

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 151**

**Representatives McGregor, Carney**

—

**A B I L L**

To amend sections 3517.13, 3517.151, and 3517.992 and 1  
to enact sections 5501.70 to 5501.83 of the 2  
Revised Code to authorize the Department of 3  
Transportation to enter into public-private 4  
partnership agreements. 5

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

**Section 1.** That sections 3517.13, 3517.151, and 3517.992 be 6  
amended and sections 5501.70, 5501.71, 5501.72, 5501.73, 5501.74, 7  
5501.75, 5501.76, 5501.77, 5501.78, 5501.79, 5501.80, 5501.81, 8  
5501.82, and 5501.83 of the Revised Code be enacted to read as 9  
follows: 10

**Sec. 3517.13.** (A)(1) No campaign committee of a statewide 11  
candidate shall fail to file a complete and accurate statement 12  
required under division (A)(1) of section 3517.10 of the Revised 13  
Code. 14

(2) No campaign committee of a statewide candidate shall fail 15  
to file a complete and accurate monthly statement, and no campaign 16  
committee of a statewide candidate or a candidate for the office 17  
of chief justice or justice of the supreme court shall fail to 18  
file a complete and accurate two-business-day statement, as 19  
required under section 3517.10 of the Revised Code. 20

As used in this division, "statewide candidate" has the same meaning as in division (F)(2) of section 3517.10 of the Revised Code.

(B) No campaign committee shall fail to file a complete and accurate statement required under division (A)(1) of section 3517.10 of the Revised Code.

(C) No campaign committee shall fail to file a complete and accurate statement required under division (A)(2) of section 3517.10 of the Revised Code.

(D) No campaign committee shall fail to file a complete and accurate statement required under division (A)(3) or (4) of section 3517.10 of the Revised Code.

(E) No person other than a campaign committee shall knowingly fail to file a statement required under section 3517.10 or 3517.107 of the Revised Code.

(F) No person shall make cash contributions to any person totaling more than one hundred dollars in each primary, special, or general election.

(G)(1) No person shall knowingly conceal or misrepresent contributions given or received, expenditures made, or any other information required to be reported by a provision in sections 3517.08 to 3517.13 and 3517.17 of the Revised Code.

(2)(a) No person shall make a contribution to a campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, or person making disbursements to pay the direct costs of producing or airing electioneering communications in the name of another person.

(b) A person does not make a contribution in the name of another when either of the following applies:

(i) An individual makes a contribution from a partnership or other unincorporated business account, if the contribution is reported by listing both the name of the partnership or other unincorporated business and the name of the partner or owner making the contribution as required under division (I) of section 3517.10 of the Revised Code.

(ii) A person makes a contribution in that person's spouse's name or in both of their names.

(H) No person within this state, publishing a newspaper or other periodical, shall charge a campaign committee for political advertising a rate in excess of the rate such person would charge if the campaign committee were a general rate advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office that the candidate of the campaign committee is seeking. The rate shall take into account the amount of space used, as well as the type of advertising copy submitted by or on behalf of the campaign committee. All discount privileges otherwise offered by a newspaper or periodical to general rate advertisers shall be available upon equal terms to all campaign committees.

No person within this state, operating a radio or television station or network of stations in this state, shall charge a campaign committee for political broadcasts a rate that exceeds:

(1) During the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which the candidate of the campaign committee is seeking office, the lowest unit charge of the station for the same class and amount of time for the same period;

(2) At any other time, the charges made for comparable use of that station by its other users.

(I) Subject to divisions (K), (L), (M), and (N) of this

section, no agency or department of this state or any political 82  
subdivision shall award any contract, other than one let by 83  
competitive bidding or a contract incidental to such contract or 84  
which is by force account, for the purchase of goods costing more 85  
than five hundred dollars or services costing more than five 86  
hundred dollars to any individual, partnership, association, 87  
including, without limitation, a professional association 88  
organized under Chapter 1785. of the Revised Code, estate, or 89  
trust if the individual has made or the individual's spouse has 90  
made, or any partner, shareholder, administrator, executor, or 91  
trustee or the spouse of any of them has made, as an individual, 92  
within the two previous calendar years, one or more contributions 93  
totaling in excess of one thousand dollars to the holder of the 94  
public office having ultimate responsibility for the award of the 95  
contract or to the public officer's campaign committee. 96

(J) Subject to divisions (K), (L), (M), and (N) of this 97  
section, no agency or department of this state or any political 98  
subdivision shall award any contract, other than one let by 99  
competitive bidding or a contract incidental to such contract or 100  
which is by force account, for the purchase of goods costing more 101  
than five hundred dollars or services costing more than five 102  
hundred dollars to a corporation or business trust, except a 103  
professional association organized under Chapter 1785. of the 104  
Revised Code, if an owner of more than twenty per cent of the 105  
corporation or business trust or the spouse of that person has 106  
made, as an individual, within the two previous calendar years, 107  
taking into consideration only owners for all of that period, one 108  
or more contributions totaling in excess of one thousand dollars 109  
to the holder of a public office having ultimate responsibility 110  
for the award of the contract or to the public officer's campaign 111  
committee. 112

(K) For purposes of divisions (I) and (J) of this section, if 113

a public officer who is responsible for the award of a contract is 114  
appointed by the governor, whether or not the appointment is 115  
subject to the advice and consent of the senate, excluding members 116  
of boards, commissions, committees, authorities, councils, boards 117  
of trustees, task forces, and other such entities appointed by the 118  
governor, the office of the governor is considered to have 119  
ultimate responsibility for the award of the contract. 120

(L) For purposes of divisions (I) and (J) of this section, if 121  
a public officer who is responsible for the award of a contract is 122  
appointed by the elected chief executive officer of a municipal 123  
corporation, or appointed by the elected chief executive officer 124  
of a county operating under an alternative form of county 125  
government or county charter, excluding members of boards, 126  
commissions, committees, authorities, councils, boards of 127  
trustees, task forces, and other such entities appointed by the 128  
chief executive officer, the office of the chief executive officer 129  
is considered to have ultimate responsibility for the award of the 130  
contract. 131

(M)(1) Divisions (I) and (J) of this section do not apply to 132  
contracts awarded by the board of commissioners of the sinking 133  
fund, municipal legislative authorities, boards of education, 134  
boards of county commissioners, boards of township trustees, or 135  
other boards, commissions, committees, authorities, councils, 136  
boards of trustees, task forces, and other such entities created 137  
by law, by the supreme court or courts of appeals, by county 138  
courts consisting of more than one judge, courts of common pleas 139  
consisting of more than one judge, or municipal courts consisting 140  
of more than one judge, or by a division of any court if the 141  
division consists of more than one judge. This division shall 142  
apply to the specified entity only if the members of the entity 143  
act collectively in the award of a contract for goods or services. 144

(2) Divisions (I) and (J) of this section do not apply to 145

actions of the controlling board. 146

(N)(1) Divisions (I) and (J) of this section apply to 147  
contributions made to the holder of a public office having 148  
ultimate responsibility for the award of a contract, or to the 149  
public officer's campaign committee, during the time the person 150  
holds the office and during any time such person was a candidate 151  
for the office. Those divisions do not apply to contributions made 152  
to, or to the campaign committee of, a candidate for or holder of 153  
the office other than the holder of the office at the time of the 154  
award of the contract. 155

(2) Divisions (I) and (J) of this section do not apply to 156  
contributions of a partner, shareholder, administrator, executor, 157  
trustee, or owner of more than twenty per cent of a corporation or 158  
business trust made before the person held any of those positions 159  
or after the person ceased to hold any of those positions in the 160  
partnership, association, estate, trust, corporation, or business 161  
trust whose eligibility to be awarded a contract is being 162  
determined, nor to contributions of the person's spouse made 163  
before the person held any of those positions, after the person 164  
ceased to hold any of those positions, before the two were 165  
married, after the granting of a decree of divorce, dissolution of 166  
marriage, or annulment, or after the granting of an order in an 167  
action brought solely for legal separation. Those divisions do not 168  
apply to contributions of the spouse of an individual whose 169  
eligibility to be awarded a contract is being determined made 170  
before the two were married, after the granting of a decree of 171  
divorce, dissolution of marriage, or annulment, or after the 172  
granting of an order in an action brought solely for legal 173  
separation. 174

(O) No beneficiary of a campaign fund or other person shall 175  
convert for personal use, and no person shall knowingly give to a 176  
beneficiary of a campaign fund or any other person, for the 177

beneficiary's or any other person's personal use, anything of 178  
value from the beneficiary's campaign fund, including, without 179  
limitation, payments to a beneficiary for services the beneficiary 180  
personally performs, except as reimbursement for any of the 181  
following: 182

(1) Legitimate and verifiable prior campaign expenses 183  
incurred by the beneficiary; 184

(2) Legitimate and verifiable ordinary and necessary prior 185  
expenses incurred by the beneficiary in connection with duties as 186  
the holder of a public office, including, without limitation, 187  
expenses incurred through participation in nonpartisan or 188  
bipartisan events if the participation of the holder of a public 189  
office would normally be expected; 190

(3) Legitimate and verifiable ordinary and necessary prior 191  
expenses incurred by the beneficiary while doing any of the 192  
following: 193

(a) Engaging in activities in support of or opposition to a 194  
candidate other than the beneficiary, political party, or ballot 195  
issue; 196

(b) Raising funds for a political party, political action 197  
committee, political contributing entity, legislative campaign 198  
fund, campaign committee, or other candidate; 199

(c) Participating in the activities of a political party, 200  
political action committee, political contributing entity, 201  
legislative campaign fund, or campaign committee; 202

(d) Attending a political party convention or other political 203  
meeting. 204

For purposes of this division, an expense is incurred 205  
whenever a beneficiary has either made payment or is obligated to 206  
make payment, as by the use of a credit card or other credit 207

procedure or by the use of goods or services received on account. 208

(P) No beneficiary of a campaign fund shall knowingly accept, 209  
and no person shall knowingly give to the beneficiary of a 210  
campaign fund, reimbursement for an expense under division (O) of 211  
this section to the extent that the expense previously was 212  
reimbursed or paid from another source of funds. If an expense is 213  
reimbursed under division (O) of this section and is later paid or 214  
reimbursed, wholly or in part, from another source of funds, the 215  
beneficiary shall repay the reimbursement received under division 216  
(O) of this section to the extent of the payment made or 217  
reimbursement received from the other source. 218

(Q) No candidate or public official or employee shall accept 219  
for personal or business use anything of value from a political 220  
party, political action committee, political contributing entity, 221  
legislative campaign fund, or campaign committee other than the 222  
candidate's or public official's or employee's own campaign 223  
committee, and no person shall knowingly give to a candidate or 224  
public official or employee anything of value from a political 225  
party, political action committee, political contributing entity, 226  
legislative campaign fund, or such a campaign committee, except 227  
for the following: 228

(1) Reimbursement for legitimate and verifiable ordinary and 229  
necessary prior expenses not otherwise prohibited by law incurred 230  
by the candidate or public official or employee while engaged in 231  
any legitimate activity of the political party, political action 232  
committee, political contributing entity, legislative campaign 233  
fund, or such campaign committee. Without limitation, reimbursable 234  
expenses under this division include those incurred while doing 235  
any of the following: 236

(a) Engaging in activities in support of or opposition to 237  
another candidate, political party, or ballot issue; 238



(b) Raising funds for a political party, legislative campaign fund, campaign committee, or another candidate;	239 240
(c) Attending a political party convention or other political meeting.	241 242
(2) Compensation not otherwise prohibited by law for actual and valuable personal services rendered under a written contract to the political party, political action committee, political contributing entity, legislative campaign fund, or such campaign committee for any legitimate activity of the political party, political action committee, political contributing entity, legislative campaign fund, or such campaign committee.	243 244 245 246 247 248 249
Reimbursable expenses under this division do not include, and it is a violation of this division for a candidate or public official or employee to accept, or for any person to knowingly give to a candidate or public official or employee from a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee other than the candidate's or public official's or employee's own campaign committee, anything of value for activities primarily related to the candidate's or public official's or employee's own campaign for election, except for contributions to the candidate's or public official's or employee's campaign committee.	250 251 252 253 254 255 256 257 258 259 260 261
For purposes of this division, an expense is incurred whenever a candidate or public official or employee has either made payment or is obligated to make payment, as by the use of a credit card or other credit procedure, or by the use of goods or services on account.	262 263 264 265 266
(R)(1) Division (O) or (P) of this section does not prohibit a campaign committee from making direct advance or post payment from contributions to vendors for goods and services for which	267 268 269

reimbursement is permitted under division (O) of this section, 270  
except that no campaign committee shall pay its candidate or other 271  
beneficiary for services personally performed by the candidate or 272  
other beneficiary. 273

(2) If any expense that may be reimbursed under division (O), 274  
(P), or (Q) of this section is part of other expenses that may not 275  
be paid or reimbursed, the separation of the two types of expenses 276  
for the purpose of allocating for payment or reimbursement those 277  
expenses that may be paid or reimbursed may be by any reasonable 278  
accounting method, considering all of the surrounding 279  
circumstances. 280

(3) For purposes of divisions (O), (P), and (Q) of this 281  
section, mileage allowance at a rate not greater than that allowed 282  
by the internal revenue service at the time the travel occurs may 283  
be paid instead of reimbursement for actual travel expenses 284  
allowable. 285

(S)(1) As used in division (S) of this section: 286

(a) "State elective office" has the same meaning as in 287  
section 3517.092 of the Revised Code. 288

(b) "Federal office" means a federal office as defined in the 289  
Federal Election Campaign Act. 290

(c) "Federal campaign committee" means a principal campaign 291  
committee or authorized committee as defined in the Federal 292  
Election Campaign Act. 293

(2) No person who is a candidate for state elective office 294  
and who previously sought nomination or election to a federal 295  
office shall transfer any funds or assets from that person's 296  
federal campaign committee for nomination or election to the 297  
federal office to that person's campaign committee as a candidate 298  
for state elective office. 299

(3) No campaign committee of a person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall accept any funds or assets from that person's federal campaign committee for that person's nomination or election to the federal office.

(T)(1) Except as otherwise provided in division (B)(6)(c) of section 3517.102 of the Revised Code, a state or county political party shall not disburse moneys from any account other than a state candidate fund to make contributions to any of the following:

(a) A state candidate fund;

(b) A legislative campaign fund;

(c) A campaign committee of a candidate for the office of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, or member of the general assembly.

(2) No state candidate fund, legislative campaign fund, or campaign committee of a candidate for any office described in division (T)(1)(c) of this section shall knowingly accept a contribution in violation of division (T)(1) of this section.

(U) No person shall fail to file a statement required under section 3517.12 of the Revised Code.

(V) No campaign committee shall fail to file a statement required under division (K)(3) of section 3517.10 of the Revised Code.

(W)(1) No foreign national shall, directly or indirectly through any other person or entity, make a contribution, expenditure, or independent expenditure or promise, either expressly or implicitly, to make a contribution, expenditure, or independent expenditure in support of or opposition to a candidate

for any elective office in this state, including an office of a political party.

(2) No candidate, campaign committee, political action committee, political contributing entity, legislative campaign fund, state candidate fund, political party, or separate segregated fund shall solicit or accept a contribution, expenditure, or independent expenditure from a foreign national. The secretary of state may direct any candidate, committee, entity, fund, or party that accepts a contribution, expenditure, or independent expenditure in violation of this division to return the contribution, expenditure, or independent expenditure or, if it is not possible to return the contribution, expenditure, or independent expenditure, then to return instead the value of it, to the contributor.

(3) As used in division (W) of this section, "foreign national" has the same meaning as in section 441e(b) of the Federal Election Campaign Act.

(X)(1) No state or county political party shall transfer any moneys from its restricted fund to any account of the political party into which contributions may be made or from which contributions or expenditures may be made.

(2)(a) No state or county political party shall deposit a contribution or contributions that it receives into its restricted fund.

(b) No state or county political party shall make a contribution or an expenditure from its restricted fund.

(3)(a) No corporation or labor organization shall make a gift or gifts from the corporation's or labor organization's money or property aggregating more than ten thousand dollars to any one state or county political party for the party's restricted fund in a calendar year.

(b) No state or county political party shall accept a gift or 361  
gifts for the party's restricted fund aggregating more than ten 362  
thousand dollars from any one corporation or labor organization in 363  
a calendar year. 364

(4) No state or county political party shall transfer any 365  
moneys in the party's restricted fund to any other state or county 366  
political party. 367

(5) No state or county political party shall knowingly fail 368  
to file a statement required under section 3517.1012 of the 369  
Revised Code. 370

(Y) The administrator of workers' compensation and the 371  
employees of the bureau of workers' compensation shall not conduct 372  
any business with or award any contract, other than one awarded by 373  
competitive bidding, for the purchase of goods costing more than 374  
five hundred dollars or services costing more than five hundred 375  
dollars to any individual, partnership, association, including, 376  
without limitation, a professional association organized under 377  
Chapter 1785. of the Revised Code, estate, or trust, if the 378  
individual has made, or the individual's spouse has made, or any 379  
partner, shareholder, administrator, executor, or trustee, or the 380  
spouses of any of those individuals has made, as an individual, 381  
within the two previous calendar years, one or more contributions 382  
totaling in excess of one thousand dollars to the campaign 383  
committee of the governor or lieutenant governor or to the 384  
campaign committee of any candidate for the office of governor or 385  
lieutenant governor. 386

(Z) The administrator of workers' compensation and the 387  
employees of the bureau of workers' compensation shall not conduct 388  
business with or award any contract, other than one awarded by 389  
competitive bidding, for the purchase of goods costing more than 390  
five hundred dollars or services costing more than five hundred 391  
dollars to a corporation or business trust, except a professional 392

association organized under Chapter 1785. of the Revised Code, if 393  
an owner of more than twenty per cent of the corporation or 394  
business trust, or the spouse of the owner, has made, as an 395  
individual, within the two previous calendar years, taking into 396  
consideration only owners for all of such period, one or more 397  
contributions totaling in excess of one thousand dollars to the 398  
campaign committee of the governor or lieutenant governor or to 399  
the campaign committee of any candidate for the office of governor 400  
or lieutenant governor. 401

(AA)(1) A private entity shall not make or submit an 402  
unsolicited proposal for a public-private initiative under section 403  
5501.72 of the Revised Code if the private entity has made, or if 404  
any owner of more than twenty per cent of the private entity, or 405  
the spouse of such an owner has made, as an individual, within the 406  
previous calendar year, taking into consideration only owners for 407  
all of such period, one or more contributions to the campaign 408  
committee of the governor or lieutenant governor or to the 409  
campaign committee of any candidate for the office of governor or 410  
lieutenant governor. 411

(2) The department of transportation shall not accept an 412  
unsolicited proposal for a public-private initiative from a 413  
private entity under section 5501.72 of the Revised Code if the 414  
private entity that is proposing the public-private initiative has 415  
made, or if any owner of more than twenty per cent of the private 416  
entity, or the spouse of the owner, has made, as an individual, 417  
within the previous calendar year, taking into consideration only 418  
owners for all of such period, one or more contributions to the 419  
campaign committee of the governor or lieutenant governor or to 420  
the campaign committee of any candidate for the office of governor 421  
or lieutenant governor. 422

(3) During the term of any public-private agreement entered 423  
into under section 5501.73 of the Revised Code that was proposed 424

under section 5501.72 of the Revised Code, and for one calendar 425  
year after the termination of that public-private agreement, no 426  
operator, and no owner of more than twenty per cent of the 427  
operator, or the spouse of such an owner, shall make a 428  
contribution to the campaign committee of the governor or 429  
lieutenant governor or to the campaign committee of any candidate 430  
for the office of governor or lieutenant governor. 431

(4) As used in division (AA) of this section, "operator," 432  
"private entity," "public-private agreement," and "public-private 433  
initiative" have the same meanings as in section 5501.70 of the 434  
Revised Code. 435

**Sec. 3517.151.** (A) On and after January 1, 1996, complaints 436  
with respect to acts or failures to act under the sections listed 437  
in division (A) of section 3517.153 of the Revised Code shall be 438  
filed with the Ohio elections commission created under section 439  
3517.152 of the Revised Code. 440

(B)(1) If a complaint filed with the Ohio elections 441  
commission created under section 3517.152 of the Revised Code 442  
alleges an act or failure to act that occurred before August 24, 443  
1995, and the commission imposes a fine, sections 3517.99 and 444  
3517.991 of the Revised Code, and not sections 3517.992 and 445  
3517.993 of the Revised Code, shall apply. 446

(2) If a complaint filed with the Ohio elections commission 447  
created under section 3517.152 of the Revised Code alleges an act 448  
or failure to act that is a violation of section 3517.13 of the 449  
Revised Code, former divisions (A) to (R) of that section apply to 450  
the act or failure to act if it occurred before August 24, 1995, 451  
former divisions (A) to (U) of that section apply to the act or 452  
failure to act if it occurs on or after August 24, 1995, but 453  
before July 13, 1998, former divisions (A) to (V) of that section 454  
apply to the act or failure to act if it occurs on or after July 455

13, 1998, but before December 22, 1999, former divisions (A) to 456  
(W) of that section apply to the act or failure to act if it 457  
occurs on or after December 22, 1999, but before March 31, 2005, 458  
former divisions (A) to (X) of that section apply to the act or 459  
failure to act if it occurs on or after March 31, 2005, ~~and but~~ 460  
before September 29, 2005, former divisions (A) to (Z) of that 461  
section apply to the act or failure to act if it occurs on or 462  
~~after the effective date of this amendment~~ September 29, 2005, but 463  
before the effective date of this amendment, and divisions (A) to 464  
(AA) of that section apply to the act or failure to act if it 465  
occurs on or after the effective date of this amendment. 466

(C) The Ohio elections commission created under section 467  
3517.14 of the Revised Code is abolished at the close of business 468  
on December 31, 1995. 469

**Sec. 3517.992.** This section establishes penalties only with 470  
respect to acts or failures to act that occur on and after August 471  
24, 1995. 472

(A)(1) A candidate whose campaign committee violates division 473  
(A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, 474  
or a treasurer of a campaign committee who violates any of those 475  
divisions, shall be fined not more than one hundred dollars for 476  
each day of violation. 477

(2) Whoever violates division (E) or (X)(5) of section 478  
3517.13 or division (E)(1) of section 3517.1014 of the Revised 479  
Code shall be fined not more than one hundred dollars for each day 480  
of violation. 481

(B) A political party that violates division (F)(1) of 482  
section 3517.101 of the Revised Code shall be fined not more than 483  
one hundred dollars for each day of violation. 484

(C) Whoever violates division (F)(2) of section 3517.101, 485



division (G) of section 3517.13, or division (E)(2) or (3) of 486  
section 3517.1014 of the Revised Code shall be fined not more than 487  
ten thousand dollars or, if the offender is a person who was 488  
nominated or elected to public office, shall forfeit the 489  
nomination or the office to which the offender was elected, or 490  
both. 491

(D) Whoever violates division (F) of section 3517.13 of the 492  
Revised Code shall be fined not more than three times the amount 493  
contributed. 494

(E) Whoever violates division (H) of section 3517.13 of the 495  
Revised Code shall be fined not more than one hundred dollars. 496

(F) Whoever violates division (O), (P), or (Q) of section 497  
3517.13 of the Revised Code is guilty of a misdemeanor of the 498  
first degree. 499

(G) A state or county committee of a political party that 500  
violates division (B)(1) of section 3517.18 of the Revised Code 501  
shall be fined not more than twice the amount of the improper 502  
expenditure. 503

(H) A state or county political party that violates division 504  
(G) of section 3517.101 of the Revised Code shall be fined not 505  
more than twice the amount of the improper expenditure or use. 506

(I)(1) Any individual who violates division (B)(1) of section 507  
3517.102 of the Revised Code and knows that the contribution the 508  
individual makes violates that division shall be fined an amount 509  
equal to three times the amount contributed in excess of the 510  
amount permitted by that division. 511

(2) Any political action committee that violates division 512  
(B)(2) of section 3517.102 of the Revised Code shall be fined an 513  
amount equal to three times the amount contributed in excess of 514  
the amount permitted by that division. 515

(3) Any campaign committee that violates division (B)(3) or 516  
(5) of section 3517.102 of the Revised Code shall be fined an 517  
amount equal to three times the amount contributed in excess of 518  
the amount permitted by that division. 519

(4)(a) Any legislative campaign fund that violates division 520  
(B)(6) of section 3517.102 of the Revised Code shall be fined an 521  
amount equal to three times the amount transferred or contributed 522  
in excess of the amount permitted by that division, as applicable. 523

(b) Any state political party, county political party, or 524  
state candidate fund of a state political party or county 525  
political party that violates division (B)(6) of section 3517.102 526  
of the Revised Code shall be fined an amount equal to three times 527  
the amount transferred or contributed in excess of the amount 528  
permitted by that division, as applicable. 529

(c) Any political contributing entity that violates division 530  
(B)(7) of section 3517.102 of the Revised Code shall be fined an 531  
amount equal to three times the amount contributed in excess of 532  
the amount permitted by that division. 533

(5) Any political party that violates division (B)(4) of 534  
section 3517.102 of the Revised Code shall be fined an amount 535  
equal to three times the amount contributed in excess of the 536  
amount permitted by that division. 537

(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) 538  
of this section, no violation of division (B) of section 3517.102 539  
of the Revised Code occurs, and the secretary of state shall not 540  
refer parties to the Ohio elections commission, if the amount 541  
transferred or contributed in excess of the amount permitted by 542  
that division meets either of the following conditions: 543

(a) It is completely refunded within five business days after 544  
it is accepted. 545

(b) It is completely refunded on or before the tenth business 546

day after notification to the recipient of the excess transfer or 547  
contribution by the board of elections or the secretary of state 548  
that a transfer or contribution in excess of the permitted amount 549  
has been received. 550

(J)(1) Any campaign committee that violates division (C)(1), 551  
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 552  
fined an amount equal to three times the amount accepted in excess 553  
of the amount permitted by that division. 554

(2)(a) Any county political party that violates division 555  
(C)(4)(a)(ii) or (iii) of section 3517.102 of the Revised Code 556  
shall be fined an amount equal to three times the amount accepted. 557

(b) Any county political party that violates division 558  
(C)(4)(a)(i) of section 3517.102 of the Revised Code shall be 559  
fined an amount from its state candidate fund equal to three times 560  
the amount accepted in excess of the amount permitted by that 561  
division. 562

(c) Any state political party that violates division 563  
(C)(4)(b) of section 3517.102 of the Revised Code shall be fined 564  
an amount from its state candidate fund equal to three times the 565  
amount accepted in excess of the amount permitted by that 566  
division. 567

(3) Any legislative campaign fund that violates division 568  
(C)(5) of section 3517.102 of the Revised Code shall be fined an 569  
amount equal to three times the amount accepted in excess of the 570  
amount permitted by that division. 571

(4) Any political action committee or political contributing 572  
entity that violates division (C)(7) of section 3517.102 of the 573  
Revised Code shall be fined an amount equal to three times the 574  
amount accepted in excess of the amount permitted by that 575  
division. 576

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of 577

this section, no violation of division (C) of section 3517.102 of 578  
the Revised Code occurs, and the secretary of state shall not 579  
refer parties to the Ohio elections commission, if the amount 580  
transferred or contributed in excess of the amount permitted to be 581  
accepted by that division meets either of the following 582  
conditions: 583

(a) It is completely refunded within five business days after 584  
its acceptance. 585

(b) It is completely refunded on or before the tenth business 586  
day after notification to the recipient of the excess transfer or 587  
contribution by the board of elections or the secretary of state 588  
that a transfer or contribution in excess of the permitted amount 589  
has been received. 590

(K)(1) Any legislative campaign fund that violates division 591  
(F)(1) of section 3517.102 of the Revised Code shall be fined 592  
twenty-five dollars for each day of violation. 593

(2) Any legislative campaign fund that violates division 594  
(F)(2) of section 3517.102 of the Revised Code shall give to the 595  
treasurer of state for deposit into the state treasury to the 596  
credit of the Ohio elections commission fund all excess 597  
contributions not disposed of as required by division (E) of 598  
section 3517.102 of the Revised Code. 599

(L) Whoever violates section 3517.105 of the Revised Code 600  
shall be fined one thousand dollars. 601

(M)(1) Whoever solicits a contribution in violation of 602  
section 3517.092 or violates division (B) of section 3517.09 of 603  
the Revised Code is guilty of a misdemeanor of the first degree. 604

(2) Whoever knowingly accepts a contribution in violation of 605  
division (B) or (C) of section 3517.092 of the Revised Code shall 606  
be fined an amount equal to three times the amount accepted in 607  
violation of either of those divisions and shall return to the 608

contributor any amount so accepted. Whoever unknowingly accepts a 609  
contribution in violation of division (B) or (C) of section 610  
3517.092 of the Revised Code shall return to the contributor any 611  
amount so accepted. 612

(N) Whoever violates division (S) of section 3517.13 of the 613  
Revised Code shall be fined an amount equal to three times the 614  
amount of funds transferred or three times the value of the assets 615  
transferred in violation of that division. 616

(O) Any campaign committee that accepts a contribution or 617  
contributions in violation of section 3517.108 of the Revised 618  
Code, uses a contribution in violation of that section, or fails 619  
to dispose of excess contributions in violation of that section 620  
shall be fined an amount equal to three times the amount accepted, 621  
used, or kept in violation of that section. 622

(P) Any political party, state candidate fund, legislative 623  
candidate fund, or campaign committee that violates division (T) 624  
of section 3517.13 of the Revised Code shall be fined an amount 625  
equal to three times the amount contributed or accepted in 626  
violation of that section. 627

(Q) A treasurer of a committee or another person who violates 628  
division (U) of section 3517.13 of the Revised Code shall be fined 629  
not more than two hundred fifty dollars. 630

(R)(1) Whoever violates division (I) or (J) of section 631  
3517.13 of the Revised Code shall be fined not more than one 632  
thousand dollars. Whenever a person is found guilty of violating 633  
division (I) or (J) of section 3517.13 of the Revised Code, the 634  
contract awarded in violation of either of those divisions shall 635  
be rescinded if its terms have not yet been performed. 636

(2) Whoever violates division (AA) of section 3517.13 of the 637  
Revised Code shall be fined not more than one thousand dollars. 638  
Whenever a person, private entity, or operator is found guilty of 639

violating division (AA) of section 3517.13 of the Revised Code, 640  
the public-private agreement shall be terminated if its terms have 641  
not yet been performed. 642

As used in division (R)(2) of this section, "operator," 643  
"private entity," and "public-private agreement" have the same 644  
meanings as in section 5501.70 of the Revised Code. 645

(S) A candidate whose campaign committee violates or a 646  
treasurer of a campaign committee who violates section 3517.081 of 647  
the Revised Code, and a candidate whose campaign committee 648  
violates or a treasurer of a campaign committee or another person 649  
who violates division (C) of section 3517.10 of the Revised Code, 650  
shall be fined not more than five hundred dollars. 651

(T) A candidate whose campaign committee violates or a 652  
treasurer of a committee who violates division (B) of section 653  
3517.09 of the Revised Code, or a candidate whose campaign 654  
committee violates or a treasurer of a campaign committee or 655  
another person who violates division (C) of section 3517.09 of the 656  
Revised Code shall be fined not more than one thousand dollars. 657

(U) Whoever violates section 3517.20 of the Revised Code 658  
shall be fined not more than five hundred dollars. 659

(V) Whoever violates section 3517.21 or 3517.22 of the 660  
Revised Code shall be imprisoned for not more than six months or 661  
fined not more than five thousand dollars, or both. 662

(W) A campaign committee that is required to file a 663  
declaration of no limits under division (D)(2) of section 3517.103 664  
of the Revised Code that, before filing that declaration, accepts 665  
a contribution or contributions that exceed the limitations 666  
prescribed in section 3517.102 of the Revised Code, shall return 667  
that contribution or those contributions to the contributor. 668

(X) Any campaign committee that fails to file the declaration 669  
of filing-day finances required by division (F) of section 670

3517.109 of the Revised Code or the declaration of primary-day 671  
finances or declaration of year-end finances required by division 672  
(E) of section 3517.1010 of the Revised Code shall be fined 673  
twenty-five dollars for each day of violation. 674

(Y)(1) Any campaign committee that fails to dispose of excess 675  
funds or excess aggregate contributions under division (B) of 676  
section 3517.109 of the Revised Code in the manner required by 677  
division (C) of that section or under division (B) of section 678  
3517.1010 of the Revised Code in the manner required by division 679  
(C) of that section shall give to the treasurer of state for 680  
deposit into the Ohio elections commission fund created under 681  
division (I) of section 3517.152 of the Revised Code all funds not 682  
disposed of pursuant to those divisions. 683

(2) Any treasurer of a transition fund that fails to dispose 684  
of assets remaining in the transition fund as required under 685  
division (H)(1) or (2) of section 3517.1014 of the Revised Code 686  
shall give to the treasurer of state for deposit into the Ohio 687  
elections commission fund all assets not disposed of pursuant to 688  
that division. 689

(Z) Any individual, campaign committee, political action 690  
committee, political contributing entity, legislative campaign 691  
fund, political party, treasurer of a transition fund, or other 692  
entity that violates any provision of sections 3517.09 to 3517.12 693  
of the Revised Code for which no penalty is provided for under any 694  
other division of this section shall be fined not more than one 695  
thousand dollars. 696

(AA)(1) Whoever knowingly violates division (W)(1) of section 697  
3517.13 of the Revised Code shall be fined an amount equal to 698  
three times the amount contributed, expended, or promised in 699  
violation of that division or ten thousand dollars, whichever 700  
amount is greater. 701

(2) Whoever knowingly violates division (W)(2) of section 702  
3517.13 of the Revised Code shall be fined an amount equal to 703  
three times the amount solicited or accepted in violation of that 704  
division or ten thousand dollars, whichever amount is greater. 705

(BB) Whoever knowingly violates division (C) or (D) of 706  
section 3517.1011 of the Revised Code shall be fined not more than 707  
ten thousand dollars plus not more than one thousand dollars for 708  
each day of violation. 709

(CC)(1) Subject to division (CC)(2) of this section, whoever 710  
violates division (H) of section 3517.1011 of the Revised Code 711  
shall be fined an amount up to three times the amount disbursed 712  
for the direct costs of airing the communication made in violation 713  
of that division. 714

(2) Whoever has been ordered by the Ohio elections commission 715  
or by a court of competent jurisdiction to cease making 716  
communications in violation of division (H) of section 3517.1011 717  
of the Revised Code who again violates that division shall be 718  
fined an amount equal to three times the amount disbursed for the 719  
direct costs of airing the communication made in violation of that 720  
division. 721

(DD)(1) Any corporation or labor organization that violates 722  
division (X)(3)(a) of section 3517.13 of the Revised Code shall be 723  
fined an amount equal to three times the amount given in excess of 724  
the amount permitted by that division. 725

(2) Any state or county political party that violates 726  
division (X)(3)(b) of section 3517.13 of the Revised Code shall be 727  
fined an amount equal to three times the amount accepted in excess 728  
of the amount permitted by that division. 729

(EE)(1) Any campaign committee or person who violates 730  
division (C)(1)(b) or (c) of section 3517.1014 of the Revised Code 731  
shall be fined an amount equal to three times the amount donated 732



in excess of the amount permitted by that division. 733

(2) Any officeholder or treasurer of a transition fund who 734  
violates division (C)(3)(a) or (b) of section 3517.1014 of the 735  
Revised Code shall be fined an amount equal to three times the 736  
amount accepted in excess of the amount permitted by that 737  
division. 738

Sec. 5501.70. As used in sections 5501.70 to 5501.83 of the 739  
Revised Code: 740

(A) "Affected jurisdiction" means any unit of government 741  
within the state in which all or part of a transportation facility 742  
is located or any other public entity directly affected by the 743  
transportation facility. 744

(B) "Force majeure" means an uncontrollable force or natural 745  
disaster not within the power of the operator or the state. 746

(C) "Maintenance" includes routine maintenance, major 747  
maintenance, and any other categories of maintenance that may be 748  
designated by the department of transportation. 749

(D) "Material default" means any failure of an operator to 750  
perform any duties under a public-private agreement that 751  
jeopardizes delivery of adequate service to the public and remains 752  
unsatisfied after a reasonable period of time and after the 753  
operator has received written notice from the department of the 754  
failure. 755

(E) "Operate" means any action to maintain, repair, improve, 756  
equip, or modify a transportation facility. 757

(F) "Operator" means a private entity that has entered into a 758  
public-private agreement under sections 5501.71 to 5501.83 of the 759  
Revised Code. 760

(G) "Private entity" means any natural person, corporation, 761  
general partnership, limited liability company, limited 762

partnership, joint venture, business trust, public benefit 763  
corporation, nonprofit entity, or other business entity. 764

(H) "Public-private agreement" means the agreement between a 765  
private entity and the department that relates to the development, 766  
financing, maintenance, or operation of a transportation facility 767  
subject to sections 5501.70 to 5501.83 of the Revised Code. 768

(I) "Public-private initiative" means an arrangement between 769  
the department and one or more private entities, the terms of 770  
which are stated in a public-private agreement, that provides for 771  
all of the following: 772

(1) Acceptance of a private contribution, including a money 773  
payment, for a project or service for a transportation facility; 774

(2) Sharing of resources and the means of providing a project 775  
or service for a transportation facility; 776

(3) Cooperation in researching, developing, and implementing 777  
projects or services for a transportation facility. 778

(J) "Transportation facility" has the same meaning as in 779  
section 5501.01 of the Revised Code and also includes a tunnel, 780  
ferry, seaport facility, intermodal facility, or similar facility 781  
open to the public and used for the transportation of persons or 782  
goods, and any building, structure, parking area, or other 783  
appurtenances or property needed to operate a transportation 784  
facility that is subject to a public-private agreement. 785

(K) "User fee" means a rate, toll, fee, or other charge 786  
imposed by an operator for use of all or part of a transportation 787  
facility. 788

(L) "Utility" means a privately, publicly, or cooperatively 789  
owned line, facility, or system for producing, transmitting, or 790  
distributing communications, cable television, power, electricity, 791  
light, heat, gas, oil, crude products, water, steam, waste, storm 792

water not connected with highway drainage, alternative or 793  
renewable energy sources such as wind or solar, or any other 794  
similar commodity, including a fire or police signal system or 795  
street lighting system that directly or indirectly serves the 796  
public. 797

**Sec. 5501.71.** (A) The department of transportation may 798  
solicit, receive, consider, evaluate, and accept a proposal for a 799  
public-private initiative. 800

(B) In soliciting and selecting a private entity with which 801  
to enter into a public-private initiative, the department shall 802  
use any one or more of the following: 803

(1) Sealed bidding; 804

(2) Selection of proposals, with or without negotiations, 805  
based on qualifications, best value, or both; 806

(3) Any competitive selection process that the department 807  
determines to be appropriate or reasonable. 808

(C) The department shall consider the following factors in 809  
evaluating and selecting a bid or proposal to enter into a 810  
public-private initiative: 811

(1) The ability of the transportation facility to improve 812  
safety, reduce congestion, increase capacity, and promote economic 813  
growth; 814

(2) The extent that the private entity's proposal addresses 815  
the needs identified in the appropriate state, regional, or local 816  
transportation plan by improving safety, reducing congestion, 817  
increasing capacity, or enhancing economic efficiency and the 818  
private entity's proposal corresponds with the state, regional, or 819  
local transportation improvement plan; 820

(3) The proposed cost of and financial plan for the 821  
transportation facility; 822

<u>(4) The general reputation, qualifications, industry</u>	823
<u>experience, and financial capacity of the private entity;</u>	824
<u>(5) The proposed design, operation, and feasibility of the</u>	825
<u>transportation facility;</u>	826
<u>(6) Comments from local citizens and affected jurisdictions;</u>	827
<u>(7) Benefits to the public and the affected transportation</u>	828
<u>facility;</u>	829
<u>(8) The safety record of the private entity;</u>	830
<u>(9) Any other criteria that the department considers</u>	831
<u>appropriate.</u>	832
<u>(D) The department may select multiple private entities with</u>	833
<u>which to enter a public-private agreement for a transportation</u>	834
<u>facility if it is in the public interest to do so.</u>	835
<u>(E) The department shall select a private entity or entities</u>	836
<u>for a public-private initiative on a competitive basis to the</u>	837
<u>maximum extent practicable.</u>	838
<u>(F) Any materials or data submitted to, made available to, or</u>	839
<u>received by the director of transportation, to the extent that the</u>	840
<u>material or data consist of trade secrets, as defined in section</u>	841
<u>1333.61 of the Revised Code, or commercial or financial</u>	842
<u>information, are confidential and are not public records for the</u>	843
<u>purposes of section 149.43 of the Revised Code. Prior to</u>	844
<u>submission of a solicited proposal, a private entity may request a</u>	845
<u>review by the department of information that the private entity</u>	846
<u>has identified as confidential, to determine whether such</u>	847
<u>information would be subject to disclosure under section 149.43 of</u>	848
<u>the Revised Code.</u>	849
<u>(G) Sections 5501.70 to 5501.83 of the Revised Code control</u>	850
<u>in any conflict with any state or local statute, rule, regulation,</u>	851
<u>or ordinance relating to solicited proposals.</u>	852

Sec. 5501.72. (A) The department of transportation may 853  
receive, consider, evaluate, and accept an unsolicited proposal 854  
for a public-private initiative if the proposal meets all of the 855  
following: 856

(1) Addresses the needs identified in the appropriate state, 857  
regional, or local transportation plan by improving safety, 858  
reducing congestion, increasing capacity, or enhancing economic 859  
efficiency and the proposal corresponds with the state, regional, 860  
or local transportation improvement plan; 861

(2) Is independently originated and developed by the 862  
proposer; 863

(3) Benefits the public; 864

(4) Is prepared without department supervision; 865

(5) Includes sufficient detail and information for the 866  
department to evaluate the proposal in an objective and timely 867  
manner; 868

(6) Is made by a private entity that is not prohibited from 869  
making an unsolicited proposal under division (AA)(1) of section 870  
3517.13 of the Revised Code. 871

(B) Within ninety days after receiving an unsolicited 872  
proposal, the department shall undertake a preliminary evaluation 873  
of the unsolicited proposal to determine if the proposal complies 874  
with the requirements of division (A) of this section. 875

(C) Any materials or data submitted to, made available to, or 876  
received by the director of transportation under this section, to 877  
the extent that the material or data consist of trade secrets, as 878  
defined in section 1333.61 of the Revised Code, or commercial or 879  
financial information, are confidential and are not public records 880  
for the purposes of section 149.43 of the Revised Code, regardless 881  
of whether the department accepts or rejects the proposal. Prior 882

to submission of an unsolicited proposal or a competing proposal, 883  
a private entity may request a review by the department of 884  
information that the private entity has identified as confidential 885  
to determine whether such information would be subject to 886  
disclosure under section 149.43 of the Revised Code. 887

(D) If the unsolicited proposal does not comply with division 888  
(A) of this section, the department shall return the proposal 889  
without further action. 890

(E) If the unsolicited proposal complies with division (A) of 891  
this section, the department may continue to evaluate the proposal 892  
in accordance with this section. 893

(F)(1) If the unsolicited proposal complies with division (A) 894  
of this section, the department shall advertise the unsolicited 895  
proposal for the purpose of receiving competitive proposals for 896  
the proposed transportation facility. 897

(2) The advertisement shall outline the general nature and 898  
scope of the unsolicited proposal, including the location of the 899  
transportation facility and the work to be performed on or in 900  
connection with the transportation facility and shall specify an 901  
address to which a competing proposal may be submitted. 902

(3) The advertisement shall specify a reasonable time period 903  
by which competitors must submit a competing proposal to the 904  
department. 905

(G) The department shall charge a reasonable fee to cover its 906  
costs to process, review, and evaluate an unsolicited proposal and 907  
any competing proposals. 908

(H) Upon receipt of any competing proposals, the department 909  
shall do all of the following: 910

(1) Determine if any competing proposal is comparable in 911  
nature and scope to the original unsolicited proposal; 912

<u>(2) Evaluate the original unsolicited proposal and any comparable competing proposal;</u>	913 914
<u>(3) Conduct any good faith discussions and, if necessary, any negotiations concerning each qualified proposal.</u>	915 916
<u>(I) The department shall evaluate an unsolicited proposal and any comparable competing proposal using the following factors:</u>	917 918
<u>(1) Novel methods, approaches, or concepts demonstrated by the proposal;</u>	919 920
<u>(2) Scientific, technical, or socioeconomic merits of the proposal;</u>	921 922
<u>(3) Potential contribution of the proposal to the department's mission;</u>	923 924
<u>(4) Capabilities, related experience, facilities, or techniques of the private entity or unique combinations of these qualities that are integral factors for achieving the proposal objectives;</u>	925 926 927 928
<u>(5) Qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel, who are critical to achieving the proposal objectives;</u>	929 930 931
<u>(6) How the proposal benefits the public;</u>	932
<u>(7) Any other factors appropriate to a particular proposal.</u>	933
<u>(J) After evaluating the unsolicited proposal and any competing proposals, the department may do any of the following:</u>	934 935
<u>(1) Accept the unsolicited proposal and reject any competing proposals;</u>	936 937
<u>(2) Reject the unsolicited proposal and accept a comparable competing proposal if the department determines that the comparable competing proposal is the most advantageous to the state;</u>	938 939 940 941

(3) Accept both an unsolicited proposal and a competing proposal if accepting both proposals is advantageous to the state; 942  
943

(4) Reject the unsolicited proposal and any competing proposals. 944  
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(K) Sections 5501.70 to 5501.83 of the Revised Code control in any conflict with any state or local statute, rule, regulation, or ordinance relating to unsolicited proposals. 946  
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**Sec. 5501.73.** (A) After selecting a solicited or unsolicited proposal for a public-private initiative, the department of transportation, with the prior approval of the controlling board, shall enter into a public-private agreement for a transportation facility with the selected private entity or any configuration of private entities. An affected jurisdiction may be a party to a public-private agreement entered into by the department and a selected private entity or combination of private entities. 949  
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(B) A public-private agreement under this section shall provide for all of the following: 957  
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(1) Planning, acquisition, financing, development, design, construction, reconstruction, replacement, improvement, maintenance, management, repair, leasing, or operation of a transportation facility; 959  
960  
961  
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(2) Term of the public-private agreement, subject to division (D) of this section; 963  
964

(3) Type of property interest, if any, the private entity will have in the transportation facility; 965  
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(4) Description of the actions the department may take to ensure proper maintenance of the transportation facility; 967  
968

(5) Whether user fees will be collected on the transportation facility and the basis by which such user fees shall be determined and modified; 969  
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971



<u>(6) Compliance with applicable federal, state, and local laws;</u>	972 973
<u>(7) Grounds for termination of the public-private agreement by the department or operator;</u>	974 975
<u>(8) Procedures for amendment of the agreement.</u>	976
<u>(C) A public-private agreement under this section may provide for any of the following:</u>	977 978
<u>(1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility;</u>	979 980 981
<u>(2) Inspection by the department of construction of or improvements to the transportation facility;</u>	982 983
<u>(3) Maintenance by the operator of a policy of liability insurance or self-insurance;</u>	984 985
<u>(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;</u>	986 987 988
<u>(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;</u>	989 990
<u>(6) Financing obligations of the operator and the department;</u>	991
<u>(7) Apportionment of expenses between the operator and the department;</u>	992 993
<u>(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;</u>	994 995 996
<u>(9) Rights and remedies available in the event of default or delay;</u>	997 998
<u>(10) Terms and conditions of indemnification of the operator by the department;</u>	999 1000

(11) Assignment, subcontracting, or other delegation of responsibilities of the operator or the department under the agreement to third parties, including other private entities and other state agencies; 1001  
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(12) Sale or lease to the operator of private property related to the transportation facility; 1005  
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(13) Traffic enforcement and other policing issues, including any reimbursement by the private entity for such services. 1007  
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(D) Any public-private agreement entered into under this section may be for a period not to exceed the then current two-year period for which appropriations have been made by the general assembly to the department; provided, that any agreement may be renewed for succeeding two-year periods when the general assembly enacts sufficient appropriations to the department for each successive biennium. Any such agreement may include, without limitation, any agreement by the department with respect to any costs of transportation facilities to be included prior to acquisition and construction of such transportation facilities. Any such agreement shall not constitute a debt or pledge of the faith and credit of the state, or of any political subdivision of the state, and the operator shall have no right to have taxes or excises levied by the general assembly, or the taxing authority of any political subdivision of the state, for payments under the agreement. Any such agreement shall contain a statement to that effect. 1009  
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Sec. 5501.74. In the event of termination of the public-private agreement, the authority and duties of the operator cease, except for any duties and obligations that extend beyond the termination as provided in the public-private agreement, and the transportation facility reverts to the department of transportation and shall be dedicated to the department for public 1026  
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use. 1032

Sec. 5501.75. (A) Upon the occurrence and during the 1033  
continuation of material default by an operator, not related to an 1034  
event of force majeure, the department of transportation may do 1035  
the following: 1036

(1) Elect to take over the transportation facility, including 1037  
the succession of all right, title, and interest in the 1038  
transportation facility, subject to any liens on revenues 1039  
previously granted by the private entity; 1040

(2) Terminate the public-private agreement and exercise any 1041  
other available rights and remedies. 1042

(B) In the event that the department elects to take over a 1043  
transportation facility, the department shall collect and pay any 1044  
revenues that are subject to lien to satisfy any obligation and 1045  
may do the following: 1046

(1) Develop and operate the transportation facility, impose 1047  
user fees for the use of the transportation facility, and comply 1048  
with any service contracts; 1049

(2) Solicit proposals for the maintenance and operation of 1050  
the transportation facility under section 5501.71 of the Revised 1051  
Code. 1052

Sec. 5501.76. Obligations may be issued under section 5531.10 1053  
of the Revised Code for the purpose of providing funds to carry 1054  
out sections 5501.70 to 5501.83 of the Revised Code with respect 1055  
to the development or financing of a transportation facility. 1056

Sec. 5501.77. (A) For the purposes of carrying out sections 1057  
5501.70 to 5501.83 of the Revised Code, the department of 1058  
transportation may do all of the following: 1059

(1) Accept, subject to applicable terms and conditions, available funds from the United States or any of its agencies, whether the funds are made available by grant, loan, or other financial assistance; 1060  
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(2) Enter into agreements or other arrangements with the United States or any of its agencies as may be necessary; 1064  
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(3) Accept from any source any grant, donation, gift, or other form of conveyance of land, money, other real or personal property, or other item of value made to the state or the department. 1066  
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(B) Any transportation facility may be financed in whole or in part by contribution of any funds or property made by any private entity or affected jurisdiction that is party to a public-private agreement under sections 5501.70 to 5501.83 of the Revised Code. 1070  
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(C) The department may combine federal, state, local, and private funds to finance a transportation facility under sections 5501.70 to 5501.83 of the Revised Code. 1075  
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**Sec. 5501.78.** A transportation facility and any tangible personal property used exclusively with a transportation facility that is owned by the department of transportation and leased, licensed, financed, or otherwise conveyed to an operator, or that is acquired, constructed, or otherwise provided by an operator on behalf of the department, is exempt from all ad valorem property taxes and special assessments levied against property by the state or any political subdivision of the state. 1078  
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**Sec. 5501.79.** The department of transportation may acquire property, rights-of-way, or other rights in property for transportation projects that are part of a public-private initiative in accordance with Chapter 163. of the Revised Code. 1086  
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If, at the request of a private entity, the department proposes to 1090  
acquire property, rights-of-way, or other rights in property in 1091  
accordance with Chapter 163. of the Revised Code, the director of 1092  
transportation first shall make a finding that the acquisition 1093  
serves the public purposes of sections 5501.70 to 5501.83 of the 1094  
Revised Code and also shall require the private party to pay the 1095  
costs of the acquisition. 1096

Sec. 5501.80. All law enforcement officers of the state and 1097  
of an affected local jurisdiction shall have the same powers and 1098  
jurisdiction within the limits of the transportation facility as 1099  
they have in their respective areas of jurisdiction and access to 1100  
the transportation facility at any time for the purpose of 1101  
exercising such powers and jurisdiction. 1102

Sec. 5501.81. An operator under sections 5501.70 to 5501.83 1103  
of the Revised Code and any utility whose facility is to be 1104  
crossed or relocated shall cooperate fully in planning and 1105  
arranging the manner of the crossing or relocation of the utility 1106  
facility. 1107

Sec. 5501.82. Nothing in sections 5501.70 to 5501.83 of the 1108  
Revised Code shall be construed or deemed to limit any waiver of 1109  
the sovereign immunity of the state or any officer or employee of 1110  
the state with respect to the participation in or approval of all 1111  
or any part of the transportation facility or its operation. 1112

Sec. 5501.83. The department of transportation may adopt 1113  
rules under Chapter 119. of the Revised Code to carry out sections 1114  
5501.70 to 5501.83 of the Revised Code. 1115

**Section 2.** That existing sections 3517.13, 3517.151, and 1116  
3517.992 of the Revised code are hereby repealed. 1117