

As Introduced

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H. B. No. 252

Representative Young

**Cosponsors: Representatives Henne, Maag, Newbold, Martin, Buchy, Beck,
Sprague, Blessing, Ruhl, Johnson, Bubp, Combs, Roegner, Thompson,
Adams, J.**

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A BILL

To amend sections 4123.01, 5104.30, 5107.05, 5111.01, 1
and 5115.02 and to enact sections 3801.01, 2
3801.02, 3801.03, and 3801.04 of the Revised Code 3
to require a prosecuting attorney to ask the 4
Immigration and Naturalization Service of the 5
United States to verify or ascertain the 6
immigration status of an offender who has been 7
convicted of or pleaded guilty to a felony, to 8
require a prosecuting attorney if the INS informs 9
the prosecutor that the offender is an illegal 10
alien to notify the alleged felon's employer, the 11
Department of Job and Family Services, the 12
Registrar of Motor Vehicles, and the Secretary of 13
State, to make illegal aliens ineligible for 14
certain state public benefits, and to prohibit the 15
Registrar of Motor Vehicles from issuing a 16
driver's license to an alleged felon with respect 17
to whom a prosecuting attorney has given the 18
Registrar the above notice and require the 19
Registrar to cancel any driver's licenses issued 20
to such an alleged felon. 21

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

Section 1. That sections 4123.01, 5104.30, 5107.05, 5111.01, 22
and 5115.02 be amended and sections 3801.01, 3801.02, 3801.03, and 23
3801.04 of the Revised Code be enacted to read as follows: 24

Sec. 3801.01. As used in this chapter: 25

(A) "Alien" means a person who is not a United States citizen 26
or a United States national. 27

(B) "Illegal alien" means an alien who is deportable, as 28
determined by the immigration and naturalization service of the 29
United States, because of one of the following: 30

(1) The alien entered the United States illegally without the 31
proper authorization and documents. 32

(2) The alien once entered the United States legally and has 33
since violated the terms of the status under which the alien 34
entered the United States. 35

(3) The alien once entered the United States legally but has 36
overstayed the time limits of the original legal status. 37

Sec. 3801.02. (A) If an individual has been convicted of or 38
pleaded guilty to a felony, the prosecuting attorney who 39
prosecuted the offender's case shall request the immigration and 40
naturalization service of the United States to verify or ascertain 41
the citizenship or immigration status of the offender pursuant to 42
8 U.S.C. 1373 of the federal "Immigration and Nationality Act." If 43
the response of the immigration and naturalization service of the 44
United States states that the immigration and naturalization 45
service has determined that the offender is an illegal alien, the 46
prosecuting attorney shall make the notifications required under 47

sections 3801.03 and 3801.04 of the Revised Code. If the response 48
of the immigration and naturalization service states that the 49
immigration and naturalization service has not determined that the 50
offender is an illegal alien but the prosecuting attorney has 51
reasonable cause to believe that the offender is an illegal alien, 52
the prosecuting attorney shall contact the immigration and 53
naturalization service and provide the immigration and 54
naturalization service with the offender's name, address, and 55
other identifying information. If the offender is currently 56
incarcerated in a jail, prison, or other place of detention, the 57
prosecuting attorney shall provide the United States immigration 58
and naturalization service with the name and location of the jail, 59
prison, or other place of detention in which the offender is being 60
held. 61

(B) Except as provided by federal law, officials and agencies 62
of this state or of political subdivisions of this state are not 63
prohibited or in any way restricted from sending to or receiving 64
from the United States immigration and naturalization service 65
information relative to an individual's citizenship or immigration 66
status, maintaining information relative to the individual's 67
citizenship or immigration status, or exchanging information 68
relative to the individual's citizenship or immigration status 69
with any other federal, state, or local government official or 70
entity. 71

Sec. 3801.03. If a prosecuting attorney has received a 72
response to a request made by the prosecuting attorney under 73
section 3801.02 of the Revised Code that states that the 74
immigration and naturalization service of the United States has 75
determined that the offender is an illegal alien, the prosecuting 76
attorney shall notify the offender's employer, if the offender is 77
employed, that the employment of the individual may violate 8 78

U.S.C. 1324a of the United States "Immigration and Nationality Act," 8 U.S.C. 1101 et seq., as amended. 79
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Sec. 3801.04. (A) If a prosecuting attorney has received a response to a request made by the prosecuting attorney under section 3801.02 of the Revised Code that states that the immigration and naturalization service of the United States has determined that the offender is an illegal alien, the prosecuting attorney shall notify the department of job and family services. The notification shall include the offender's name, address, and any other identifying information in the possession of the prosecuting attorney. The department of job and family services shall notify the offender that the department will not provide to the offender unemployment compensation benefits under Chapter 4141. of the Revised Code, supplemental nutrition assistance program benefits under sections 5101.54 to 5101.544 of the Revised Code, children's health insurance program benefits under section 5101.50 to 5101.53 of the Revised Code, or other benefits administered by the department. The department shall provide to the offender any of these benefits if the offender is eligible for the benefit under another section of the Revised Code and shall amend the notification to the offender as appropriate. 81
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(B) If a prosecuting attorney has received a response to a request made by the prosecuting attorney under section 3801.02 of the Revised Code that states that the immigration and naturalization service of the United States has determined that the offender is an illegal alien, the prosecuting attorney shall notify the registrar of motor vehicles. The notification shall include the offender's name, address, and any other identifying information in the possession of the prosecuting attorney. The registrar shall notify the offender that the registrar will not issue a temporary instruction permit, a driver's license, or 100
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commercial driver's license to the offender and will cancel any 110
driver's or commercial driver's license that has been issued to 111
the offender. 112

(C)(1) If a prosecuting attorney has received a response to a 113
request made by the prosecuting attorney under section 3801.02 of 114
the Revised Code that states that the immigration and 115
naturalization service of the United States has determined that 116
the offender is an illegal alien, the prosecuting attorney shall 117
notify the secretary of state. The notification shall include the 118
offender's name, address, and any other information in the 119
possession of the prosecuting attorney. 120

(2) If the offender is a registered elector, the offender's 121
registration shall be canceled pursuant to section 3503.21 of the 122
Revised Code. A board of elections shall not register the offender 123
as an elector. 124

(3) The secretary of state shall investigate whether the 125
offender has voted in an election while the offender was not a 126
legally qualified elector in violation of section 3599.12 of the 127
Revised Code. 128

Sec. 4123.01. As used in this chapter: 129

(A)(1) "Employee" means: 130

(a) Every person in the service of the state, or of any 131
county, municipal corporation, township, or school district 132
therein, including regular members of lawfully constituted police 133
and fire departments of municipal corporations and townships, 134
whether paid or volunteer, and wherever serving within the state 135
or on temporary assignment outside thereof, and executive officers 136
of boards of education, under any appointment or contract of hire, 137
express or implied, oral or written, including any elected 138
official of the state, or of any county, municipal corporation, or 139

township, or members of boards of education. 140

As used in division (A)(1)(a) of this section, the term 141
"employee" includes the following persons when responding to an 142
inherently dangerous situation that calls for an immediate 143
response on the part of the person, regardless of whether the 144
person is within the limits of the jurisdiction of the person's 145
regular employment or voluntary service when responding, on the 146
condition that the person responds to the situation as the person 147
otherwise would if the person were on duty in the person's 148
jurisdiction: 149

(i) Off-duty peace officers. As used in division (A)(1)(a)(i) 150
of this section, "peace officer" has the same meaning as in 151
section 2935.01 of the Revised Code. 152

(ii) Off-duty firefighters, whether paid or volunteer, of a 153
lawfully constituted fire department. 154

(iii) Off-duty first responders, emergency medical 155
technicians-basic, emergency medical technicians-intermediate, or 156
emergency medical technicians-paramedic, whether paid or 157
volunteer, of an ambulance service organization or emergency 158
medical service organization pursuant to Chapter 4765. of the 159
Revised Code. 160

(b) Every person in the service of any person, firm, or 161
private corporation, including any public service corporation, 162
that (i) employs one or more persons regularly in the same 163
business or in or about the same establishment under any contract 164
of hire, express or implied, oral or written, including legal 165
aliens and minors, household workers who earn one hundred sixty 166
dollars or more in cash in any calendar quarter from a single 167
household and casual workers who earn one hundred sixty dollars or 168
more in cash in any calendar quarter from a single employer, or 169
(ii) is bound by any such contract of hire or by any other written 170

contract, to pay into the state insurance fund the premiums	171
provided by this chapter.	172
(c) Every person who performs labor or provides services	173
pursuant to a construction contract, as defined in section 4123.79	174
of the Revised Code, if at least ten of the following criteria	175
apply:	176
(i) The person is required to comply with instructions from	177
the other contracting party regarding the manner or method of	178
performing services;	179
(ii) The person is required by the other contracting party to	180
have particular training;	181
(iii) The person's services are integrated into the regular	182
functioning of the other contracting party;	183
(iv) The person is required to perform the work personally;	184
(v) The person is hired, supervised, or paid by the other	185
contracting party;	186
(vi) A continuing relationship exists between the person and	187
the other contracting party that contemplates continuing or	188
recurring work even if the work is not full time;	189
(vii) The person's hours of work are established by the other	190
contracting party;	191
(viii) The person is required to devote full time to the	192
business of the other contracting party;	193
(ix) The person is required to perform the work on the	194
premises of the other contracting party;	195
(x) The person is required to follow the order of work set by	196
the other contracting party;	197
(xi) The person is required to make oral or written reports	198
of progress to the other contracting party;	199

(xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly;	200
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(xiii) The person's expenses are paid for by the other contracting party;	202
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(xiv) The person's tools and materials are furnished by the other contracting party;	204
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(xv) The person is provided with the facilities used to perform services;	206
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(xvi) The person does not realize a profit or suffer a loss as a result of the services provided;	208
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(xvii) The person is not performing services for a number of employers at the same time;	210
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(xviii) The person does not make the same services available to the general public;	212
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(xix) The other contracting party has a right to discharge the person;	214
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(xx) The person has the right to end the relationship with the other contracting party without incurring liability pursuant to an employment contract or agreement.	216
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Every person in the service of any independent contractor or subcontractor who has failed to pay into the state insurance fund the amount of premium determined and fixed by the administrator of workers' compensation for the person's employment or occupation or if a self-insuring employer has failed to pay compensation and benefits directly to the employer's injured and to the dependents of the employer's killed employees as required by section 4123.35 of the Revised Code, shall be considered as the employee of the person who has entered into a contract, whether written or verbal, with such independent contractor unless such employees or their legal representatives or beneficiaries elect, after injury or	219
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death, to regard such independent contractor as the employer.	230
(d) Every person to whom all of the following apply:	231
(i) The person is a resident of a state other than this state	232
and is covered by that other state's workers' compensation law;	233
(ii) The person performs labor or provides services for that	234
person's employer while temporarily within this state;	235
(iii) The laws of that other state do not include the	236
provisions described in division (H)(4) of section 4123.54 of the	237
Revised Code.	238
(2) "Employee" does not mean <u>any of the following</u> :	239
(a) A duly ordained, commissioned, or licensed minister or	240
assistant or associate minister of a church in the exercise of	241
ministry;	242
(b) Any officer of a family farm corporation;	243
(c) An individual incorporated as a corporation; or	244
(d) <u>An illegal alien, as defined in section 3801.01 of the</u>	245
<u>Revised Code;</u>	246
(d) (e) An individual who otherwise is an employee of an	247
employer but who signs the waiver and affidavit specified in	248
section 4123.15 of the Revised Code on the condition that the	249
administrator has granted a waiver and exception to the	250
individual's employer under section 4123.15 of the Revised Code.	251
Any employer may elect to include as an "employee" within	252
this chapter, any person excluded from the definition of	253
"employee" pursuant to division (A)(2) of this section. If an	254
employer is a partnership, sole proprietorship, individual	255
incorporated as a corporation, or family farm corporation, such	256
employer may elect to include as an "employee" within this	257
chapter, any member of such partnership, the owner of the sole	258
proprietorship, the individual incorporated as a corporation, or	259

the officers of the family farm corporation. In the event of an 260
election, the employer shall serve upon the bureau of workers' 261
compensation written notice naming the persons to be covered, 262
include such employee's remuneration for premium purposes in all 263
future payroll reports, and no person excluded from the definition 264
of "employee" pursuant to division (A)(2) of this section, 265
proprietor, individual incorporated as a corporation, or partner 266
shall be deemed an employee within this division until the 267
employer has served such notice. 268

For informational purposes only, the bureau shall prescribe 269
such language as it considers appropriate, on such of its forms as 270
it considers appropriate, to advise employers of their right to 271
elect to include as an "employee" within this chapter a sole 272
proprietor, any member of a partnership, an individual 273
incorporated as a corporation, the officers of a family farm 274
corporation, or a person excluded from the definition of 275
"employee" under division (A)(2) of this section, that they should 276
check any health and disability insurance policy, or other form of 277
health and disability plan or contract, presently covering them, 278
or the purchase of which they may be considering, to determine 279
whether such policy, plan, or contract excludes benefits for 280
illness or injury that they might have elected to have covered by 281
workers' compensation. 282

(B) "Employer" means: 283

(1) The state, including state hospitals, each county, 284
municipal corporation, township, school district, and hospital 285
owned by a political subdivision or subdivisions other than the 286
state; 287

(2) Every person, firm, professional employer organization as 288
defined in section 4125.01 of the Revised Code, and private 289
corporation, including any public service corporation, that (a) 290
has in service one or more employees or shared employees regularly 291

in the same business or in or about the same establishment under 292
any contract of hire, express or implied, oral or written, or (b) 293
is bound by any such contract of hire or by any other written 294
contract, to pay into the insurance fund the premiums provided by 295
this chapter. 296

All such employers are subject to this chapter. Any member of 297
a firm or association, who regularly performs manual labor in or 298
about a mine, factory, or other establishment, including a 299
household establishment, shall be considered an employee in 300
determining whether such person, firm, or private corporation, or 301
public service corporation, has in its service, one or more 302
employees and the employer shall report the income derived from 303
such labor to the bureau as part of the payroll of such employer, 304
and such member shall thereupon be entitled to all the benefits of 305
an employee. 306

(C) "Injury" includes any injury, whether caused by external 307
accidental means or accidental in character and result, received 308
in the course of, and arising out of, the injured employee's 309
employment. "Injury" does not include: 310

(1) Psychiatric conditions except where the claimant's 311
psychiatric conditions have arisen from an injury or occupational 312
disease sustained by that claimant or where the claimant's 313
psychiatric conditions have arisen from sexual conduct in which 314
the claimant was forced by threat of physical harm to engage or 315
participate; 316

(2) Injury or disability caused primarily by the natural 317
deterioration of tissue, an organ, or part of the body; 318

(3) Injury or disability incurred in voluntary participation 319
in an employer-sponsored recreation or fitness activity if the 320
employee signs a waiver of the employee's right to compensation or 321
benefits under this chapter prior to engaging in the recreation or 322

fitness activity; 323

(4) A condition that pre-existed an injury unless that 324
pre-existing condition is substantially aggravated by the injury. 325
Such a substantial aggravation must be documented by objective 326
diagnostic findings, objective clinical findings, or objective 327
test results. Subjective complaints may be evidence of such a 328
substantial aggravation. However, subjective complaints without 329
objective diagnostic findings, objective clinical findings, or 330
objective test results are insufficient to substantiate a 331
substantial aggravation. 332

(D) "Child" includes a posthumous child and a child legally 333
adopted prior to the injury. 334

(E) "Family farm corporation" means a corporation founded for 335
the purpose of farming agricultural land in which the majority of 336
the voting stock is held by and the majority of the stockholders 337
are persons or the spouse of persons related to each other within 338
the fourth degree of kinship, according to the rules of the civil 339
law, and at least one of the related persons is residing on or 340
actively operating the farm, and none of whose stockholders are a 341
corporation. A family farm corporation does not cease to qualify 342
under this division where, by reason of any devise, bequest, or 343
the operation of the laws of descent or distribution, the 344
ownership of shares of voting stock is transferred to another 345
person, as long as that person is within the degree of kinship 346
stipulated in this division. 347

(F) "Occupational disease" means a disease contracted in the 348
course of employment, which by its causes and the characteristics 349
of its manifestation or the condition of the employment results in 350
a hazard which distinguishes the employment in character from 351
employment generally, and the employment creates a risk of 352
contracting the disease in greater degree and in a different 353
manner from the public in general. 354

(G) "Self-insuring employer" means an employer who is granted 355
the privilege of paying compensation and benefits directly under 356
section 4123.35 of the Revised Code, including a board of county 357
commissioners for the sole purpose of constructing a sports 358
facility as defined in section 307.696 of the Revised Code, 359
provided that the electors of the county in which the sports 360
facility is to be built have approved construction of a sports 361
facility by ballot election no later than November 6, 1997. 362

(H) "Public employer" means an employer as defined in 363
division (B)(1) of this section. 364

(I) "Sexual conduct" means vaginal intercourse between a male 365
and female; anal intercourse, fellatio, and cunnilingus between 366
persons regardless of gender; and, without privilege to do so, the 367
insertion, however slight, of any part of the body or any 368
instrument, apparatus, or other object into the vaginal or anal 369
cavity of another. Penetration, however slight, is sufficient to 370
complete vaginal or anal intercourse. 371

(J) "Other-states' insurer" means an insurance company that 372
is authorized to provide workers' compensation insurance coverage 373
in any of the states that permit employers to obtain insurance for 374
workers' compensation claims through insurance companies. 375

(K) "Other-states' coverage" means insurance coverage 376
purchased by an employer for workers' compensation claims that 377
arise in a state or states other than this state and that are 378
filed by the employees of the employer or those employee's 379
dependents, as applicable, in that other state or those other 380
states. 381

Sec. 5104.30. (A) The department of job and family services 382
is hereby designated as the state agency responsible for 383
administration and coordination of federal and state funding for 384
publicly funded child care in this state. Publicly funded child 385

care shall be provided to the following: 386

(1) Recipients of transitional child care as provided under 387
section 5104.34 of the Revised Code; 388

(2) Participants in the Ohio works first program established 389
under Chapter 5107. of the Revised Code; 390

(3) Individuals who would be participating in the Ohio works 391
first program if not for a sanction under section 5107.16 of the 392
Revised Code and who continue to participate in a work activity, 393
developmental activity, or alternative work activity pursuant to 394
an assignment under section 5107.42 of the Revised Code; 395

(4) A family receiving publicly funded child care on October 396
1, 1997, until the family's income reaches one hundred fifty per 397
cent of the federal poverty line; 398

(5) Subject to available funds, other individuals determined 399
eligible in accordance with rules adopted under section 5104.38 of 400
the Revised Code. 401

The department shall apply to the United States department of 402
health and human services for authority to operate a coordinated 403
program for publicly funded child care, if the director of job and 404
family services determines that the application is necessary. For 405
purposes of this section, the department of job and family 406
services may enter into agreements with other state agencies that 407
are involved in regulation or funding of child care. The 408
department shall consider the special needs of migrant workers 409
when it administers and coordinates publicly funded child care and 410
shall develop appropriate procedures for accommodating the needs 411
of migrant workers for publicly funded child care. 412

(B)(1) The department of job and family services shall 413
distribute state and federal funds for publicly funded child care, 414
including appropriations of state funds for publicly funded child 415
care and appropriations of federal funds available under the child 416

care block grant act, Title IV-A, and Title XX. The department may 417
use any state funds appropriated for publicly funded child care as 418
the state share required to match any federal funds appropriated 419
for publicly funded child care. 420

(2) The department shall not use state funds to provide 421
publicly funded child care to illegal aliens or to the families of 422
illegal aliens. 423

(C) In the use of federal funds available under the child 424
care block grant act, all of the following apply: 425

(1) The department may use the federal funds to hire staff to 426
prepare any rules required under this chapter and to administer 427
and coordinate federal and state funding for publicly funded child 428
care. 429

(2) Not more than five per cent of the aggregate amount of 430
the federal funds received for a fiscal year may be expended for 431
administrative costs. 432

(3) The department shall allocate and use at least four per 433
cent of the federal funds for the following: 434

(a) Activities designed to provide comprehensive consumer 435
education to parents and the public; 436

(b) Activities that increase parental choice; 437

(c) Activities, including child care resource and referral 438
services, designed to improve the quality, and increase the 439
supply, of child care; 440

(d) Establishing a voluntary child day-care center 441
quality-rating program in which participation in the program may 442
allow a child day-care center to be eligible for grants, technical 443
assistance, training, or other assistance and become eligible for 444
unrestricted monetary awards for maintaining a quality rating. 445

(4) The department shall ensure that the federal funds will 446

be used only to supplement, and will not be used to supplant, 447
federal, state, and local funds available on the effective date of 448
the child care block grant act for publicly funded child care and 449
related programs. If authorized by rules adopted by the department 450
pursuant to section 5104.42 of the Revised Code, county 451
departments of job and family services may purchase child care 452
from funds obtained through any other means. 453

(D) The department shall encourage the development of 454
suitable child care throughout the state, especially in areas with 455
high concentrations of recipients of public assistance and 456
families with low incomes. The department shall encourage the 457
development of suitable child care designed to accommodate the 458
special needs of migrant workers. On request, the department, 459
through its employees or contracts with state or community child 460
care resource and referral service organizations, shall provide 461
consultation to groups and individuals interested in developing 462
child care. The department of job and family services may enter 463
into interagency agreements with the department of education, the 464
board of regents, the department of development, and other state 465
agencies and entities whenever the cooperative efforts of the 466
other state agencies and entities are necessary for the department 467
of job and family services to fulfill its duties and 468
responsibilities under this chapter. 469

The department shall develop and maintain a registry of 470
persons providing child care. The director shall adopt rules 471
pursuant to Chapter 119. of the Revised Code establishing 472
procedures and requirements for the registry's administration. 473

(E)(1) The director shall adopt rules in accordance with 474
Chapter 119. of the Revised Code establishing both of the 475
following: 476

(a) Reimbursement ceilings for providers of publicly funded 477
child care not later than the first day of July in each 478

odd-numbered year;	479
(b) A procedure for reimbursing and paying providers of publicly funded child care.	480 481
(2) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director shall do all of the following:	482 483 484
(a) Use the information obtained under division (B)(3) of section 5104.04 of the Revised Code;	485 486
(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;	487 488 489
(c) For a type B family day-care home provider that has received limited certification pursuant to rules adopted under division (G)(1) of section 5104.011 of the Revised Code, establish a reimbursement ceiling that is the following:	490 491 492 493
(i) If the provider is a person described in division (G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department of job and family services pursuant to section 5104.11 of the Revised Code;	494 495 496 497 498 499
(ii) If the provider is a person described in division (G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department pursuant to section 5104.11 of the Revised Code.	500 501 502 503 504
(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	505 506 507
(a) Geographic location of the provider;	508

(b) Type of care provided;	509
(c) Age of the child served;	510
(d) Special needs of the child served;	511
(e) Whether the expanded hours of service are provided;	512
(f) Whether weekend service is provided;	513
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	514 515
(h) Any other factors the director considers appropriate.	516
(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the voluntary child day-care center quality-rating program described in division (C)(3)(d) of this section.	517 518 519 520
<u>(G) As used in this section, "illegal alien" has the same meaning as in section 3801.01 of the Revised Code.</u>	521 522
Sec. 5107.05. The director of job and family services shall adopt rules to implement this chapter. The rules shall be consistent with Title IV-A, Title IV-D, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the plan, and waivers granted by the United States secretary. Rules governing eligibility, program participation, and other applicant and participant requirements shall be adopted in accordance with Chapter 119. of the Revised Code. Rules governing financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code.	523 524 525 526 527 528 529 530 531 532 533 534 535
(A) The rules shall specify, establish, or govern all of the following:	536 537

(1) A payment standard for Ohio works first based on federal and state appropriations that is increased in accordance with section 5107.04 of the Revised Code;	538 539 540
(2) For the purpose of section 5107.04 of the Revised Code, the method of determining the amount of cash assistance an assistance group receives under Ohio works first;	541 542 543
(3) Requirements for initial and continued eligibility for Ohio works first, including requirements regarding income, citizenship, age, residence, and assistance group composition;	544 545 546
(4) For the purpose of section 5107.12 of the Revised Code, application and verification procedures, including the minimum information an application must contain;	547 548 549
(5) The extent to which a participant of Ohio works first must notify, pursuant to section 5107.12 of the Revised Code, a county department of job and family services of additional income not previously reported to the county department;	550 551 552 553
(6) For the purpose of section 5107.16 of the Revised Code, all of the following:	554 555
(a) Standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract;	556 557 558
(b) The compliance form a member of an assistance group may complete to indicate willingness to come into full compliance with a provision of a self-sufficiency contract;	559 560 561
(c) The manner by which the compliance form is to be completed and provided to a county department of job and family services.	562 563 564
(7) The department of job and family services providing written notice of a sanction under section 5107.161 of the Revised Code;	565 566 567

(8) For the purpose of division (A)(2) of section 5107.17 of the Revised Code, the period of time by which a county department of job and family services is to receive a compliance form established in rules adopted under division (A)(6)(b) of this section;

(9) Requirements for the collection and distribution of support payments owed participants of Ohio works first pursuant to section 5107.20 of the Revised Code;

(10) For the purpose of section 5107.22 of the Revised Code, what constitutes cooperating in establishing a minor child's paternity or establishing, modifying, or enforcing a child support order and good cause for failure or refusal to cooperate;

(11) The requirements governing the LEAP program, including the definitions of "equivalent of a high school diploma" and "good cause," and the incentives provided under the LEAP program;

(12) If the director implements section 5107.301 of the Revised Code, the requirements governing the award provided under that section, including the form that the award is to take and requirements an individual must satisfy to receive the award;

(13) Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code.

(14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code;

(15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services;

(16) A domestic violence screening process to be used for the

purpose of division (A) of section 5107.71 of the Revised Code; 598

(17) The minimum frequency with which county departments of 599
job and family services must redetermine a member of an assistance 600
group's need for a waiver issued under section 5107.714 of the 601
Revised Code. 602

(B) The rules adopted under division (A)(3) of this section 603
regarding income shall specify what is countable income, gross 604
earned income, and gross unearned income for the purpose of 605
section 5107.10 of the Revised Code. 606

The rules adopted under division (A)(3) of this section 607
regarding eligibility requirements shall state that illegal aliens 608
are not eligible to participate in Ohio works first. 609

The rules adopted under division (A)(10) of this section 610
shall be consistent with 42 U.S.C. 654(29). 611

The rules adopted under division (A)(13) of this section 612
shall specify that the circumstances include that a school or 613
place of work is closed due to a holiday or weather or other 614
emergency and that an employer grants the minor head of household 615
or adult leave for illness or earned vacation. 616

(C) The rules may provide that a county department of job and 617
family services is not required to take action under section 618
5107.76 of the Revised Code to recover an erroneous payment that 619
is below an amount the department specifies. 620

(D) As used in this section, "illegal alien" has the same 621
meaning as in section 3801.01 of the Revised Code. 622

Sec. 5111.01. As used in this chapter, "medical assistance 623
program" or "medicaid" means the program that is authorized by 624
this chapter and provided by the department of job and family 625
services under this chapter, Title XIX of the "Social Security 626
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 627

waivers of Title XIX requirements granted to the department by the 628
centers for medicare and medicaid services of the United States 629
department of health and human services. 630

The department of job and family services shall act as the 631
single state agency to supervise the administration of the 632
medicaid program. As the single state agency, the department shall 633
comply with 42 C.F.R. 431.10(e). The department's rules governing 634
medicaid are binding on other agencies that administer components 635
of the medicaid program. No agency may establish, by rule or 636
otherwise, a policy governing medicaid that is inconsistent with a 637
medicaid policy established, in rule or otherwise, by the director 638
of job and family services. 639

(A) The department of job and family services may provide 640
medical assistance under the medicaid program as long as federal 641
funds are provided for such assistance, to the following: 642

(1) Families with children that meet either of the following 643
conditions: 644

(a) The family meets the income, resource, and family 645
composition requirements in effect on July 16, 1996, for the 646
former aid to dependent children program as those requirements 647
were established by Chapter 5107. of the Revised Code, federal 648
waivers granted pursuant to requests made under former section 649
5101.09 of the Revised Code, and rules adopted by the department 650
or any changes the department makes to those requirements in 651
accordance with paragraph (a)(2) of section 114 of the "Personal 652
Responsibility and Work Opportunity Reconciliation Act of 1996," 653
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 654
implementing section 5111.0120 of the Revised Code. An adult loses 655
eligibility for medicaid under division (A)(1)(a) of this section 656
pursuant to division (E) of section 5107.16 of the Revised Code. 657

(b) The family does not meet the requirements specified in 658

division (A)(1)(a) of this section but is eligible for medicaid 659
pursuant to section 5101.18 of the Revised Code. 660

(2) Aged, blind, and disabled persons who meet the following 661
conditions: 662

(a) Receive federal aid under Title XVI of the "Social 663
Security Act," or are eligible for but are not receiving such aid, 664
provided that the income from all other sources for individuals 665
with independent living arrangements shall not exceed one hundred 666
seventy-five dollars per month. The income standards hereby 667
established shall be adjusted annually at the rate that is used by 668
the United States department of health and human services to 669
adjust the amounts payable under Title XVI. 670

(b) Do not receive aid under Title XVI, but meet any of the 671
following criteria: 672

(i) Would be eligible to receive such aid, except that their 673
income, other than that excluded from consideration as income 674
under Title XVI, exceeds the maximum under division (A)(2)(a) of 675
this section, and incurred expenses for medical care, as 676
determined under federal regulations applicable to section 209(b) 677
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 678
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 679
their income exceeds the maximum under division (A)(2)(a) of this 680
section; 681

(ii) Received aid for the aged, aid to the blind, or aid for 682
the permanently and totally disabled prior to January 1, 1974, and 683
continue to meet all the same eligibility requirements; 684

(iii) Are eligible for medicaid pursuant to section 5101.18 685
of the Revised Code. 686

(3) Persons to whom federal law requires, as a condition of 687
state participation in the medicaid program, that medicaid be 688
provided; 689

(4) Persons under age twenty-one who meet the income requirements for the Ohio works first program established under Chapter 5107. of the Revised Code but do not meet other eligibility requirements for the program. The director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying which Ohio works first requirements shall be waived for the purpose of providing medicaid eligibility under division (A)(4) of this section.

(B) If sufficient funds are appropriated for the medicaid program, the department may provide medical assistance under the medicaid program to persons in groups designated by federal law as groups to which a state, at its option, may provide medical assistance under the medicaid program.

(C) The department may expand eligibility for the medicaid program to include individuals under age nineteen with family incomes at or below one hundred fifty per cent of the federal poverty guidelines, except that the eligibility expansion shall not occur unless the department receives the approval of the federal government. The department may implement the eligibility expansion authorized under this division on any date selected by the department, but not sooner than January 1, 1998.

(D) In addition to any other authority or requirement to adopt rules under this chapter, the director may adopt rules in accordance with section 111.15 of the Revised Code as the director considers necessary to establish standards, procedures, and other requirements regarding the provision of medical assistance under the medicaid program. The rules may establish requirements to be followed in applying for medicaid, making determinations of eligibility for medicaid, and verifying eligibility for medicaid. The rules may include special conditions as the department determines appropriate for making applications, determining eligibility, and verifying eligibility for any medical assistance

that the department may provide under the medicaid program 722
pursuant to division (C) of this section and section 5111.014 or 723
5111.0120 of the Revised Code. 724

(E) Notwithstanding divisions (A) and (B) of this section, 725
the department shall not provide medical assistance under the 726
medicaid program to illegal aliens or to the families of illegal 727
aliens. 728

Sec. 5115.02. (A) An individual is not eligible for 729
disability financial assistance under this chapter if any of the 730
following apply: 731

(1) The individual is eligible to participate in the Ohio 732
works first program established under Chapter 5107. of the Revised 733
Code; eligible to receive supplemental security income provided 734
pursuant to Title XVI of the "Social Security Act," 86 Stat. 1475 735
(1972), 42 U.S.C. 1383, as amended; or eligible to participate in 736
or receive assistance through another state or federal program 737
that provides financial assistance similar to disability financial 738
assistance, as determined by the director of job and family 739
services; 740

(2) The individual is ineligible to participate in the Ohio 741
works first program because of any of the following: 742

(a) The time limit established by section 5107.18 of the 743
Revised Code; 744

(b) Failure to comply with an application or verification 745
procedure; 746

(c) The fraud control provisions of section 5101.83 of the 747
Revised Code or the fraud control program established pursuant to 748
45 C.F.R. 235.112, as in effect July 1, 1996; 749

(d) The self-sufficiency contract provisions of sections 750
5107.14 and 5107.16 of the Revised Code; 751

(e) The minor parent provisions of section 5107.24 of the Revised Code;	752 753
(f) The provisions of section 5107.26 of the Revised Code regarding termination of employment without just cause.	754 755
(3) The individual, or any of the other individuals included in determining the individual's eligibility, is involved in a strike, as defined in section 5107.10 of the Revised Code;	756 757 758
(4) For the purpose of avoiding consideration of property in determinations of the individual's eligibility for disability financial assistance or a greater amount of assistance, the individual has transferred property during the two years preceding application for or most recent redetermination of eligibility for disability assistance;	759 760 761 762 763 764
(5) The individual is a child and does not live with the child's parents, guardians, or other persons standing in place of parents, unless the child is emancipated by being married, by serving in the armed forces, or by court order;	765 766 767 768
(6) The individual reside <u>resides</u> in a county home, city infirmary, jail, or public institution;	769 770
(7) The individual is a fugitive felon as defined in section 5101.26 of the Revised Code;	771 772
(8) The individual is violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under federal or state law.	773 774 775
<u>(9) The individual is an illegal alien.</u>	776
(B)(1) As used in division (B)(2) of this section, "assistance group" has the same meaning as in section 5107.02 of the Revised Code.	777 778 779
(2) Ineligibility under division (A)(2)(c) or (d) of this section applies as follows:	780 781

~~(a)(1)~~ In the case of an individual who is under eighteen 782
years of age, the individual is ineligible only if the individual 783
caused the assistance group to be ineligible to participate in the 784
Ohio works first program or resides with an individual eighteen 785
years of age or older who was a member of the same ineligible 786
assistance group. 787

~~(b)(2)~~ In the case of an individual who is eighteen years of 788
age or older, the individual is ineligible regardless of whether 789
the individual caused the assistance group to be ineligible to 790
participate in the Ohio works first program. 791

(C) As used in this section: 792

(1) "Assistance group" has the same meaning as in section 793
5107.02 of the Revised Code. 794

(2) "Illegal alien" has the same meaning as in section 795
3801.01 of the Revised Code. 796

Section 2. That existing sections 4123.01, 5104.30, 5107.05, 797
5111.01, and 5115.02 of the Revised Code are hereby repealed. 798