where~~ If the occupant of residential premises is a tenant 1006
whose landlord is responsible for payment for the service provided 1007
by the company, the company has, five days previously, notified 1008
the occupant of its intent to discontinue service to ~~him~~ the 1009
occupant. 1010

(B) The company shall not refuse to furnish electricity on 1011
account of arrearages due it for electricity furnished to persons 1012
formerly receiving services at the premises as customers of the 1013
company, provided the former customers are not continuing to 1014
reside at ~~such~~ the premises. 1015

(C) No company shall cease to provide electricity to any 1016
residential premises between the fifteenth day of November and the 1017
fifteenth day of April because of a failure to pay the amount due 1018

for ~~such~~ the electricity unless the company, at the time it sends 1019
or delivers to the premises notices of termination, informs the 1020
occupant of the premises where to obtain state and federal aid for 1021
payment of utility bills and for home weatherization and 1022
information on local government aid for payment of utility bills 1023
and for home weatherization. 1024

(D) On or before the first day of November, a county human 1025
services department may request a company to give prior 1026
notification of any residential service terminations to occur 1027
during the period beginning on the fifteenth day of November 1028
immediately following the department's request and ending on the 1029
fifteenth day of the following April. If a department makes such a 1030
written request, at least twenty-four hours before the company 1031
terminates services to a residential customer in the county during 1032
that period for failure to pay the amount due for service, the 1033
company shall provide written notice to the department of the 1034
residential customer whose service the company so intends to 1035
terminate. No company that has received such a request shall 1036
terminate such service during that period unless it has provided 1037
the notice required under this division. 1038

(E) No company shall cease to provide electricity to the 1039
residential premises of any residential consumer who is deployed 1040
on active duty for nonpayment for electricity provided to the 1041
residential premises. 1042

Upon return of a residential consumer from active duty, the 1043
company shall offer the residential consumer a period equal to at 1044
least the period of deployment on active duty to pay any 1045
arrearages incurred during the period of deployment. The company 1046
shall inform the residential consumer that, if the period the 1047
company offers presents a hardship to the consumer, the consumer 1048
may request a longer period to pay the arrearages and, in the case 1049
of a company that is a public utility as defined in section 1050

4905.02 of the Revised Code, may request the assistance of the 1051
public utilities commission to obtain a longer period. No late 1052
payment fees or interest shall be charged to the residential 1053
consumer during the period of deployment or the repayment period. 1054

If a company that is a public utility determines that amounts 1055
owed by a residential consumer who is deployed on active duty are 1056
uncollectible, the company may file an application with the public 1057
utilities commission for approval of authority to recover the 1058
amounts. The recovery shall be through a rider on the base rates 1059
of customers of the company or through other means as may be 1060
approved by the commission, provided that any amount approved to 1061
be recovered through a rider or other means shall not be 1062
considered by the commission in any subsequent rate determination. 1063

As used in this division, "active duty" means active duty 1064
pursuant to an executive order of the president of the United 1065
States, an act of the congress of the United States, or section 1066
5919.29 or 5923.21 of the Revised Code. 1067

Section 2. That existing sections 125.021, 3313.64, 4933.12, 1068
and 4933.121 of the Revised Code are hereby repealed. 1069