

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 277

Representative Seitz

A BILL

To amend section 2505.09 and to enact section 1
3301.132 of the Revised Code to stay the 2
execution of certain judgments in favor of the 3
Department of Education during the appeals 4
process. 5

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

Section 1. That section 2505.09 be amended and section 6
3301.132 of the Revised Code be enacted to read as follows: 7

Sec. 2505.09. Except as provided in section 2505.11 ~~or~~, 8
2505.12, or 3301.132 or another section of the Revised Code or 9
in applicable rules governing courts, an appeal does not operate 10
as a stay of execution until a stay of execution has been 11
obtained pursuant to the Rules of Appellate Procedure or in 12
another applicable manner, and a supersedeas bond is executed by 13
the appellant to the appellee, with sufficient sureties and in a 14
sum that is not less than, if applicable, the cumulative total 15
for all claims covered by the final order, judgment, or decree 16
and interest involved, except that the bond shall not exceed 17
fifty million dollars excluding interest and costs, as directed 18
by the court that rendered the final order, judgment, or decree 19

that is sought to be superseded or by the court to which the 20
appeal is taken. That bond shall be conditioned as provided in 21
section 2505.14 of the Revised Code. 22

Sec. 3301.132. (A) An appeal of a final order declaring 23
that overpayment of state funds shall be returned to the 24
department of education by any public or private entity that is 25
filed pursuant to section 2505.03 of the Revised Code shall 26
operate as a stay of execution of that judgment, and the 27
department shall not take any action or request that any action 28
be taken to collect that overpayment, provided that a bond is 29
executed by the appellant to the department in a sum of not less 30
than ten per cent of the judgment. 31

(B) The stay of execution shall remain in effect until the 32
earlier occurrence of either of the following: 33

(1) All of the usual appeals have been exhausted. 34

(2) The deadline for appeal has passed. 35

Section 2. That existing section 2505.09 of the Revised 36
Code is hereby repealed. 37