

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 486

Representatives Baker, Stebelton

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A B I L L

To amend sections 121.08, 122.136, 122.21, 122.25, 1
122.37, 122.64, 122.89, 122.94, 122.941, 149.311, 2
150.10, 166.13, 166.18, 184.02, 1551.34, 3731.02, 3
and 4740.06 and to enact sections 107.35, 4
3313.902, and 3333.91 of the Revised Code to 5
establish the adult career opportunity pilot 6
program; to revise the coordination of workforce 7
development and economic development programs; to 8
synchronize the due dates of several reports due 9
from the Development Services Agency, the Ohio 10
Venture Capital Authority, and the Third Frontier 11
Commission; to revise the law regarding innovation 12
financial assistance and research and development 13
financial assistance; and to permit the Director 14
of Commerce, the State Fire Marshal, and the Ohio 15
Construction Industry Licensing Board to establish 16
compliance incentive programs. 17

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

Section 1. That sections 121.08, 122.136, 122.21, 122.25, 18
122.37, 122.64, 122.89, 122.94, 122.941, 149.311, 150.10, 166.13, 19
166.18, 184.02, 1551.34, 3731.02, and 4740.06 be amended and 20
sections 107.35, 3313.902, and 3333.91 of the Revised Code be 21

enacted to read as follows: 22

Sec. 107.35. Not later than December 31, 2014, the governor's 23
office of workforce transformation, with staff support and 24
assistance from the departments of job and family services and 25
education and the Ohio board of regents, shall establish criteria 26
to use for evaluating the performance of state and local workforce 27
programs using basic, aligned workforce measures related to system 28
efficiency and effectiveness. The office shall develop and make 29
available on the internet through a web site a public dashboard to 30
display metrics regarding the state's administration of primary 31
workforce programs, including the following programs: 32

(A) The adult basic and literacy education program; 33

(B) Programs administered under the federal "Carl D. Perkins 34
Career and Technical Education Act of 2006," 120 Stat. 683, 20 35
U.S.C. 2301 et seq., as amended; 36

(C) State aid and scholarships within the Ohio board of 37
regents; 38

(D) Programs administered under title I of the federal 39
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801 40
et seq., as amended. 41

Sec. 121.08. (A) There is hereby created in the department of 42
commerce the position of deputy director of administration. This 43
officer shall be appointed by the director of commerce, serve 44
under the director's direction, supervision, and control, perform 45
the duties the director prescribes, and hold office during the 46
director's pleasure. The director of commerce may designate an 47
assistant director of commerce to serve as the deputy director of 48
administration. The deputy director of administration shall 49
perform the duties prescribed by the director of commerce in 50

supervising the activities of the division of administration of 51
the department of commerce. 52

(B) Except as provided in section 121.07 of the Revised Code, 53
the department of commerce shall have all powers and perform all 54
duties vested in the deputy director of administration, the state 55
fire marshal, the superintendent of financial institutions, the 56
superintendent of real estate and professional licensing, the 57
superintendent of liquor control, the superintendent of industrial 58
compliance, the superintendent of unclaimed funds, and the 59
commissioner of securities, and shall have all powers and perform 60
all duties vested by law in all officers, deputies, and employees 61
of those offices. Except as provided in section 121.07 of the 62
Revised Code, wherever powers are conferred or duties imposed upon 63
any of those officers, the powers and duties shall be construed as 64
vested in the department of commerce. 65

(C)(1) There is hereby created in the department of commerce 66
a division of financial institutions, which shall have all powers 67
and perform all duties vested by law in the superintendent of 68
financial institutions. Wherever powers are conferred or duties 69
imposed upon the superintendent of financial institutions, those 70
powers and duties shall be construed as vested in the division of 71
financial institutions. The division of financial institutions 72
shall be administered by the superintendent of financial 73
institutions. 74

(2) All provisions of law governing the superintendent of 75
financial institutions shall apply to and govern the 76
superintendent of financial institutions provided for in this 77
section; all authority vested by law in the superintendent of 78
financial institutions with respect to the management of the 79
division of financial institutions shall be construed as vested in 80
the superintendent of financial institutions created by this 81
section with respect to the division of financial institutions 82

provided for in this section; and all rights, privileges, and 83
emoluments conferred by law upon the superintendent of financial 84
institutions shall be construed as conferred upon the 85
superintendent of financial institutions as head of the division 86
of financial institutions. The director of commerce shall not 87
transfer from the division of financial institutions any of the 88
functions specified in division (C)(2) of this section. 89

(D) There is hereby created in the department of commerce a 90
division of liquor control, which shall have all powers and 91
perform all duties vested by law in the superintendent of liquor 92
control. Wherever powers are conferred or duties are imposed upon 93
the superintendent of liquor control, those powers and duties 94
shall be construed as vested in the division of liquor control. 95
The division of liquor control shall be administered by the 96
superintendent of liquor control. 97

(E) The director of commerce shall not be interested, 98
directly or indirectly, in any firm or corporation which is a 99
dealer in securities as defined in sections 1707.01 and 1707.14 of 100
the Revised Code, or in any firm or corporation licensed under 101
sections 1321.01 to 1321.19 of the Revised Code. 102

(F) The director of commerce shall not have any official 103
connection with a savings and loan association, a savings bank, a 104
bank, a bank holding company, a savings and loan association 105
holding company, a consumer finance company, or a credit union 106
that is under the supervision of the division of financial 107
institutions, or a subsidiary of any of the preceding entities, or 108
be interested in the business thereof. 109

(G) There is hereby created in the state treasury the 110
division of administration fund. The fund shall receive 111
assessments on the operating funds of the department of commerce 112
in accordance with procedures prescribed by the director of 113
commerce and approved by the director of budget and management. 114

All operating expenses of the division of administration shall be 115
paid from the division of administration fund. 116

(H) There is hereby created in the department of commerce a 117
division of real estate and professional licensing, which shall be 118
under the control and supervision of the director of commerce. The 119
division of real estate and professional licensing shall be 120
administered by the superintendent of real estate and professional 121
licensing. The superintendent of real estate and professional 122
licensing shall exercise the powers and perform the functions and 123
duties delegated to the superintendent under Chapters 4735., 124
4763., and 4767. of the Revised Code. 125

(I) There is hereby created in the department of commerce a 126
division of industrial compliance, which shall have all powers and 127
perform all duties vested by law in the superintendent of 128
industrial compliance. Wherever powers are conferred or duties 129
imposed upon the superintendent of industrial compliance, those 130
powers and duties shall be construed as vested in the division of 131
industrial compliance. The division of industrial compliance shall 132
be under the control and supervision of the director of commerce 133
and be administered by the superintendent of industrial 134
compliance. 135

(J) There is hereby created in the department of commerce a 136
division of unclaimed funds, which shall have all powers and 137
perform all duties delegated to or vested by law in the 138
superintendent of unclaimed funds. Wherever powers are conferred 139
or duties imposed upon the superintendent of unclaimed funds, 140
those powers and duties shall be construed as vested in the 141
division of unclaimed funds. The division of unclaimed funds shall 142
be under the control and supervision of the director of commerce 143
and shall be administered by the superintendent of unclaimed 144
funds. The superintendent of unclaimed funds shall exercise the 145
powers and perform the functions and duties delegated to the 146

superintendent by the director of commerce under section 121.07 147
and Chapter 169. of the Revised Code, and as may otherwise be 148
provided by law. 149

(K) The department of commerce or a division of the 150
department created by the Revised Code that is acting with 151
authorization on the department's behalf may request from the 152
bureau of criminal identification and investigation pursuant to 153
section 109.572 of the Revised Code, or coordinate with 154
appropriate federal, state, and local government agencies to 155
accomplish, criminal records checks for the persons whose 156
identities are required to be disclosed by an applicant for the 157
issuance or transfer of a permit, license, certificate of 158
registration, or certification issued or transferred by the 159
department or division. At or before the time of making a request 160
for a criminal records check, the department or division may 161
require any person whose identity is required to be disclosed by 162
an applicant for the issuance or transfer of such a license, 163
permit, certificate of registration, or certification to submit to 164
the department or division valid fingerprint impressions in a 165
format and by any media or means acceptable to the bureau of 166
criminal identification and investigation and, when applicable, 167
the federal bureau of investigation. The department or division 168
may cause the bureau of criminal identification and investigation 169
to conduct a criminal records check through the federal bureau of 170
investigation only if the person for whom the criminal records 171
check would be conducted resides or works outside of this state or 172
has resided or worked outside of this state during the preceding 173
five years, or if a criminal records check conducted by the bureau 174
of criminal identification and investigation within this state 175
indicates that the person may have a criminal record outside of 176
this state. 177

In the case of a criminal records check under section 109.572 178

of the Revised Code, the department or division shall forward to 179
the bureau of criminal identification and investigation the 180
requisite form, fingerprint impressions, and fee described in 181
division (C) of that section. When requested by the department or 182
division in accordance with this section, the bureau of criminal 183
identification and investigation shall request from the federal 184
bureau of investigation any information it has with respect to the 185
person who is the subject of the requested criminal records check 186
and shall forward the requisite fingerprint impressions and 187
information to the federal bureau of investigation for that 188
criminal records check. After conducting a criminal records check 189
or receiving the results of a criminal records check from the 190
federal bureau of investigation, the bureau of criminal 191
identification and investigation shall provide the results to the 192
department or division. 193

The department or division may require any person about whom 194
a criminal records check is requested to pay to the department or 195
division the amount necessary to cover the fee charged to the 196
department or division by the bureau of criminal identification 197
and investigation under division (C)(3) of section 109.572 of the 198
Revised Code, including, when applicable, any fee for a criminal 199
records check conducted by the federal bureau of investigation. 200

(L) The director of commerce, or the director's designee, may 201
adopt rules to enhance compliance with statutes pertaining to, and 202
rules adopted by, divisions under the direction, supervision, and 203
control of the department or director by offering incentive-based 204
programs that ensure safety and soundness while promoting growth 205
and prosperity in the state. 206

Sec. 122.136. The director of development services shall 207
prepare and submit a report to the governor and the general 208
assembly annually on or before the first day of ~~February~~ August of 209

the services and activities of the employee ownership assistance 210
program for the preceding calendar year. The director shall 211
include in the report information regarding the number, names, and 212
locations of business establishments that have been or likely will 213
be assisted as employee-owned corporations; recommendations on how 214
to better operate the program; information regarding the 215
effectiveness of the program in maintaining and improving 216
employment in the state; and the number of individuals affected by 217
the activities of the program. 218

Sec. 122.21. In administering the urban and rural initiative 219
grant program created under section 122.20 of the Revised Code, 220
the director of development services shall do all of the 221
following: 222

(A) Annually designate, by the first day of January of each 223
year, the entities that constitute the eligible areas in this 224
state; 225

(B) Adopt rules in accordance with Chapter 119. of the 226
Revised Code establishing procedures and forms by which eligible 227
applicants in eligible areas may apply for a grant, which 228
procedures shall include a requirement that the applicant file a 229
redevelopment plan; standards and procedures for reviewing 230
applications and awarding grants; procedures for distributing 231
grants to recipients; procedures for monitoring the use of grants 232
by recipients; requirements, procedures, and forms by which 233
recipients who have received grants shall report their use of that 234
assistance; and standards and procedures for terminating and 235
requiring repayment of grants in the event of their improper use. 236
The rules adopted under this division shall comply with sections 237
122.19 to 122.22 of the Revised Code and shall include a rule 238
requiring that an eligible applicant who receives a grant from the 239
program provide a matching contribution of at least twenty-five 240

per cent of the amount of the grant awarded to the eligible applicant. 241
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The rules shall require that any eligible applicant for a grant for land acquisition demonstrate to the director that the property to be acquired meets all state environmental requirements and that utilities for that property are available and adequate. The rules shall require that any eligible applicant for a grant for property eligible for the voluntary action program created under Chapter 3746. of the Revised Code receive disbursement of grant moneys only after receiving a covenant not to sue from the director of environmental protection under section 3746.12 of the Revised Code and shall require that those moneys be disbursed only as reimbursement of actual expenses incurred in the undertaking of the voluntary action. The rules shall require that whenever any money is granted for land acquisition, infrastructure improvements, or renovation of existing structures in order to develop an industrial park site for a distressed area, labor surplus area, or situational distress area as defined in section 122.19 of the Revised Code that also is a distressed area, labor surplus area, or situational distress area as defined in section 122.23 of the Revised Code, a substantial portion of the site be used for manufacturing, distribution, high technology, research and development, or other businesses in which a majority of the product or service produced is exported out of the state. Any retail use at the site shall not constitute a primary use but only a use incidental to other eligible uses. The rules shall require that whenever any money is granted for land acquisition, infrastructure improvements, and renovation of existing structures in order to develop an industrial park site for a distressed area, labor surplus area, or situational distress area as defined in section 122.19 of the Revised Code that also is a distressed area, labor surplus area, or situational distress area as defined in section 122.23 of the Revised Code, the applicant for the grant 243
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shall verify to the ~~department of~~ development services agency the 274
existence of a local economic development planning committee in a 275
municipal corporation, county, or township whose territory 276
includes the eligible area. The committee shall consist of members 277
of the public and private sectors who live in that municipal 278
corporation, county, or township. The local economic development 279
planning committee shall prepare and submit to the ~~department~~ 280
agency a five-year economic development plan for that municipal 281
corporation, county, or township that identifies, for the 282
five-year period covered by the plan, the economic development 283
strategies of a municipal corporation, county, or township whose 284
territory includes the proposed industrial park site. The economic 285
development plan shall describe in detail how the proposed 286
industrial park would complement other current or planned economic 287
development programs for that municipal corporation, county, or 288
township, including, but not limited to, workforce development 289
initiatives, business retention and expansion efforts, small 290
business development programs, and technology modernization 291
programs. 292

(C) Report to the governor, president of the senate, speaker 293
of the house of representatives, and minority leaders of the 294
senate and the house of representatives by the ~~thirtieth~~ first day 295
of ~~June~~ August of each year on the activities carried out under 296
the program during the preceding calendar year. The report shall 297
include the total number of grants made that year, and, for each 298
individual grant awarded, the following: the amount and recipient, 299
the eligible applicant, the purpose for awarding the grant, the 300
number of firms or businesses operating at the awarded site, the 301
number of employees employed by each firm or business, any excess 302
capacity at an industrial park site, and any additional 303
information the director declares to be relevant. 304

(D) Inform local governments and others in the state of the 305

availability of grants under section 122.20 of the Revised Code; 306

(E) Annually compile, pursuant to rules adopted by the 307
director of development services in accordance with Chapter 119. 308
of the Revised Code, using pertinent information submitted by any 309
municipal corporation, county, or township, a list of industrial 310
parks located in the state. The list shall include the following 311
information, expressed if possible in terms specified in the 312
director's rules adopted under this division: location of each 313
industrial park site, total acreage of each park site, total 314
occupancy of each park site, total capacity for new business at 315
each park site, total capacity of each park site for sewer, water, 316
and electricity, a contact person for each park site, and any 317
additional information the director declares to be relevant. Once 318
the list is compiled, the director shall make it available to the 319
governor, president of the senate, speaker of the house of 320
representatives, and minority leaders of the senate and the house 321
of representatives. 322

Sec. 122.25. (A) In administering the program established 323
under section 122.24 of the Revised Code, the director of 324
development services shall do all of the following: 325

(1) Annually designate, by the first day of January of each 326
year, the entities that constitute the eligible areas in this 327
state as defined in section 122.23 of the Revised Code; 328

(2) Inform local governments and others in the state of the 329
availability of the program and financial assistance established 330
under sections 122.23 to 122.27 of the Revised Code; 331

(3) Report to the governor, president of the senate, speaker 332
of the house of representatives, and minority leaders of the 333
senate and the house of representatives by the ~~thirtieth~~ first day 334
of ~~June~~ August of each year on the activities carried out under 335
the program during the preceding calendar year. The report shall 336

include the number of loans made that year and the amount and recipient of each loan.	337 338
(4) Work in conjunction with conventional lending institutions, local revolving loan funds, private investors, and other private and public financing sources to provide loans or loan guarantees to eligible applicants;	339 340 341 342
(5) Establish fees, charges, interest rates, payment schedules, local match requirements, and other terms and conditions for loans and loan guarantees provided under the program;	343 344 345 346
(6) Require each applicant to demonstrate the suitability of any site for the assistance sought; that the site has been surveyed, that the site has adequate or available utilities, and that there are no zoning restrictions, environmental regulations, or other matters impairing the use of the site for the purpose intended;	347 348 349 350 351 352
(7) Require each applicant to provide a marketing plan and management strategy for the project;	353 354
(8) Adopt rules establishing all of the following:	355
(a) Forms and procedures by which eligible applicants may apply for assistance;	356 357
(b) Criteria for reviewing, evaluating, and ranking applications, and for approving applications that best serve the goals of the program;	358 359 360
(c) Reporting requirements and monitoring procedures;	361
(d) Guidelines regarding situations in which industrial parks would be considered to compete against one another for the purposes of division (B)(2) of section 122.27 of the Revised Code;	362 363 364
(e) Any other rules necessary to implement and administer the program.	365 366

(B) The director may adopt rules establishing requirements 367
governing the use of any industrial park site receiving assistance 368
under section 122.24 of the Revised Code, such that a certain 369
portion of the site must be used for manufacturing, distribution, 370
high technology, research and development, or other businesses 371
wherein a majority of the product or service produced is exported 372
out of the state. 373

(C) As a condition of receiving assistance under section 374
122.24 of the Revised Code, and except as provided in division (D) 375
of this section, an applicant shall agree, for a period of five 376
years, not to permit the use of a site that is developed or 377
improved with such assistance to cause the relocation of jobs to 378
that site from elsewhere in the state. 379

(D) A site developed or improved with assistance under 380
section 122.24 of the Revised Code may be the site of jobs 381
relocated from elsewhere in the state if the director of 382
development services does all of the following: 383

(1) Makes a written determination that the site from which 384
the jobs would be relocated is inadequate to meet market or 385
industry conditions, expansion plans, consolidation plans, or 386
other business considerations affecting the relocating employer; 387

(2) Provides a copy of the determination required by division 388
(D)(1) of this section to the members of the general assembly 389
whose legislative districts include the site from which the jobs 390
would be relocated; 391

(3) Determines that the governing body of the area from which 392
the jobs would be relocated has been notified in writing by the 393
relocating company of the possible relocation. 394

(E) The director of development services shall obtain the 395
approval of the controlling board for any loan or loan guarantee 396
provided under sections 122.23 to 122.27 of the Revised Code. 397

Sec. 122.37. (A) There is hereby created in the ~~department of~~ 398
development services agency the steel futures program, for the 399
purpose of preserving and improving the existing industrial base 400
of the state, improving the economy of the state by providing 401
employment, increased productivity, and ensuring continued 402
technological development consistent with these goals, and 403
maintaining a high standard of living for the people of this 404
state. The steel futures ~~program~~ program may be supplemental to any 405
other enterprise assistance program administered by the director 406
of development services, and shall be administered so as to 407
provide financial and technical assistance to increase the 408
competitiveness of existing steel and steel-related industries in 409
this state, and to encourage establishment and development of new 410
industries of this type within the state. 411

~~Within six months after the effective date of this section,~~ 412
~~the~~ The director shall develop a strategy for financial and 413
technical assistance to steel and steel-related industries in the 414
state, which shall include investment policies with regard to 415
these industries. 416

(B) In administering the program, the director may consult 417
with appropriate representatives of steel and steel-related 418
industries, appropriate representatives of any union that 419
represents workers in these industries, and other persons with 420
expert knowledge in these industries. 421

(C) The director of development services shall consult with 422
the ~~chairman~~ chairperson of the public utilities commission to 423
foster development of public and private cooperative efforts that 424
result in energy savings and reduced energy costs for steel and 425
steel-related industries. 426

(D) Assistance may be made available to steel and 427
steel-related industries undertaking projects the director 428

determines to have long-term implications for and broad applicability to the economy of this state when the director finds:

(1) The undertaking of projects by the industries will benefit the people of the state by creating or preserving jobs and employment opportunities or improving the economic welfare of the people of this state, and promoting development of new technology or improving application of existing steel and steel-related technology.

(2) The undertaking of projects by the industries will allow them to compete more effectively in the marketplace.

(E) Projects eligible to receive assistance under the steel futures program may include, but are not limited to, the following areas:

(1) Research and development specifically related to steel and steel-related industries and feasibility studies for business development within these industries;

(2) Employee training;

(3) Labor and management relations; and

(4) Technology-driven capital investment.

(F) Financial and technical assistance may be in the form and conditioned upon terms as the director considers appropriate.

(G) No later than the ~~thirtieth~~ first day of ~~June in the first year after the effective date of this section, and no later than the thirtieth day of June~~ August of each year thereafter, the director shall submit a report to the general assembly describing projects of the steel futures program, results obtained from completed projects of the program, and program projects for the next fiscal year.

Sec. 122.64. (A) There is hereby established in the 458
development services agency a business services division. The 459
division shall be supervised by a deputy director appointed by the 460
director of development services. 461

The division is responsible for the administration of the 462
state economic development financing programs established pursuant 463
to sections 122.17 and 122.18, sections 122.39 and 122.41 to 464
122.62, and Chapter 166. of the Revised Code. 465

(B) The director of development services shall: 466

(1) Receive applications for assistance pursuant to sections 467
122.39 and 122.41 to 122.62 and Chapter 166. of the Revised Code. 468
The director shall process the applications. 469

(2) With the approval of the director of administrative 470
services, establish salary schedules for employees of the various 471
positions of employment with the division and assign the various 472
positions to those salary schedules; 473

(3) Employ and fix the compensation of financial consultants, 474
appraisers, consulting engineers, superintendents, managers, 475
construction and accounting experts, attorneys, and other agents 476
for the assistance programs authorized pursuant to sections 122.17 477
and 122.18, sections 122.39 and 122.41 to 122.62, and Chapter 166. 478
of the Revised Code as are necessary; 479

(4) Supervise the administrative operations of the division; 480

(5) On or before the first day of ~~October~~ August in each 481
year, make an annual report of the activities and operations under 482
assistance programs authorized pursuant to sections 122.39 and 483
122.41 to 122.62 and Chapter 166. of the Revised Code for the 484
preceding fiscal year to the governor and the general assembly. 485
Each such report shall set forth a complete operating and 486
financial statement covering such activities and operations during 487

the year in accordance with generally accepted accounting 488
principles and shall be audited by a certified public accountant. 489
The director of development services shall transmit a copy of the 490
audited financial report to the office of budget and management. 491

Sec. 122.89. (A) The director of development services may 492
execute bonds as surety for minority businesses as principals, on 493
contracts with the state, any political subdivision or 494
instrumentality thereof, or any person as the obligee. The 495
director as surety may exercise all the rights and powers of a 496
company authorized by the department of insurance to execute bonds 497
as surety but shall not be subject to any requirements of a surety 498
company under Title XXXIX of the Revised Code nor to any rules of 499
the department of insurance. 500

(B) The director, with the advice of the minority development 501
financing advisory board, shall adopt rules under Chapter 119. of 502
the Revised Code establishing procedures for application for 503
surety bonds by minority businesses and for review and approval of 504
applications. The board shall review each application in 505
accordance with the rules and, based on the bond worthiness of 506
each applicant, shall refer all qualified applicants to the 507
director. Based on the recommendation of the board, the director 508
shall determine whether or not the applicant shall receive 509
bonding. 510

(C) The rules of the board shall require the minority 511
business to pay a premium in advance for the bond to be 512
established by the director, with the advice of the board after 513
the director receives advice from the superintendent of insurance 514
regarding the standard market rates for premiums for similar 515
bonds. All premiums paid by minority businesses shall be paid into 516
the minority business bonding program administrative and loss 517
reserve fund. 518

(D) The rules of the board shall provide for a retainage of 519
money paid to the minority business or EDGE business enterprise of 520
fifteen per cent for a contract valued at more than fifty thousand 521
dollars and for a retainage of twelve per cent for a contract 522
valued at fifty thousand dollars or less. 523

(E) The penal sum amounts of all outstanding bonds issued by 524
the director shall not exceed the amount of moneys in the minority 525
business bonding fund and available to the fund under division (B) 526
of section 169.05 of the Revised Code. 527

(F) The superintendent of insurance shall provide such 528
technical and professional assistance as is considered necessary 529
by the director, including providing advice regarding the standard 530
market rates for bond premiums as described under division (C) of 531
this section. 532

(G) Notwithstanding any provision of the Revised Code to the 533
contrary, a minority business or EDGE business enterprise may bid 534
or enter into a contract with the state or with any 535
instrumentality of the state without being required to provide a 536
bond as follows: 537

(1) For the first contract that a minority business or EDGE 538
business enterprise enters into with the state or with any 539
particular instrumentality of the state, the minority business or 540
EDGE business enterprise may bid or enter into a contract valued 541
at twenty-five thousand dollars or less without being required to 542
provide a bond, but only if the minority business or EDGE business 543
enterprise is participating in a qualified contractor assistance 544
program or has successfully completed a qualified contractor 545
assistance program after ~~the effective date of this amendment~~ 546
October 16, 2009; 547

(2) After the state or any particular instrumentality of the 548
state has accepted the first contract as completed and all 549

subcontractors and suppliers on the contract have been paid, the 550
minority business or EDGE business enterprise may bid or enter 551
into a second contract with the state or with that particular 552
instrumentality of the state valued at fifty thousand dollars or 553
less without being required to provide a bond, but only if the 554
minority business or EDGE business enterprise is participating in 555
a qualified contractor assistance program or has successfully 556
completed a qualified contractor assistance program after ~~the~~ 557
~~effective date of this amendment~~ October 16, 2009; 558

(3) After the state or any particular instrumentality of the 559
state has accepted the second contract as completed and all 560
subcontractors and suppliers on the contract have been paid, the 561
minority business or EDGE business enterprise may bid or enter 562
into a third contract with the state or with that particular 563
instrumentality of the state valued at one hundred thousand 564
dollars or less without being required to provide a bond, but only 565
if the minority business or EDGE business enterprise has 566
successfully completed a qualified contractor assistance program 567
after ~~the effective date of this amendment~~ October 16, 2009; 568

(4) After the state or any particular instrumentality of the 569
state has accepted the third contract as completed and all 570
subcontractors and suppliers on the contract have been paid, the 571
minority business or EDGE business enterprise may bid or enter 572
into a fourth contract with the state or with that particular 573
instrumentality of the state valued at three hundred thousand 574
dollars or less without being required to provide a bond, but only 575
if the minority business or EDGE business enterprise has 576
successfully completed a qualified contractor assistance program 577
after ~~the effective date of this amendment~~ October 16, 2009; 578

(5) After the state or any instrumentality of the state has 579
accepted the fourth contract as completed and all subcontractors 580
and suppliers on the contract have been paid, upon a showing that 581

with respect to a contract valued at four hundred thousand dollars 582
or less with the state or with any particular instrumentality of 583
the state, that the minority business or EDGE business enterprise 584
either has been denied a bond by two surety companies or that the 585
minority business or EDGE business enterprise has applied to two 586
surety companies for a bond and, at the expiration of sixty days 587
after making the application, has neither received nor been denied 588
a bond, the minority business or EDGE business enterprise may 589
repeat its participation in the unbonded state contractor program. 590
Under no circumstances shall a minority business or EDGE business 591
enterprise be permitted to participate in the unbonded state 592
contractor program more than twice. 593

(H) Notwithstanding any provision of the Revised Code to the 594
contrary, a minority business or EDGE business enterprise may bid 595
or enter into a contract with any political subdivision of the 596
state or with any instrumentality of a political subdivision 597
without being required to provide a bond as follows: 598

(1) For the first contract that the minority business or EDGE 599
business enterprise enters into with any particular political 600
subdivision of the state or with any particular instrumentality of 601
a political subdivision, the minority business or EDGE business 602
enterprise may bid or enter into a contract valued at twenty-five 603
thousand dollars or less without being required to provide a bond, 604
but only if the minority business or EDGE business enterprise is 605
participating in a qualified contractor assistance program or has 606
successfully completed a qualified contractor assistance program 607
after ~~the effective date of this amendment~~ October 16, 2009; 608

(2) After any political subdivision of the state or any 609
instrumentality of a political subdivision has accepted the first 610
contract as completed and all subcontractors and suppliers on the 611
contract have been paid, the minority business or EDGE business 612
enterprise may bid or enter into a second contract with that 613

particular political subdivision of the state or with that 614
particular instrumentality of a political subdivision valued at 615
fifty thousand dollars or less without being required to provide a 616
bond, but only if the minority business or EDGE business 617
enterprise is participating in a qualified contractor assistance 618
program or has successfully completed a qualified contractor 619
assistance program after ~~the effective date of this amendment~~ 620
October 16, 2009; 621

(3) After any political subdivision of the state or any 622
instrumentality of a political subdivision has accepted the second 623
contract as completed and all subcontractors and suppliers on the 624
contract have been paid, the minority business or EDGE business 625
enterprise may bid or enter into a third contract with that 626
particular political subdivision of the state or with that 627
particular instrumentality of a political subdivision valued at 628
one hundred thousand dollars or less without being required to 629
provide a bond, but only if the minority business or EDGE business 630
enterprise has successfully completed a qualified contractor 631
assistance program after ~~the effective date of this amendment~~ 632
October 16, 2009; 633

(4) After any political subdivision of the state or any 634
instrumentality of a political subdivision has accepted the third 635
contract as completed and all subcontractors and suppliers on the 636
contract have been paid, the minority business or EDGE business 637
enterprise may bid or enter into a fourth contract with that 638
particular political subdivision of the state or with that 639
particular instrumentality of a political subdivision valued at 640
two hundred thousand dollars or less without being required to 641
provide a bond, but only if the minority business or EDGE business 642
enterprise has successfully completed a qualified contractor 643
assistance program after ~~the effective date of this amendment~~ 644
October 16, 2009; 645

(5) After any political subdivision of the state or any instrumentality of a political subdivision has accepted the fourth contract as completed and all subcontractors and suppliers on the contract have been paid, upon a showing that with respect to a contract valued at three hundred thousand dollars or less with any political subdivision of the state or any instrumentality of a political subdivision, that the minority business or EDGE business enterprise either has been denied a bond by two surety companies or that the minority business or EDGE business enterprise has applied to two surety companies for a bond and, at the expiration of sixty days after making the application, has neither received nor been denied a bond, the minority business or EDGE business enterprise may repeat its participation in the unbonded political subdivision contractor program. Under no circumstances shall a minority business or EDGE business enterprise be permitted to participate in the unbonded political subdivision contractor program more than twice.

(I) Notwithstanding any provision of the Revised Code to the contrary, if a minority business or EDGE business enterprise has entered into two or more contracts with the state or with any instrumentality of the state, the minority business or EDGE business enterprise may bid or enter into a contract with a political subdivision of the state or with any instrumentality of a political subdivision valued at the level at which the minority business or EDGE business enterprise would qualify if entering into an additional contract with the state.

(J) The director of development services shall coordinate and oversee the unbonded state contractor program described in division (G) of this section, the unbonded political subdivision contractor program described in division (H) of this section, and the approval of a qualified contractor assistance program. The director shall prepare an annual report and submit it to the

governor and the general assembly on or before the first day of 678
~~February~~ August that includes the following: information on the 679
director's activities for the preceding calendar year regarding 680
the unbonded state contractor program, the unbonded political 681
subdivision contractor program, and the qualified contractor 682
assistance program; a summary and description of the operations 683
and activities of these programs; an assessment of the 684
achievements of these programs; and a recommendation as to whether 685
these programs need to continue. 686

(K) As used in this section: 687

(1) "EDGE business enterprise" means an EDGE business 688
enterprise certified under section 123.152 of the Revised Code. 689

(2) "Qualified contractor assistance program" means an 690
educational program or technical assistance program for business 691
development that is designed to assist a minority business or EDGE 692
business enterprise in becoming eligible for bonding and has been 693
approved by the director of development services for use as 694
required under this section. 695

(3) "Successfully completed a qualified contractor assistance 696
program" means the minority business or EDGE business enterprise 697
completed such a program on or after ~~the effective date of this~~ 698
~~amendment~~ October 16, 2009. 699

(4) "Unbonded state contractor program" means the program 700
described in division (G) of this section. 701

(5) "Unbonded political subdivision contractor program" means 702
the program described in division (H) of this section. 703

Sec. 122.94. The director of development services shall: 704

(A) Promulgate rules in accordance with Chapter 119. of the 705
Revised Code for the conduct of the minority business development 706
division's business and for carrying out the purposes of sections 707

122.92 to 122.94 of the Revised Code; 708

(B) Prepare an annual report to the governor and the general 709
assembly on or before the first day of ~~February~~ August of its 710
activities for the preceding calendar year. 711

Sec. 122.941. (A) On or before the first day of ~~October~~ 712
August in each year, the director of development services shall 713
make an annual report of the activities and operations under the 714
assistance programs of the ~~department~~ development services agency 715
for the preceding fiscal year to the governor and general 716
assembly. The annual report shall include a detailing of those 717
grants, guarantees, loans, and other forms of state assistance to 718
women-owned businesses. 719

(B) As used in this section: 720

(1) "Women-owned business" means any individual, partnership, 721
corporation, or joint venture of any kind that is owned and 722
controlled by women who are United States citizens and residents 723
of this state. 724

(2) "Owned and controlled" means that at least fifty-one per 725
cent of the business, including corporate stock if it is a 726
corporation, is owned by women and that such owners have control 727
over the day-to-day operations of the business and an interest in 728
the capital, assets, and profits and losses of the business 729
proportionate to their percentage of ownership. In order to 730
qualify as a women-owned business, a business shall have been 731
owned by such owners at least one year. 732

Sec. 149.311. (A) As used in this section: 733

(1) "Historic building" means a building, including its 734
structural components, that is located in this state and that is 735
either individually listed on the national register of historic 736
places under 16 U.S.C. 470a, located in a registered historic 737

district, and certified by the state historic preservation officer 738
as being of historic significance to the district, or is 739
individually listed as an historic landmark designated by a local 740
government certified under 16 U.S.C. 470a(c). 741

(2) "Qualified rehabilitation expenditures" means 742
expenditures paid or incurred during the rehabilitation period, 743
and before and after that period as determined under 26 U.S.C. 47, 744
by an owner or qualified lessee of an historic building to 745
rehabilitate the building. "Qualified rehabilitation expenditures" 746
includes architectural or engineering fees paid or incurred in 747
connection with the rehabilitation, and expenses incurred in the 748
preparation of nomination forms for listing on the national 749
register of historic places. "Qualified rehabilitation 750
expenditures" does not include any of the following: 751

(a) The cost of acquiring, expanding, or enlarging an 752
historic building; 753

(b) Expenditures attributable to work done to facilities 754
related to the building, such as parking lots, sidewalks, and 755
landscaping; 756

(c) New building construction costs. 757

(3) "Owner" of an historic building means a person holding 758
the fee simple interest in the building. "Owner" does not include 759
the state or a state agency, or any political subdivision as 760
defined in section 9.23 of the Revised Code. 761

(4) "Qualified lessee" means a person subject to a lease 762
agreement for an historic building and eligible for the federal 763
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 764
does not include the state or a state agency or political 765
subdivision as defined in section 9.23 of the Revised Code. 766

(5) "Certificate owner" means the owner or qualified lessee 767
of an historic building to which a rehabilitation tax credit 768

certificate was issued under this section. 769

(6) "Registered historic district" means an historic district 770
listed in the national register of historic places under 16 U.S.C. 771
470a, an historic district designated by a local government 772
certified under 16 U.S.C. 470a(c), or a local historic district 773
certified under 36 C.F.R. 67.8 and 67.9. 774

(7) "Rehabilitation" means the process of repairing or 775
altering an historic building or buildings, making possible an 776
efficient use while preserving those portions and features of the 777
building and its site and environment that are significant to its 778
historic, architectural, and cultural values. 779

(8) "Rehabilitation period" means one of the following: 780

(a) If the rehabilitation initially was not planned to be 781
completed in stages, a period chosen by the owner or qualified 782
lessee not to exceed twenty-four months during which 783
rehabilitation occurs; 784

(b) If the rehabilitation initially was planned to be 785
completed in stages, a period chosen by the owner or qualified 786
lessee not to exceed sixty months during which rehabilitation 787
occurs. Each stage shall be reviewed as a phase of a 788
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 789
successor to that section. 790

(9) "State historic preservation officer" or "officer" means 791
the state historic preservation officer appointed by the governor 792
under 16 U.S.C. 470a. 793

(B) The owner or qualified lessee of an historic building may 794
apply to the director of development services for a rehabilitation 795
tax credit certificate for qualified rehabilitation expenditures 796
paid or incurred by such owner or qualified lessee after April 4, 797
2007, for rehabilitation of an historic building. If the owner of 798
an historic building enters a pass-through agreement with a 799

qualified lessee for the purposes of the federal rehabilitation 800
tax credit under 26 U.S.C. 47, the qualified rehabilitation 801
expenditures paid or incurred by the owner after April 4, 2007, 802
may be attributed to the qualified lessee. 803

The form and manner of filing such applications shall be 804
prescribed by rule of the director. Each application shall state 805
the amount of qualified rehabilitation expenditures the applicant 806
estimates will be paid or incurred. The director may require 807
applicants to furnish documentation of such estimates. 808

The director, after consultation with the tax commissioner 809
and in accordance with Chapter 119. of the Revised Code, shall 810
adopt rules that establish all of the following: 811

(1) Forms and procedures by which applicants may apply for 812
rehabilitation tax credit certificates; 813

(2) Criteria for reviewing, evaluating, and approving 814
applications for certificates within the limitations under 815
division (D) of this section, criteria for assuring that the 816
certificates issued encompass a mixture of high and low qualified 817
rehabilitation expenditures, and criteria for issuing certificates 818
under division (C)(3)(b) of this section; 819

(3) Eligibility requirements for obtaining a certificate 820
under this section; 821

(4) The form of rehabilitation tax credit certificates; 822

(5) Reporting requirements and monitoring procedures; 823

(6) Procedures and criteria for conducting cost-benefit 824
analyses of historic buildings that are the subjects of 825
applications filed under this section. The purpose of a 826
cost-benefit analysis shall be to determine whether rehabilitation 827
of the historic building will result in a net revenue gain in 828
state and local taxes once the building is used. 829

(7) Any other rules necessary to implement and administer 830
this section. 831

(C) The director of development services shall review the 832
applications with the assistance of the state historic 833
preservation officer and determine whether all of the following 834
criteria are met: 835

(1) That the building that is the subject of the application 836
is an historic building and the applicant is the owner or 837
qualified lessee of the building; 838

(2) That the rehabilitation will satisfy standards prescribed 839
by the United States secretary of the interior under 16 U.S.C. 840
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 841
that section; 842

(3) That receiving a rehabilitation tax credit certificate 843
under this section is a major factor in: 844

(a) The applicant's decision to rehabilitate the historic 845
building; or 846

(b) To increase the level of investment in such 847
rehabilitation. 848

An applicant shall demonstrate to the satisfaction of the 849
state historic preservation officer and director of development 850
services that the rehabilitation will satisfy the standards 851
described in division (C)(2) of this section before the applicant 852
begins the physical rehabilitation of the historic building. 853

(D)(1) If the director of development services determines 854
that an application meets the criteria in divisions (C)(1), (2), 855
and (3) of this section, the director shall conduct a cost-benefit 856
analysis for the historic building that is the subject of the 857
application to determine whether rehabilitation of the historic 858
building will result in a net revenue gain in state and local 859

taxes once the building is used. The director shall consider the 860
results of the cost-benefit analysis in determining whether to 861
approve the application. The director shall also consider the 862
potential economic impact and the regional distributive balance of 863
the credits throughout the state. The director may approve an 864
application only after completion of the cost-benefit analysis. 865

(2) A rehabilitation tax credit certificate shall not be 866
issued for an amount greater than the estimated amount furnished 867
by the applicant on the application for such certificate and 868
approved by the director. The director shall not approve more than 869
a total of sixty million dollars of rehabilitation tax credits per 870
fiscal year but the director may reallocate unused tax credits 871
from a prior fiscal year for new applicants and such reallocated 872
credits shall not apply toward the dollar limit of this division. 873

(3) For rehabilitations with a rehabilitation period not 874
exceeding twenty-four months as provided in division (A)~~(7)~~(8)(a) 875
of this section, a rehabilitation tax credit certificate shall not 876
be issued before the rehabilitation of the historic building is 877
completed. 878

(4) For rehabilitations with a rehabilitation period not 879
exceeding sixty months as provided in division (A)~~(7)~~(8)(b) of 880
this section, a rehabilitation tax credit certificate shall not be 881
issued before a stage of rehabilitation is completed. After all 882
stages of rehabilitation are completed, if the director cannot 883
determine that the criteria in division (C) of this section are 884
satisfied for all stages of rehabilitations, the director shall 885
certify this finding to the tax commissioner, and any 886
rehabilitation tax credits received by the applicant shall be 887
repaid by the applicant and may be collected by assessment as 888
unpaid tax by the commissioner. 889

(5) The director of development services shall require the 890
applicant to provide a third-party cost certification by a 891

certified public accountant of the actual costs attributed to the 892
rehabilitation of the historic building when qualified 893
rehabilitation expenditures exceed two hundred thousand dollars. 894

If an applicant whose application is approved for receipt of 895
a rehabilitation tax credit certificate fails to provide to the 896
director sufficient evidence of reviewable progress, including a 897
viable financial plan, copies of final construction drawings, and 898
evidence that the applicant has obtained all historic approvals 899
within twelve months after the date the applicant received 900
notification of approval, and if the applicant fails to provide 901
evidence to the director that the applicant has secured and closed 902
on financing for the rehabilitation within eighteen months after 903
receiving notification of approval, the director may rescind the 904
approval of the application. The director shall notify the 905
applicant if the approval has been rescinded. Credits that would 906
have been available to an applicant whose approval was rescinded 907
shall be available for other qualified applicants. Nothing in this 908
division prohibits an applicant whose approval has been rescinded 909
from submitting a new application for a rehabilitation tax credit 910
certificate. 911

(E) Issuance of a certificate represents a finding by the 912
director of development services of the matters described in 913
divisions (C)(1), (2), and (3) of this section only; issuance of a 914
certificate does not represent a verification or certification by 915
the director of the amount of qualified rehabilitation 916
expenditures for which a tax credit may be claimed under section 917
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 918
Revised Code. The amount of qualified rehabilitation expenditures 919
for which a tax credit may be claimed is subject to inspection and 920
examination by the tax commissioner or employees of the 921
commissioner under section 5703.19 of the Revised Code and any 922
other applicable law. Upon the issuance of a certificate, the 923

director shall certify to the tax commissioner, in the form and 924
manner requested by the tax commissioner, the name of the 925
applicant, the amount of qualified rehabilitation expenditures 926
shown on the certificate, and any other information required by 927
the rules adopted under this section. 928

(F)(1) On or before the first day of ~~April~~ August each year, 929
the director of development services and tax commissioner jointly 930
shall submit to the president of the senate and the speaker of the 931
house of representatives a report on the tax credit program 932
established under this section and sections 5725.151, 5725.34, 933
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 934
report shall present an overview of the program and shall include 935
information on the number of rehabilitation tax credit 936
certificates issued under this section during the preceding fiscal 937
year, an update on the status of each historic building for which 938
an application was approved under this section, the dollar amount 939
of the tax credits granted under sections 5725.151, 5725.34, 940
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 941
any other information the director and commissioner consider 942
relevant to the topics addressed in the report. 943

(2) On or before December 1, 2015, the director of 944
development services and tax commissioner jointly shall submit to 945
the president of the senate and the speaker of the house of 946
representatives a comprehensive report that includes the 947
information required by division (F)(1) of this section and a 948
detailed analysis of the effectiveness of issuing tax credits for 949
rehabilitating historic buildings. The report shall be prepared 950
with the assistance of an economic research organization jointly 951
chosen by the director and commissioner. 952

(G) There is hereby created in the state treasury the 953
historic rehabilitation tax credit operating fund. The director of 954
development services is authorized to charge reasonable 955

application and other fees in connection with the administration 956
of tax credits authorized by this section and sections 5725.151, 957
5725.34, 5726.52, 5729.17, ~~5733.44~~ 5733.47, and 5747.76 of the 958
Revised Code. Any such fees collected shall be credited to the 959
fund and used to pay reasonable costs incurred by the department 960
of development services in administering this section and sections 961
5725.151, 5725.34, 5726.52, 5729.17, ~~5733.44~~ 5733.47, and 5747.76 962
of the Revised Code. 963

The Ohio historic preservation office is authorized to charge 964
reasonable fees in connection with its review and approval of 965
applications under this section. Any such fees collected shall be 966
credited to the fund and used to pay administrative costs incurred 967
by the Ohio historic preservation office pursuant to this section. 968

Sec. 150.10. (A) On the first day of January of the second 969
year after the date of entering into an agreement under section 970
150.05 of the Revised Code and on the first day of August of each 971
ensuing year, the authority shall file with the clerk of the house 972
of representatives, the clerk of the senate, and the chairpersons 973
of the house and senate standing committees predominantly 974
concerned with economic development a written report on the Ohio 975
venture capital program. The report shall include all the 976
following: 977

(1) A description of the details of the investment policy 978
established or modified in accordance with sections 150.03 and 979
150.04 of the Revised Code; 980

(2) The authority's assessment of the program's achievement 981
of its purpose stated in section 150.01 of the Revised Code; 982

(3) The value of tax credit certificates issued by the 983
authority under section 150.07 of the Revised Code in each fiscal 984
year ending on or before the preceding thirtieth day of June; 985

(4) The amount of tax credits claimed pursuant to section	986
5707.031, 5725.19, 5726.53, 5727.241, 5729.08, 5733.49, or 5747.80	987
of the Revised Code, as to the respective taxes involved;	988
(5) The financial status of the Ohio venture capital fund;	989
(6) The names of venture capital funds in which money from	990
the program fund has been invested and the locations of their	991
principal offices, and the names of the enterprises in which each	992
of those venture capital funds has invested such money and the	993
locations of those enterprises' principal offices;	994
(7) Any recommendations for modifying the program to better	995
achieve the purpose stated in section 150.01 of the Revised Code.	996
(B) During each year that a report is issued under division	997
(A) of this section, the chairperson of the authority, or another	998
member of the authority designated by the chairperson as the	999
authority's representative, shall be required to appear in person	1000
before the standing committees of the house and senate	1001
predominantly concerned with economic development to give	1002
testimony concerning the status of the Ohio venture capital	1003
program.	1004
Sec. 166.13. (A) Prior to entering into each agreement to	1005
provide innovation financial assistance under sections 166.12,	1006
166.15, and 166.16 of the Revised Code, the director of	1007
development services shall determine whether the assistance will	1008
conform to the requirements of sections 166.12 to 166.16 of the	1009
Revised Code. Such determination, and the facts upon which it is	1010
based, shall be set forth by the director in submissions made to	1011
the controlling board when the director seeks a release of moneys	1012
under section 166.12 of the Revised Code. An agreement to provide	1013
assistance under sections 166.12, 166.15, and 166.16 of the	1014
Revised Code shall set forth the determination, which shall be	1015
conclusive for purposes of the validity and enforceability of the	1016

agreement and any innovation loan guarantees, innovation loans, or 1017
other agreements entered into pursuant to the agreement to provide 1018
innovation financial assistance. 1019

(B) Whenever a person applies for innovation financial 1020
assistance under sections 166.12, 166.15, and 166.16 of the 1021
Revised Code and the eligible innovation project for which 1022
innovation financial assistance is requested is to relocate an 1023
eligible innovation project that is currently being operated by 1024
the person and that is located in another county, municipal 1025
corporation, or township, the ~~director~~ person shall provide 1026
written notification to the appropriate local governmental bodies 1027
and state officials. The ~~notification shall contain the following~~ 1028
~~information:~~ 1029

~~(1) The name of the person applying for innovation financial 1030
assistance;~~ 1031

~~(2) The county, and the municipal corporation or township, in 1032
which the eligible innovation project for which innovation 1033
financial assistance is requested is located; and 1034~~

~~(3) The county, and the municipal corporation or township, in 1035
which the eligible innovation project to be replaced is located 1036
director may not enter into an agreement to provide innovation 1037
financial assistance until the director determines that the 1038
appropriate local government bodies and state officials have been 1039
notified. 1040~~

(C) As used in division (B) of this section: 1041

(1) "Appropriate local governmental bodies" means: 1042

(a) The boards of county commissioners or legislative 1043
authorities of the county in which the project for which 1044
innovation financial assistance is requested is located and of the 1045
county in which the eligible innovation project to be replaced is 1046
located; 1047

(b) The legislative authority of the municipal corporation or 1048
the board of township trustees of the township in which the 1049
eligible innovation project for which innovation financial 1050
assistance is requested is located; and 1051

(c) The legislative authority of the municipal corporation or 1052
the board of township trustees of the township in which the 1053
eligible innovation project to be replaced is located. 1054

(2) "State officials" means: 1055

(a) The state representative and state senator in whose 1056
districts the project for which innovation financial assistance is 1057
requested is located; 1058

(b) The state representative and state senator in whose 1059
districts the innovation project to be replaced is located. 1060

Sec. 166.18. (A) Prior to entering into each agreement to 1061
provide research and development financial assistance, the 1062
director of development services shall determine whether the 1063
assistance will conform to the requirements of sections 166.17 to 1064
166.21, 5733.352, and 5747.331 of the Revised Code. Such 1065
determination, and the facts upon which it is based, shall be set 1066
forth by the director in submissions made to the controlling board 1067
when the director seeks a release of moneys under section 166.17 1068
of the Revised Code. An agreement to provide research and 1069
development financial assistance under section 166.17 or 166.21 of 1070
the Revised Code shall set forth the determination, which shall be 1071
conclusive for purposes of the validity and enforceability of the 1072
agreement, and any loans or other agreements entered into pursuant 1073
to the agreement, to provide research and development financial 1074
assistance. 1075

(B) Whenever a person applies for research and development 1076
financial assistance, and the eligible research and development 1077

project for which that assistance is requested is to relocate an 1078
eligible research and development project that is currently being 1079
operated by the person and that is located in another county, 1080
municipal corporation, or township within the state, the ~~director~~ 1081
person shall provide written notification to the appropriate local 1082
governmental bodies and state officials. The ~~notification shall~~ 1083
~~state all of the following:~~ 1084

~~(1) The name of the person applying for research and 1085
development financial assistance;~~ 1086

~~(2) The county, and the municipal corporation or township, in 1087
which the project for which research and development financial 1088
assistance is requested will be located;~~ 1089

~~(3) The county, and the municipal corporation or township, in 1090
which the eligible research and development project is located at 1091
the time such financial assistance is requested director may not 1092
enter into an agreement to provide research and development 1093
financial assistance until the director determines that the 1094
appropriate local governmental bodies and state officials have been 1095
notified. 1096~~

(C) As used in division (B) of this section: 1097

(1) "Appropriate local governmental bodies" means all of the 1098
following: 1099

(a) The board of county commissioners of or legislative 1100
authorities of special districts in the county in which the 1101
eligible research and development project for which research and 1102
development financial assistance is requested is located and of 1103
the county in which the project will be located; 1104

(b) The legislative authority of the municipal corporation or 1105
the board of township trustees of the township in which the 1106
eligible research and development project for which research and 1107
development financial assistance is requested is located and of 1108

the municipal corporation or township in which the project will be 1109
located. 1110

(2) "State officials" means both of the following: 1111

(a) The state representative and state senator in whose 1112
district the eligible research and development project for which 1113
research and development financial assistance is requested is 1114
located; 1115

(b) The state representative and state senator in whose 1116
district the eligible research and development project will be 1117
located. 1118

Sec. 184.02. (A) In addition to the powers and duties under 1119
sections 184.10 to 184.20 and 184.37 of the Revised Code, the 1120
third frontier commission may perform any act to ensure the 1121
performance of any function necessary or appropriate to carry out 1122
the purposes of, and exercise the powers granted under, sections 1123
184.01 and 184.02 of the Revised Code. In addition, the commission 1124
may do any of the following: 1125

(1) Adopt, amend, and rescind rules under section 111.15 of 1126
the Revised Code for the administration of any aspect of its 1127
operations; 1128

(2) Adopt bylaws governing its operations, including bylaws 1129
that establish procedures and set policies as may be necessary to 1130
assist with the furtherance of its purposes; 1131

(3) Appoint and set the compensation of employees needed to 1132
carry out its duties; 1133

(4) Contract with, retain the services of, or designate, and 1134
fix the compensation of, such financial consultants, accountants, 1135
other consultants and advisors, and other independent contractors 1136
as may be necessary or desirable to carry out its duties; 1137

(5) Solicit input and comments from the third frontier 1138

advisory board, and specialized industry, professional, and other 1139
relevant interest groups concerning its purposes; 1140

(6) Facilitate alignment of the state's science and 1141
technology programs and activities; 1142

(7) Make grants and loans to individuals, public agencies, 1143
private companies or organizations, or joint ventures for any of 1144
the broad range of activities related to its purposes. 1145

(B) In addition to the powers and duties under sections 1146
184.10 to 184.20 and 184.37 of the Revised Code, the commission 1147
shall do all of the following: 1148

(1) Establish a competitive process for the award of grants 1149
and loans that is designed to fund the most meritorious proposals 1150
and, when appropriate, provide for peer review of proposals; 1151

(2) ~~Within ninety days after the end of each fiscal~~ On or 1152
before the first day of August of each year, submit to the 1153
governor and the general assembly a report of the activities of 1154
the commission during the preceding fiscal year; 1155

(3) With specific application to the biomedical research and 1156
technology transfer trust fund, periodically make strategic 1157
assessments of the types of state investments in biomedical 1158
research and biotechnology in the state that would likely create 1159
jobs and business opportunities in the state and produce the most 1160
beneficial long-term improvements to the public health of Ohioans, 1161
including, but not limited to, biomedical research and 1162
biotechnology initiatives that address tobacco-related illnesses 1163
as may be outlined in any master agreement. The commission shall 1164
award grants and loans from the fund pursuant to a process 1165
established under division (B)(1) of this section. 1166

Sec. 1551.34. On or before the ~~thirty-first~~ first day of 1167
~~March~~ August of the ~~second~~ each even-numbered year of each 1168

biennium, the director of the Ohio coal development office 1169
established under section 1551.32 of the Revised Code shall submit 1170
to the governor and the general assembly an Ohio coal development 1171
agenda. Prior to each submission, the office shall solicit public 1172
comment on the agenda to give interested parties an opportunity to 1173
comment on the agenda. The director shall consider any public 1174
comments received prior to the agenda's submission. The agenda 1175
shall include, but is not limited to, all of the following: 1176

(A) A characterization of Ohio coal, constraints on its 1177
maximum use, and opportunities for overcoming those constraints; 1178

(B) A characterization of the current and potential markets 1179
for Ohio coal, constraints on increased market demand for it, and 1180
opportunities for overcoming those constraints; 1181

(C) Identification of each of the office's programs and its 1182
correspondence to the purposes of the office; 1183

(D) A description of the office's current projects that 1184
includes the status of each project and a specific description of 1185
the office's activities in all of the following areas: 1186

(1) Commercialization of available technology; 1187
(2) Marketplace adoption of that technology; 1188
(3) Enhancement of user markets for Ohio coal. 1189

(E) The types of projects to be funded in the succeeding 1190
biennium; 1191

(F) Anticipated expenditures for, the relative priority of, 1192
and the potential benefits of each type of project to be funded in 1193
the succeeding biennium; 1194

(G) The results obtained from completed projects and 1195
dissemination of those results; 1196

(H) A fiscal report of the office's activities under sections 1197
1551.30 to 1551.35 and Chapter 1555. of the Revised Code during 1198

the preceding biennium;	1199
(I) The criteria used to select the office's specific types of projects. The criteria shall consider all of the following:	1200
(1) A project's relationship to and support of the office's purposes;	1201
(2) The technology involved, its applicability to Ohio coal, and its potential rate and probability of marketplace adoption;	1202
(3) The commercial readiness of a project's facility, technology, or equipment;	1203
(4) The cost and relative risk to the state and the participation of other investors or interested parties in a project's financing;	1204
(5) The likelihood that results of a project would not be achieved in the absence of the office's assistance.	1205
<u>Sec. 3313.902. (A) As used in this section:</u>	1206
(1) <u>"Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of the Ohio board of regents.</u>	1208
(2) <u>"Eligible institution" means any of the following:</u>	1209
(a) <u>A community college established under Chapter 3354. of the Revised Code;</u>	1210
(b) <u>A technical college established under Chapter 3357. of the Revised Code;</u>	1211
(c) <u>A state community college established under Chapter 3358. of the Revised Code;</u>	1212
(d) <u>An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.</u>	1213
(3) <u>"Eligible student" means an individual who is at least</u>	1214

twenty-two years of age and has not received a high school diploma 1227
or a certificate of high school equivalence, as defined in section 1228
4109.06 of the Revised Code. 1229

(B) The adult career opportunity pilot program is hereby 1230
established to permit an eligible institution to obtain approval 1231
from the state board of education and the chancellor to develop 1232
and offer a program of study that allows an eligible student to 1233
obtain a high school diploma. A program shall be eligible for this 1234
approval if it satisfies all of the following requirements: 1235

(1) The program allows an eligible student to complete the 1236
requirements for obtaining a high school diploma while completing 1237
requirements for an approved industry credential or certificate. 1238

(2) The program includes career advising and outreach. 1239

(3) The program includes opportunities for students to 1240
receive a competency-based education. 1241

(C) The superintendent of public instruction, in consultation 1242
with the chancellor, shall adopt rules for the implementation of 1243
the adult career opportunity pilot program, including the 1244
requirements for applying for program approval. 1245

Sec. 3333.91. Not later than December 31, 2014, the 1246
governor's office of workforce transformation, in collaboration 1247
with the chancellor of the Ohio board of regents, the 1248
superintendent of public instruction, and the department of job 1249
and family services, shall develop and submit to the appropriate 1250
federal agency a single, integrated state plan for the adult basic 1251
and literacy education program administered by the United States 1252
secretary of education, the "Carl D. Perkins Vocational and 1253
Technical Education Act," 20 U.S.C. 2301, et seq., as amended, and 1254
the "Workforce Investment Act of 1998," 29 U.S.C. 2801, et seq., 1255
as amended. Following the plan's initial submission to the 1256

appropriate federal agency, the governor's office of workforce transformation may update it as necessary. If the plan is updated, the governor's office of workforce transformation shall submit the updated plan to the appropriate federal agency. 1257
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Sec. 3731.02. (A) The state fire marshal shall make such 1261
rules as are necessary to carry out this chapter, which shall 1262
include, but are not limited to, rules establishing requirements 1263
to renew a license issued under this chapter and fees for 1264
licensure and renewal and for inspections of hotels. Except as 1265
provided in division (G) of section 3731.12 of the Revised Code, 1266
the state fire marshal and the assistant state fire marshals shall 1267
enforce this chapter. 1268

(B) Except as otherwise provided in this division and 1269
divisions (C) and (D) of this section, the board of building 1270
standards shall adopt, pursuant to section 3781.10 of the Revised 1271
Code, rules that specify that the building code standards for SRO 1272
facilities shall be use group R-2. Any facility operating prior to 1273
October 16, 1996, in the nature of an SRO facility that met the 1274
building code standards for an SRO facility prior to that date, 1275
whether previously licensed as a hotel or not, and after October 1276
16, 1996, licensed as an SRO facility under section 3731.03 of the 1277
Revised Code, shall be permitted under the rules to have a 1278
building code standard of either use group R-1 or use group R-2 if 1279
the facility meets the requirements for those use groups as 1280
specified in the Ohio building code adopted pursuant to section 1281
3781.10 of the Revised Code. The requirements of this division 1282
apply to an SRO facility that holds a license as an SRO facility 1283
on ~~the effective date of this amendment~~ September 12, 2008, unless 1284
any of the following events occur on or after ~~the effective date~~ 1285
~~of this amendment~~ September 12, 2008: 1286

(1) The owner of the SRO facility constructs or alters the 1287

facility. 1288

(2) The owner of the SRO facility surrenders the license 1289
issued to that facility. 1290

(3) The owner of the SRO facility changes the use or 1291
occupancy of that facility. 1292

(4) The license issued to that SRO facility under this 1293
chapter is revoked or is not renewed. 1294

(C) If any of the events described in divisions (B)(1) to (4) 1295
of this section occur, the owner of the structure shall comply 1296
with division (D) of this section to obtain a new license to 1297
operate as an SRO facility. 1298

(D) Beginning on ~~the effective date of this amendment~~ 1299
September 12, 2008, the state fire marshal shall not issue a new 1300
license to operate a facility as an SRO facility, and shall not 1301
renew such a license issued under this division, unless the SRO 1302
facility is constructed providing individual sleeping rooms for 1303
each guest; has, on a per-room or a communal basis within each 1304
building to be licensed as an SRO facility, permanent provisions 1305
for living, eating, cooking, and sanitation; and is constructed in 1306
accordance with the requirements specified for SRO facilities and 1307
is approved by the building official having jurisdiction over that 1308
facility to be an SRO facility. An SRO facility subject to this 1309
division shall only operate with, and shall properly maintain, 1310
individual sleeping rooms for each guest and shall only operate 1311
with, and shall properly maintain, on a per-room or communal 1312
basis, permanent provisions available to all guests for living, 1313
eating, cooking, and sanitation. 1314

(E) The state fire marshal may, pursuant to division (A) of 1315
this section, adopt rules establishing a fire code and sanitary 1316
standards compliance incentive program for persons required to 1317
procure a license for a hotel under section 3731.03 of the Revised 1318

Code. The rules may include provisions for the creation of a "Safe Stay Hotel" designation by the state fire marshal, the standards a licensed hotel must meet to achieve and maintain that designation, the procedures the state fire marshal shall use to publish and maintain a registry of hotels receiving that designation, and any monetary incentives offered by the state fire marshal to encourage a licensed hotel to achieve and maintain that designation. At a minimum, no hotel may be designated as a "Safe Stay Hotel" or maintain such a designation unless it meets the fire code and sanitary compliance standards established pursuant to this section for a continuous period of at least twenty-four months.

Nothing in this division shall be construed to limit the power of this state, the department of commerce, the state fire marshal, or any other political subdivision of the state to administer and enforce any other sections of this chapter or any other applicable laws, rules, and regulations. Nothing in this division shall be construed to require the state fire marshal to designate a hotel as a "Safe Stay Hotel" or require the state fire marshal to award a monetary incentive to a hotel in any manner that is inconsistent or in conflict with the rules adopted under this section or any other applicable laws, rules, or regulations.

Sec. 4740.06. (A) Any individual who applies for a license shall file a written application with the appropriate section of the Ohio construction industry licensing board, accompanied with the application fee as determined pursuant to section 4740.09 of the Revised Code. The individual shall file the application not more than sixty days nor less than thirty days prior to the date of the examination. The application shall be on the form the section prescribes and verified by the applicant's oath. The applicant shall provide information satisfactory to the section showing that the applicant meets the requirements of division (B) of this section.

(B) To qualify to take an examination, an individual shall:	1351
(1) Be at least eighteen years of age;	1352
(2) Be a United States citizen or legal alien who produces valid documentation to demonstrate the individual is a legal resident of the United States;	1353 1354 1355
(3) Either have been a tradesperson in the type of licensed trade for which the application is filed for not less than five years immediately prior to the date the application is filed, be a currently registered engineer in this state with three years of business experience in the construction industry in the trade for which the engineer is applying to take an examination, or have other experience acceptable to the appropriate section of the board;	1356 1357 1358 1359 1360 1361 1362 1363
(4) Maintain contractor's liability insurance, including without limitation, complete operations coverage, in an amount the appropriate section of the board determines;	1364 1365 1366
(5) Not have done any of the following:	1367
(a) Been convicted of or pleaded guilty to a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;	1368 1369 1370
(b) Violated this chapter or any rule adopted pursuant to it;	1371
(c) Obtained or renewed a license issued pursuant to this chapter, or any order, ruling, or authorization of the board or a section of the board by fraud, misrepresentation, or deception;	1372 1373 1374
(d) Engaged in fraud, misrepresentation, or deception in the conduct of business.	1375 1376
(C) When an applicant for licensure as a contractor in a licensed trade meets the qualifications set forth in division (B) of this section and passes the required examination, the appropriate section of the board, within ninety days after the	1377 1378 1379 1380

application was filed, shall authorize the administrative section 1381
of the board to license the applicant for the type of contractor's 1382
license for which the applicant qualifies. A section of the board 1383
may withdraw its authorization to the administrative section for 1384
issuance of a license for good cause shown, on the condition that 1385
notice of that withdrawal is given prior to the administrative 1386
section's issuance of the license. 1387

(D) All licenses a contractor holds pursuant to this chapter 1388
shall expire annually on the same date, which shall be the 1389
expiration date of the original license the contractor holds. An 1390
individual holding a valid, unexpired license may renew the 1391
license, without reexamination, by submitting an application to 1392
the appropriate section of the board not more than ninety calendar 1393
days before the expiration of the license, along with the renewal 1394
fee the section requires and proof of compliance with the 1395
applicable continuing education requirements. The applicant shall 1396
provide information in the renewal application satisfactory to 1397
demonstrate to the appropriate section that the applicant 1398
continues to meet the requirements of division (B) of this 1399
section. 1400

Upon application and within one calendar year after a license 1401
has expired, a section may waive any of the requirements for 1402
renewal of a license upon finding that an applicant substantially 1403
meets the renewal requirements or that failure to timely apply for 1404
renewal is due to excusable neglect. A section that waives 1405
requirements for renewal of a license may impose conditions upon 1406
the licensee and assess a late filing fee of not more than double 1407
the usual renewal fee. An applicant shall satisfy any condition 1408
the section imposes before a license is reissued. 1409

(E) An individual holding a valid license may request the 1410
section of the board that authorized that license to place the 1411
license in inactive status under conditions, and for a period of 1412

time, as that section determines. 1413

(F) Except for the ninety-day extension provided for a 1414
license assigned to a business entity under division (D) of 1415
section 4740.07 of the Revised Code, a license held by an 1416
individual immediately terminates upon the death of the 1417
individual. 1418

(G) Nothing in any license issued by the Ohio construction 1419
industry licensing board shall be construed to limit or eliminate 1420
any requirement of or any license issued by the Ohio fire marshal. 1421

(H)(1) Subject to divisions (H)(2), (3), and (4) of this 1422
section, no trade section of the board shall adopt, maintain, 1423
renew, or enforce any rule, or otherwise preclude in any way, an 1424
individual from receiving or renewing a license under this chapter 1425
due to any past criminal activity or interpretation of moral 1426
character, except as pursuant to division (B)(5)(a) of this 1427
section. If the section denies an individual a license or license 1428
renewal, the reasons for such denial shall be put in writing. 1429

(2) Except as otherwise provided in this division, if an 1430
individual applying for a license has been convicted of or pleaded 1431
guilty to a misdemeanor that is not a crime of moral turpitude or 1432
a disqualifying offense less than one year prior to making the 1433
application, the section may use its discretion in granting or 1434
denying the individual a license. Except as otherwise provided in 1435
this division, if an individual applying for a license has been 1436
convicted of or pleaded guilty to a felony that is not a crime of 1437
moral turpitude or a disqualifying offense less than three years 1438
prior to making the application, the section may use its 1439
discretion in granting or denying the individual a license. The 1440
provisions in this paragraph do not apply with respect to any 1441
offense unless the section, prior to ~~the effective date of this~~ 1442
~~amendment~~ September 28, 2012, was required or authorized to deny 1443
the application based on that offense. 1444

In all other circumstances, the section shall follow the 1445
procedures it adopts by rule that conform to division (H)(1) of 1446
this section. 1447

(3) In considering a renewal of an individual's license, the 1448
section shall not consider any conviction or plea of guilty prior 1449
to the initial licensing. However, the board may consider a 1450
conviction or plea of guilty if it occurred after the individual 1451
was initially licensed, or after the most recent license renewal. 1452

(4) The section may grant an individual a conditional license 1453
that lasts for one year. After the one-year period has expired, 1454
the license is no longer considered conditional, and the 1455
individual shall be considered fully licensed. 1456

(I) Notwithstanding divisions (D) and (H) of this section and 1457
sections 4740.04 and 4740.05 of the Revised Code, the board may 1458
establish rules that amend the continuing education requirements 1459
and license renewal schedule for licensees as provided in or 1460
adopted pursuant to those sections for the purpose of establishing 1461
a compliance incentive program. These rules may include provisions 1462
for the creation of the program and the qualifications, continuing 1463
education requirements, and renewal schedule for the program. 1464

Section 2. That existing sections 121.08, 122.136, 122.21, 1465
122.25, 122.37, 122.64, 122.89, 122.94, 122.941, 149.311, 150.10, 1466
166.13, 166.18, 184.02, 1551.34, 3731.02, and 4740.06 of the 1467
Revised Code are hereby repealed. 1468

Section 3. (A) The Chancellor of the Ohio Board of Regents, 1469
in consultation with the parties specified in division (B) of this 1470
section, shall develop recommendations for increasing the number 1471
of programs available to adults who have not obtained a high 1472
school diploma that offer credentials equivalent to a high school 1473
diploma and also provide career pathways, such as an associate 1474
degree, industry credential, or other type of career training. 1475

(B) In developing recommendations under division (A) of this section, the Chancellor shall consult with all of the following:	1476 1477
(1) The Superintendent of Public Instruction;	1478
(2) Representatives of the Governor's Office of Workforce Transformation, the Department of Job and Family Services, and the Ohio Association of Community Colleges;	1479 1480 1481
(3) Representatives of career-technical planning districts that provide post-secondary workforce education;	1482 1483
(4) Representatives of programs that provide adult basic and literacy education;	1484 1485
(5) Representatives of any other interested parties at the Chancellor's discretion.	1486 1487
(C) Not later than December 31, 2014, the Chancellor shall prepare a report of the recommendations developed under division (A) of this section and submit it to the Governor, the President of the Senate, and the Speaker of the House of Representatives.	1488 1489 1490 1491