

**As Passed by the House**

**130th General Assembly  
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**Sub. H. B. No. 486**

**Representatives Baker, Stebelton**

**Cosponsors: Representatives Adams, R., Anielski, Antonio, Beck, Blessing,  
Boose, Brown, Buchy, Burkley, Carney, Damschroder, Derickson, Dovilla,  
Duffey, Hackett, Hagan, C., Hayes, Henne, Landis, McClain, McGregor,  
Perales, Romanchuk, Rosenberger, Ruhl, Scherer, Schuring, Smith, Sprague,  
Stebelton, Stinziano, Terhar, Wachtmann Speaker Batchelder**

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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, 3333.91, 4  
and 6301.11 of the Revised Code to revise the 5  
coordination of workforce development and economic 6  
development programs; to synchronize the due dates 7  
of several reports due from the Development 8  
Services Agency, the Ohio Venture Capital 9  
Authority, and the Third Frontier Commission; to 10  
revise the law regarding innovation financial 11  
assistance and research and development financial 12  
assistance; to require the Governor's executive 13  
workforce board and the Department of Job and 14  
Family Services to identify and create a list of 15  
high-demand jobs in this state; and to permit the 16  
Director of Commerce, the State Fire Marshal, and 17  
the Ohio Construction Industry Licensing Board to 18  
establish compliance incentive programs. 19

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

**Section 1.** That sections 121.08, 122.136, 122.21, 122.25, 20  
122.37, 122.64, 122.89, 122.94, 122.941, 149.311, 150.10, 166.13, 21  
166.18, 184.02, 1551.34, 3731.02, and 4740.06 be amended and 22  
sections 107.35, 3333.91, and 6301.11 of the Revised Code be 23  
enacted to read as follows: 24

Sec. 107.35. Not later than December 31, 2014, the governor's 25  
office of workforce transformation, with staff support and 26  
assistance from the departments of job and family services and 27  
education and the Ohio board of regents, shall establish criteria 28  
to use for evaluating the performance of state and local workforce 29  
programs using basic, aligned workforce measures related to system 30  
efficiency and effectiveness. The office shall develop and make 31  
available on the internet through a web site a public dashboard to 32  
display metrics regarding the state's administration of primary 33  
workforce programs, including the following programs: 34

(A) The adult basic and literacy education program; 35

(B) Programs administered under the federal "Carl D. Perkins 36  
Career and Technical Education Act of 2006," 120 Stat. 683, 20 37  
U.S.C. 2301 et seq., as amended; 38

(C) State aid and scholarships within the Ohio board of 39  
regents; 40

(D) Programs administered under title I of the federal 41  
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801 42  
et seq., as amended. 43

**Sec. 121.08.** (A) There is hereby created in the department of 44  
commerce the position of deputy director of administration. This 45  
officer shall be appointed by the director of commerce, serve 46

under the director's direction, supervision, and control, perform 47  
the duties the director prescribes, and hold office during the 48  
director's pleasure. The director of commerce may designate an 49  
assistant director of commerce to serve as the deputy director of 50  
administration. The deputy director of administration shall 51  
perform the duties prescribed by the director of commerce in 52  
supervising the activities of the division of administration of 53  
the department of commerce. 54

(B) Except as provided in section 121.07 of the Revised Code, 55  
the department of commerce shall have all powers and perform all 56  
duties vested in the deputy director of administration, the state 57  
fire marshal, the superintendent of financial institutions, the 58  
superintendent of real estate and professional licensing, the 59  
superintendent of liquor control, the superintendent of industrial 60  
compliance, the superintendent of unclaimed funds, and the 61  
commissioner of securities, and shall have all powers and perform 62  
all duties vested by law in all officers, deputies, and employees 63  
of those offices. Except as provided in section 121.07 of the 64  
Revised Code, wherever powers are conferred or duties imposed upon 65  
any of those officers, the powers and duties shall be construed as 66  
vested in the department of commerce. 67

(C)(1) There is hereby created in the department of commerce 68  
a division of financial institutions, which shall have all powers 69  
and perform all duties vested by law in the superintendent of 70  
financial institutions. Wherever powers are conferred or duties 71  
imposed upon the superintendent of financial institutions, those 72  
powers and duties shall be construed as vested in the division of 73  
financial institutions. The division of financial institutions 74  
shall be administered by the superintendent of financial 75  
institutions. 76

(2) All provisions of law governing the superintendent of 77  
financial institutions shall apply to and govern the 78

superintendent of financial institutions provided for in this 79  
section; all authority vested by law in the superintendent of 80  
financial institutions with respect to the management of the 81  
division of financial institutions shall be construed as vested in 82  
the superintendent of financial institutions created by this 83  
section with respect to the division of financial institutions 84  
provided for in this section; and all rights, privileges, and 85  
emoluments conferred by law upon the superintendent of financial 86  
institutions shall be construed as conferred upon the 87  
superintendent of financial institutions as head of the division 88  
of financial institutions. The director of commerce shall not 89  
transfer from the division of financial institutions any of the 90  
functions specified in division (C)(2) of this section. 91

(D) There is hereby created in the department of commerce a 92  
division of liquor control, which shall have all powers and 93  
perform all duties vested by law in the superintendent of liquor 94  
control. Wherever powers are conferred or duties are imposed upon 95  
the superintendent of liquor control, those powers and duties 96  
shall be construed as vested in the division of liquor control. 97  
The division of liquor control shall be administered by the 98  
superintendent of liquor control. 99

(E) The director of commerce shall not be interested, 100  
directly or indirectly, in any firm or corporation which is a 101  
dealer in securities as defined in sections 1707.01 and 1707.14 of 102  
the Revised Code, or in any firm or corporation licensed under 103  
sections 1321.01 to 1321.19 of the Revised Code. 104

(F) The director of commerce shall not have any official 105  
connection with a savings and loan association, a savings bank, a 106  
bank, a bank holding company, a savings and loan association 107  
holding company, a consumer finance company, or a credit union 108  
that is under the supervision of the division of financial 109  
institutions, or a subsidiary of any of the preceding entities, or 110

be interested in the business thereof. 111

(G) There is hereby created in the state treasury the 112  
division of administration fund. The fund shall receive 113  
assessments on the operating funds of the department of commerce 114  
in accordance with procedures prescribed by the director of 115  
commerce and approved by the director of budget and management. 116  
All operating expenses of the division of administration shall be 117  
paid from the division of administration fund. 118

(H) There is hereby created in the department of commerce a 119  
division of real estate and professional licensing, which shall be 120  
under the control and supervision of the director of commerce. The 121  
division of real estate and professional licensing shall be 122  
administered by the superintendent of real estate and professional 123  
licensing. The superintendent of real estate and professional 124  
licensing shall exercise the powers and perform the functions and 125  
duties delegated to the superintendent under Chapters 4735., 126  
4763., and 4767. of the Revised Code. 127

(I) There is hereby created in the department of commerce a 128  
division of industrial compliance, which shall have all powers and 129  
perform all duties vested by law in the superintendent of 130  
industrial compliance. Wherever powers are conferred or duties 131  
imposed upon the superintendent of industrial compliance, those 132  
powers and duties shall be construed as vested in the division of 133  
industrial compliance. The division of industrial compliance shall 134  
be under the control and supervision of the director of commerce 135  
and be administered by the superintendent of industrial 136  
compliance. 137

(J) There is hereby created in the department of commerce a 138  
division of unclaimed funds, which shall have all powers and 139  
perform all duties delegated to or vested by law in the 140  
superintendent of unclaimed funds. Wherever powers are conferred 141  
or duties imposed upon the superintendent of unclaimed funds, 142

those powers and duties shall be construed as vested in the 143  
division of unclaimed funds. The division of unclaimed funds shall 144  
be under the control and supervision of the director of commerce 145  
and shall be administered by the superintendent of unclaimed 146  
funds. The superintendent of unclaimed funds shall exercise the 147  
powers and perform the functions and duties delegated to the 148  
superintendent by the director of commerce under section 121.07 149  
and Chapter 169. of the Revised Code, and as may otherwise be 150  
provided by law. 151

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

five years, or if a criminal records check conducted by the bureau 176  
of criminal identification and investigation within this state 177  
indicates that the person may have a criminal record outside of 178  
this state. 179

In the case of a criminal records check under section 109.572 180  
of the Revised Code, the department or division shall forward to 181  
the bureau of criminal identification and investigation the 182  
requisite form, fingerprint impressions, and fee described in 183  
division (C) of that section. When requested by the department or 184  
division in accordance with this section, the bureau of criminal 185  
identification and investigation shall request from the federal 186  
bureau of investigation any information it has with respect to the 187  
person who is the subject of the requested criminal records check 188  
and shall forward the requisite fingerprint impressions and 189  
information to the federal bureau of investigation for that 190  
criminal records check. After conducting a criminal records check 191  
or receiving the results of a criminal records check from the 192  
federal bureau of investigation, the bureau of criminal 193  
identification and investigation shall provide the results to the 194  
department or division. 195

The department or division may require any person about whom 196  
a criminal records check is requested to pay to the department or 197  
division the amount necessary to cover the fee charged to the 198  
department or division by the bureau of criminal identification 199  
and investigation under division (C)(3) of section 109.572 of the 200  
Revised Code, including, when applicable, any fee for a criminal 201  
records check conducted by the federal bureau of investigation. 202

(L) The director of commerce, or the director's designee, may 203  
adopt rules to enhance compliance with statutes pertaining to, and 204  
rules adopted by, divisions under the direction, supervision, and 205  
control of the department or director by offering incentive-based 206  
programs that ensure safety and soundness while promoting growth 207

and prosperity in the state. 208

**Sec. 122.136.** The director of development services shall 209  
prepare and submit a report to the governor and the general 210  
assembly annually on or before the first day of ~~February~~ August of 211  
the services and activities of the employee ownership assistance 212  
program for the preceding calendar year. The director shall 213  
include in the report information regarding the number, names, and 214  
locations of business establishments that have been or likely will 215  
be assisted as employee-owned corporations; recommendations on how 216  
to better operate the program; information regarding the 217  
effectiveness of the program in maintaining and improving 218  
employment in the state; and the number of individuals affected by 219  
the activities of the program. 220

**Sec. 122.21.** In administering the urban and rural initiative 221  
grant program created under section 122.20 of the Revised Code, 222  
the director of development services shall do all of the 223  
following: 224

(A) Annually designate, by the first day of January of each 225  
year, the entities that constitute the eligible areas in this 226  
state; 227

(B) Adopt rules in accordance with Chapter 119. of the 228  
Revised Code establishing procedures and forms by which eligible 229  
applicants in eligible areas may apply for a grant, which 230  
procedures shall include a requirement that the applicant file a 231  
redevelopment plan; standards and procedures for reviewing 232  
applications and awarding grants; procedures for distributing 233  
grants to recipients; procedures for monitoring the use of grants 234  
by recipients; requirements, procedures, and forms by which 235  
recipients who have received grants shall report their use of that 236  
assistance; and standards and procedures for terminating and 237

requiring repayment of grants in the event of their improper use. 238  
The rules adopted under this division shall comply with sections 239  
122.19 to 122.22 of the Revised Code and shall include a rule 240  
requiring that an eligible applicant who receives a grant from the 241  
program provide a matching contribution of at least twenty-five 242  
per cent of the amount of the grant awarded to the eligible 243  
applicant. 244

The rules shall require that any eligible applicant for a 245  
grant for land acquisition demonstrate to the director that the 246  
property to be acquired meets all state environmental requirements 247  
and that utilities for that property are available and adequate. 248  
The rules shall require that any eligible applicant for a grant 249  
for property eligible for the voluntary action program created 250  
under Chapter 3746. of the Revised Code receive disbursement of 251  
grant moneys only after receiving a covenant not to sue from the 252  
director of environmental protection under section 3746.12 of the 253  
Revised Code and shall require that those moneys be disbursed only 254  
as reimbursement of actual expenses incurred in the undertaking of 255  
the voluntary action. The rules shall require that whenever any 256  
money is granted for land acquisition, infrastructure 257  
improvements, or renovation of existing structures in order to 258  
develop an industrial park site for a distressed area, labor 259  
surplus area, or situational distress area as defined in section 260  
122.19 of the Revised Code that also is a distressed area, labor 261  
surplus area, or situational distress area as defined in section 262  
122.23 of the Revised Code, a substantial portion of the site be 263  
used for manufacturing, distribution, high technology, research 264  
and development, or other businesses in which a majority of the 265  
product or service produced is exported out of the state. Any 266  
retail use at the site shall not constitute a primary use but only 267  
a use incidental to other eligible uses. The rules shall require 268  
that whenever any money is granted for land acquisition, 269  
infrastructure improvements, and renovation of existing structures 270

in order to develop an industrial park site for a distressed area, 271  
labor surplus area, or situational distress area as defined in 272  
section 122.19 of the Revised Code that also is a distressed area, 273  
labor surplus area, or situational distress area as defined in 274  
section 122.23 of the Revised Code, the applicant for the grant 275  
shall verify to the ~~department of~~ development services agency the 276  
existence of a local economic development planning committee in a 277  
municipal corporation, county, or township whose territory 278  
includes the eligible area. The committee shall consist of members 279  
of the public and private sectors who live in that municipal 280  
corporation, county, or township. The local economic development 281  
planning committee shall prepare and submit to the ~~department~~ 282  
agency a five-year economic development plan for that municipal 283  
corporation, county, or township that identifies, for the 284  
five-year period covered by the plan, the economic development 285  
strategies of a municipal corporation, county, or township whose 286  
territory includes the proposed industrial park site. The economic 287  
development plan shall describe in detail how the proposed 288  
industrial park would complement other current or planned economic 289  
development programs for that municipal corporation, county, or 290  
township, including, but not limited to, workforce development 291  
initiatives, business retention and expansion efforts, small 292  
business development programs, and technology modernization 293  
programs. 294

(C) Report to the governor, president of the senate, speaker 295  
of the house of representatives, and minority leaders of the 296  
senate and the house of representatives by the ~~thirtieth~~ first day 297  
of ~~June~~ August of each year on the activities carried out under 298  
the program during the preceding calendar year. The report shall 299  
include the total number of grants made that year, and, for each 300  
individual grant awarded, the following: the amount and recipient, 301  
the eligible applicant, the purpose for awarding the grant, the 302  
number of firms or businesses operating at the awarded site, the 303

number of employees employed by each firm or business, any excess 304  
capacity at an industrial park site, and any additional 305  
information the director declares to be relevant. 306

(D) Inform local governments and others in the state of the 307  
availability of grants under section 122.20 of the Revised Code; 308

(E) Annually compile, pursuant to rules adopted by the 309  
director of development services in accordance with Chapter 119. 310  
of the Revised Code, using pertinent information submitted by any 311  
municipal corporation, county, or township, a list of industrial 312  
parks located in the state. The list shall include the following 313  
information, expressed if possible in terms specified in the 314  
director's rules adopted under this division: location of each 315  
industrial park site, total acreage of each park site, total 316  
occupancy of each park site, total capacity for new business at 317  
each park site, total capacity of each park site for sewer, water, 318  
and electricity, a contact person for each park site, and any 319  
additional information the director declares to be relevant. Once 320  
the list is compiled, the director shall make it available to the 321  
governor, president of the senate, speaker of the house of 322  
representatives, and minority leaders of the senate and the house 323  
of representatives. 324

**Sec. 122.25.** (A) In administering the program established 325  
under section 122.24 of the Revised Code, the director of 326  
development services shall do all of the following: 327

(1) Annually designate, by the first day of January of each 328  
year, the entities that constitute the eligible areas in this 329  
state as defined in section 122.23 of the Revised Code; 330

(2) Inform local governments and others in the state of the 331  
availability of the program and financial assistance established 332  
under sections 122.23 to 122.27 of the Revised Code; 333

(3) Report to the governor, president of the senate, speaker	334
of the house of representatives, and minority leaders of the	335
senate and the house of representatives by the <del>thirtieth</del> <u>first</u> day	336
of <del>June</del> <u>August</u> of each year on the activities carried out under	337
the program during the preceding calendar year. The report shall	338
include the number of loans made that year and the amount and	339
recipient of each loan.	340
(4) Work in conjunction with conventional lending	341
institutions, local revolving loan funds, private investors, and	342
other private and public financing sources to provide loans or	343
loan guarantees to eligible applicants;	344
(5) Establish fees, charges, interest rates, payment	345
schedules, local match requirements, and other terms and	346
conditions for loans and loan guarantees provided under the	347
program;	348
(6) Require each applicant to demonstrate the suitability of	349
any site for the assistance sought; that the site has been	350
surveyed, that the site has adequate or available utilities, and	351
that there are no zoning restrictions, environmental regulations,	352
or other matters impairing the use of the site for the purpose	353
intended;	354
(7) Require each applicant to provide a marketing plan and	355
management strategy for the project;	356
(8) Adopt rules establishing all of the following:	357
(a) Forms and procedures by which eligible applicants may	358
apply for assistance;	359
(b) Criteria for reviewing, evaluating, and ranking	360
applications, and for approving applications that best serve the	361
goals of the program;	362
(c) Reporting requirements and monitoring procedures;	363

(d) Guidelines regarding situations in which industrial parks 364  
would be considered to compete against one another for the 365  
purposes of division (B)(2) of section 122.27 of the Revised Code; 366

(e) Any other rules necessary to implement and administer the 367  
program. 368

(B) The director may adopt rules establishing requirements 369  
governing the use of any industrial park site receiving assistance 370  
under section 122.24 of the Revised Code, such that a certain 371  
portion of the site must be used for manufacturing, distribution, 372  
high technology, research and development, or other businesses 373  
wherein a majority of the product or service produced is exported 374  
out of the state. 375

(C) As a condition of receiving assistance under section 376  
122.24 of the Revised Code, and except as provided in division (D) 377  
of this section, an applicant shall agree, for a period of five 378  
years, not to permit the use of a site that is developed or 379  
improved with such assistance to cause the relocation of jobs to 380  
that site from elsewhere in the state. 381

(D) A site developed or improved with assistance under 382  
section 122.24 of the Revised Code may be the site of jobs 383  
relocated from elsewhere in the state if the director of 384  
development services does all of the following: 385

(1) Makes a written determination that the site from which 386  
the jobs would be relocated is inadequate to meet market or 387  
industry conditions, expansion plans, consolidation plans, or 388  
other business considerations affecting the relocating employer; 389

(2) Provides a copy of the determination required by division 390  
(D)(1) of this section to the members of the general assembly 391  
whose legislative districts include the site from which the jobs 392  
would be relocated; 393

(3) Determines that the governing body of the area from which 394

the jobs would be relocated has been notified in writing by the 395  
relocating company of the possible relocation. 396

(E) The director of development services shall obtain the 397  
approval of the controlling board for any loan or loan guarantee 398  
provided under sections 122.23 to 122.27 of the Revised Code. 399

**Sec. 122.37.** (A) There is hereby created in the ~~department of~~ 400  
development services agency the steel futures program, for the 401  
purpose of preserving and improving the existing industrial base 402  
of the state, improving the economy of the state by providing 403  
employment, increased productivity, and ensuring continued 404  
technological development consistent with these goals, and 405  
maintaining a high standard of living for the people of this 406  
state. The steel futures ~~program~~ program may be supplemental to any 407  
other enterprise assistance program administered by the director 408  
of development services, and shall be administered so as to 409  
provide financial and technical assistance to increase the 410  
competitiveness of existing steel and steel-related industries in 411  
this state, and to encourage establishment and development of new 412  
industries of this type within the state. 413

~~Within six months after the effective date of this section,~~ 414  
~~the~~ The director shall develop a strategy for financial and 415  
technical assistance to steel and steel-related industries in the 416  
state, which shall include investment policies with regard to 417  
these industries. 418

(B) In administering the program, the director may consult 419  
with appropriate representatives of steel and steel-related 420  
industries, appropriate representatives of any union that 421  
represents workers in these industries, and other persons with 422  
expert knowledge in these industries. 423

(C) The director of development services shall consult with 424  
the ~~chairman~~ chairperson of the public utilities commission to 425

foster development of public and private cooperative efforts that 426  
result in energy savings and reduced energy costs for steel and 427  
steel-related industries. 428

(D) Assistance may be made available to steel and 429  
steel-related industries undertaking projects the director 430  
determines to have long-term implications for and broad 431  
applicability to the economy of this state when the director 432  
finds: 433

(1) The undertaking of projects by the industries will 434  
benefit the people of the state by creating or preserving jobs and 435  
employment opportunities or improving the economic welfare of the 436  
people of this state, and promoting development of new technology 437  
or improving application of existing steel and steel-related 438  
technology. 439

(2) The undertaking of projects by the industries will allow 440  
them to compete more effectively in the marketplace. 441

(E) Projects eligible to receive assistance under the steel 442  
futures program may include, but are not limited to, the following 443  
areas: 444

(1) Research and development specifically related to steel 445  
and steel-related industries and feasibility studies for business 446  
development within these industries; 447

(2) Employee training; 448

(3) Labor and management relations; and 449

(4) Technology-driven capital investment. 450

(F) Financial and technical assistance may be in the form and 451  
conditioned upon terms as the director considers appropriate. 452

(G) No later than the ~~thirtieth~~ first day of ~~June in the~~ 453  
~~first year after the effective date of this section, and no later~~ 454  
~~than the thirtieth day of June~~ August of each year thereafter, the 455

director shall submit a report to the general assembly describing 456  
projects of the steel futures program, results obtained from 457  
completed projects of the program, and program projects for the 458  
next fiscal year. 459

**Sec. 122.64.** (A) There is hereby established in the 460  
development services agency a business services division. The 461  
division shall be supervised by a deputy director appointed by the 462  
director of development services. 463

The division is responsible for the administration of the 464  
state economic development financing programs established pursuant 465  
to sections 122.17 and 122.18, sections 122.39 and 122.41 to 466  
122.62, and Chapter 166. of the Revised Code. 467

(B) The director of development services shall: 468

(1) Receive applications for assistance pursuant to sections 469  
122.39 and 122.41 to 122.62 and Chapter 166. of the Revised Code. 470  
The director shall process the applications. 471

(2) With the approval of the director of administrative 472  
services, establish salary schedules for employees of the various 473  
positions of employment with the division and assign the various 474  
positions to those salary schedules; 475

(3) Employ and fix the compensation of financial consultants, 476  
appraisers, consulting engineers, superintendents, managers, 477  
construction and accounting experts, attorneys, and other agents 478  
for the assistance programs authorized pursuant to sections 122.17 479  
and 122.18, sections 122.39 and 122.41 to 122.62, and Chapter 166. 480  
of the Revised Code as are necessary; 481

(4) Supervise the administrative operations of the division; 482

(5) On or before the first day of ~~October~~ August in each 483  
year, make an annual report of the activities and operations under 484  
assistance programs authorized pursuant to sections 122.39 and 485

122.41 to 122.62 and Chapter 166. of the Revised Code for the 486  
preceding fiscal year to the governor and the general assembly. 487  
Each such report shall set forth a complete operating and 488  
financial statement covering such activities and operations during 489  
the year in accordance with generally accepted accounting 490  
principles and shall be audited by a certified public accountant. 491  
The director of development services shall transmit a copy of the 492  
audited financial report to the office of budget and management. 493

**Sec. 122.89.** (A) The director of development services may 494  
execute bonds as surety for minority businesses as principals, on 495  
contracts with the state, any political subdivision or 496  
instrumentality thereof, or any person as the obligee. The 497  
director as surety may exercise all the rights and powers of a 498  
company authorized by the department of insurance to execute bonds 499  
as surety but shall not be subject to any requirements of a surety 500  
company under Title XXXIX of the Revised Code nor to any rules of 501  
the department of insurance. 502

(B) The director, with the advice of the minority development 503  
financing advisory board, shall adopt rules under Chapter 119. of 504  
the Revised Code establishing procedures for application for 505  
surety bonds by minority businesses and for review and approval of 506  
applications. The board shall review each application in 507  
accordance with the rules and, based on the bond worthiness of 508  
each applicant, shall refer all qualified applicants to the 509  
director. Based on the recommendation of the board, the director 510  
shall determine whether or not the applicant shall receive 511  
bonding. 512

(C) The rules of the board shall require the minority 513  
business to pay a premium in advance for the bond to be 514  
established by the director, with the advice of the board after 515  
the director receives advice from the superintendent of insurance 516

regarding the standard market rates for premiums for similar 517  
bonds. All premiums paid by minority businesses shall be paid into 518  
the minority business bonding program administrative and loss 519  
reserve fund. 520

(D) The rules of the board shall provide for a retainage of 521  
money paid to the minority business or EDGE business enterprise of 522  
fifteen per cent for a contract valued at more than fifty thousand 523  
dollars and for a retainage of twelve per cent for a contract 524  
valued at fifty thousand dollars or less. 525

(E) The penal sum amounts of all outstanding bonds issued by 526  
the director shall not exceed the amount of moneys in the minority 527  
business bonding fund and available to the fund under division (B) 528  
of section 169.05 of the Revised Code. 529

(F) The superintendent of insurance shall provide such 530  
technical and professional assistance as is considered necessary 531  
by the director, including providing advice regarding the standard 532  
market rates for bond premiums as described under division (C) of 533  
this section. 534

(G) Notwithstanding any provision of the Revised Code to the 535  
contrary, a minority business or EDGE business enterprise may bid 536  
or enter into a contract with the state or with any 537  
instrumentality of the state without being required to provide a 538  
bond as follows: 539

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

assistance program after ~~the effective date of this amendment~~ 548  
October 16, 2009; 549

(2) After the state or any particular instrumentality of the 550  
state has accepted the first contract as completed and all 551  
subcontractors and suppliers on the contract have been paid, the 552  
minority business or EDGE business enterprise may bid or enter 553  
into a second contract with the state or with that particular 554  
instrumentality of the state valued at fifty thousand dollars or 555  
less without being required to provide a bond, but only if the 556  
minority business or EDGE business enterprise is participating in 557  
a qualified contractor assistance program or has successfully 558  
completed a qualified contractor assistance program after ~~the~~ 559  
~~effective date of this amendment~~ October 16, 2009; 560

(3) After the state or any particular instrumentality of the 561  
state has accepted the second contract as completed and all 562  
subcontractors and suppliers on the contract have been paid, the 563  
minority business or EDGE business enterprise may bid or enter 564  
into a third contract with the state or with that particular 565  
instrumentality of the state valued at one hundred thousand 566  
dollars or less without being required to provide a bond, but only 567  
if the minority business or EDGE business enterprise has 568  
successfully completed a qualified contractor assistance program 569  
after ~~the effective date of this amendment~~ October 16, 2009; 570

(4) After the state or any particular instrumentality of the 571  
state has accepted the third contract as completed and all 572  
subcontractors and suppliers on the contract have been paid, the 573  
minority business or EDGE business enterprise may bid or enter 574  
into a fourth contract with the state or with that particular 575  
instrumentality of the state valued at three hundred thousand 576  
dollars or less without being required to provide a bond, but only 577  
if the minority business or EDGE business enterprise has 578  
successfully completed a qualified contractor assistance program 579

after ~~the effective date of this amendment~~ October 16, 2009; 580

(5) After the state or any instrumentality of the state has 581  
accepted the fourth contract as completed and all subcontractors 582  
and suppliers on the contract have been paid, upon a showing that 583  
with respect to a contract valued at four hundred thousand dollars 584  
or less with the state or with any particular instrumentality of 585  
the state, that the minority business or EDGE business enterprise 586  
either has been denied a bond by two surety companies or that the 587  
minority business or EDGE business enterprise has applied to two 588  
surety companies for a bond and, at the expiration of sixty days 589  
after making the application, has neither received nor been denied 590  
a bond, the minority business or EDGE business enterprise may 591  
repeat its participation in the unbonded state contractor program. 592  
Under no circumstances shall a minority business or EDGE business 593  
enterprise be permitted to participate in the unbonded state 594  
contractor program more than twice. 595

(H) Notwithstanding any provision of the Revised Code to the 596  
contrary, a minority business or EDGE business enterprise may bid 597  
or enter into a contract with any political subdivision of the 598  
state or with any instrumentality of a political subdivision 599  
without being required to provide a bond as follows: 600

(1) For the first contract that the minority business or EDGE 601  
business enterprise enters into with any particular political 602  
subdivision of the state or with any particular instrumentality of 603  
a political subdivision, the minority business or EDGE business 604  
enterprise may bid or enter into a contract valued at twenty-five 605  
thousand dollars or less without being required to provide a bond, 606  
but only if the minority business or EDGE business enterprise is 607  
participating in a qualified contractor assistance program or has 608  
successfully completed a qualified contractor assistance program 609  
after ~~the effective date of this amendment~~ October 16, 2009; 610

(2) After any political subdivision of the state or any 611

instrumentality of a political subdivision has accepted the first 612  
contract as completed and all subcontractors and suppliers on the 613  
contract have been paid, the minority business or EDGE business 614  
enterprise may bid or enter into a second contract with that 615  
particular political subdivision of the state or with that 616  
particular instrumentality of a political subdivision valued at 617  
fifty thousand dollars or less without being required to provide a 618  
bond, but only if the minority business or EDGE business 619  
enterprise is participating in a qualified contractor assistance 620  
program or has successfully completed a qualified contractor 621  
assistance program after ~~the effective date of this amendment~~ 622  
October 16, 2009; 623

(3) After any political subdivision of the state or any 624  
instrumentality of a political subdivision has accepted the second 625  
contract as completed and all subcontractors and suppliers on the 626  
contract have been paid, the minority business or EDGE business 627  
enterprise may bid or enter into a third contract with that 628  
particular political subdivision of the state or with that 629  
particular instrumentality of a political subdivision valued at 630  
one hundred thousand dollars or less without being required to 631  
provide a bond, but only if the minority business or EDGE business 632  
enterprise has successfully completed a qualified contractor 633  
assistance program after ~~the effective date of this amendment~~ 634  
October 16, 2009; 635

(4) After any political subdivision of the state or any 636  
instrumentality of a political subdivision has accepted the third 637  
contract as completed and all subcontractors and suppliers on the 638  
contract have been paid, the minority business or EDGE business 639  
enterprise may bid or enter into a fourth contract with that 640  
particular political subdivision of the state or with that 641  
particular instrumentality of a political subdivision valued at 642  
two hundred thousand dollars or less without being required to 643

provide a bond, but only if the minority business or EDGE business 644  
enterprise has successfully completed a qualified contractor 645  
assistance program after ~~the effective date of this amendment~~ 646  
October 16, 2009; 647

(5) After any political subdivision of the state or any 648  
instrumentality of a political subdivision has accepted the fourth 649  
contract as completed and all subcontractors and suppliers on the 650  
contract have been paid, upon a showing that with respect to a 651  
contract valued at three hundred thousand dollars or less with any 652  
political subdivision of the state or any instrumentality of a 653  
political subdivision, that the minority business or EDGE business 654  
enterprise either has been denied a bond by two surety companies 655  
or that the minority business or EDGE business enterprise has 656  
applied to two surety companies for a bond and, at the expiration 657  
of sixty days after making the application, has neither received 658  
nor been denied a bond, the minority business or EDGE business 659  
enterprise may repeat its participation in the unbonded political 660  
subdivision contractor program. Under no circumstances shall a 661  
minority business or EDGE business enterprise be permitted to 662  
participate in the unbonded political subdivision contractor 663  
program more than twice. 664

(I) Notwithstanding any provision of the Revised Code to the 665  
contrary, if a minority business or EDGE business enterprise has 666  
entered into two or more contracts with the state or with any 667  
instrumentality of the state, the minority business or EDGE 668  
business enterprise may bid or enter into a contract with a 669  
political subdivision of the state or with any instrumentality of 670  
a political subdivision valued at the level at which the minority 671  
business or EDGE business enterprise would qualify if entering 672  
into an additional contract with the state. 673

(J) The director of development services shall coordinate and 674  
oversee the unbonded state contractor program described in 675

division (G) of this section, the unbonded political subdivision 676  
contractor program described in division (H) of this section, and 677  
the approval of a qualified contractor assistance program. The 678  
director shall prepare an annual report and submit it to the 679  
governor and the general assembly on or before the first day of 680  
~~February~~ August that includes the following: information on the 681  
director's activities for the preceding calendar year regarding 682  
the unbonded state contractor program, the unbonded political 683  
subdivision contractor program, and the qualified contractor 684  
assistance program; a summary and description of the operations 685  
and activities of these programs; an assessment of the 686  
achievements of these programs; and a recommendation as to whether 687  
these programs need to continue. 688

(K) As used in this section: 689

(1) "EDGE business enterprise" means an EDGE business 690  
enterprise certified under section 123.152 of the Revised Code. 691

(2) "Qualified contractor assistance program" means an 692  
educational program or technical assistance program for business 693  
development that is designed to assist a minority business or EDGE 694  
business enterprise in becoming eligible for bonding and has been 695  
approved by the director of development services for use as 696  
required under this section. 697

(3) "Successfully completed a qualified contractor assistance 698  
program" means the minority business or EDGE business enterprise 699  
completed such a program on or after ~~the effective date of this~~ 700  
~~amendment~~ October 16, 2009. 701

(4) "Unbonded state contractor program" means the program 702  
described in division (G) of this section. 703

(5) "Unbonded political subdivision contractor program" means 704  
the program described in division (H) of this section. 705

**Sec. 122.94.** The director of development services shall: 706

(A) Promulgate rules in accordance with Chapter 119. of the 707  
Revised Code for the conduct of the minority business development 708  
division's business and for carrying out the purposes of sections 709  
122.92 to 122.94 of the Revised Code; 710

(B) Prepare an annual report to the governor and the general 711  
assembly on or before the first day of ~~February~~ August of its 712  
activities for the preceding calendar year. 713

**Sec. 122.941.** (A) On or before the first day of ~~October~~ 714  
August in each year, the director of development services shall 715  
make an annual report of the activities and operations under the 716  
assistance programs of the ~~department~~ development services agency 717  
for the preceding fiscal year to the governor and general 718  
assembly. The annual report shall include a detailing of those 719  
grants, guarantees, loans, and other forms of state assistance to 720  
women-owned businesses. 721

(B) As used in this section: 722

(1) "Women-owned business" means any individual, partnership, 723  
corporation, or joint venture of any kind that is owned and 724  
controlled by women who are United States citizens and residents 725  
of this state. 726

(2) "Owned and controlled" means that at least fifty-one per 727  
cent of the business, including corporate stock if it is a 728  
corporation, is owned by women and that such owners have control 729  
over the day-to-day operations of the business and an interest in 730  
the capital, assets, and profits and losses of the business 731  
proportionate to their percentage of ownership. In order to 732  
qualify as a women-owned business, a business shall have been 733  
owned by such owners at least one year. 734

Sec. 149.311. (A) As used in this section: 735

(1) "Historic building" means a building, including its 736  
structural components, that is located in this state and that is 737  
either individually listed on the national register of historic 738  
places under 16 U.S.C. 470a, located in a registered historic 739  
district, and certified by the state historic preservation officer 740  
as being of historic significance to the district, or is 741  
individually listed as an historic landmark designated by a local 742  
government certified under 16 U.S.C. 470a(c). 743

(2) "Qualified rehabilitation expenditures" means 744  
expenditures paid or incurred during the rehabilitation period, 745  
and before and after that period as determined under 26 U.S.C. 47, 746  
by an owner or qualified lessee of an historic building to 747  
rehabilitate the building. "Qualified rehabilitation expenditures" 748  
includes architectural or engineering fees paid or incurred in 749  
connection with the rehabilitation, and expenses incurred in the 750  
preparation of nomination forms for listing on the national 751  
register of historic places. "Qualified rehabilitation 752  
expenditures" does not include any of the following: 753

(a) The cost of acquiring, expanding, or enlarging an 754  
historic building; 755

(b) Expenditures attributable to work done to facilities 756  
related to the building, such as parking lots, sidewalks, and 757  
landscaping; 758

(c) New building construction costs. 759

(3) "Owner" of an historic building means a person holding 760  
the fee simple interest in the building. "Owner" does not include 761  
the state or a state agency, or any political subdivision as 762  
defined in section 9.23 of the Revised Code. 763

(4) "Qualified lessee" means a person subject to a lease 764

agreement for an historic building and eligible for the federal 765  
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 766  
does not include the state or a state agency or political 767  
subdivision as defined in section 9.23 of the Revised Code. 768

(5) "Certificate owner" means the owner or qualified lessee 769  
of an historic building to which a rehabilitation tax credit 770  
certificate was issued under this section. 771

(6) "Registered historic district" means an historic district 772  
listed in the national register of historic places under 16 U.S.C. 773  
470a, an historic district designated by a local government 774  
certified under 16 U.S.C. 470a(c), or a local historic district 775  
certified under 36 C.F.R. 67.8 and 67.9. 776

(7) "Rehabilitation" means the process of repairing or 777  
altering an historic building or buildings, making possible an 778  
efficient use while preserving those portions and features of the 779  
building and its site and environment that are significant to its 780  
historic, architectural, and cultural values. 781

(8) "Rehabilitation period" means one of the following: 782

(a) If the rehabilitation initially was not planned to be 783  
completed in stages, a period chosen by the owner or qualified 784  
lessee not to exceed twenty-four months during which 785  
rehabilitation occurs; 786

(b) If the rehabilitation initially was planned to be 787  
completed in stages, a period chosen by the owner or qualified 788  
lessee not to exceed sixty months during which rehabilitation 789  
occurs. Each stage shall be reviewed as a phase of a 790  
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 791  
successor to that section. 792

(9) "State historic preservation officer" or "officer" means 793  
the state historic preservation officer appointed by the governor 794  
under 16 U.S.C. 470a. 795

(B) The owner or qualified lessee of an historic building may 796  
apply to the director of development services for a rehabilitation 797  
tax credit certificate for qualified rehabilitation expenditures 798  
paid or incurred by such owner or qualified lessee after April 4, 799  
2007, for rehabilitation of an historic building. If the owner of 800  
an historic building enters a pass-through agreement with a 801  
qualified lessee for the purposes of the federal rehabilitation 802  
tax credit under 26 U.S.C. 47, the qualified rehabilitation 803  
expenditures paid or incurred by the owner after April 4, 2007, 804  
may be attributed to the qualified lessee. 805

The form and manner of filing such applications shall be 806  
prescribed by rule of the director. Each application shall state 807  
the amount of qualified rehabilitation expenditures the applicant 808  
estimates will be paid or incurred. The director may require 809  
applicants to furnish documentation of such estimates. 810

The director, after consultation with the tax commissioner 811  
and in accordance with Chapter 119. of the Revised Code, shall 812  
adopt rules that establish all of the following: 813

(1) Forms and procedures by which applicants may apply for 814  
rehabilitation tax credit certificates; 815

(2) Criteria for reviewing, evaluating, and approving 816  
applications for certificates within the limitations under 817  
division (D) of this section, criteria for assuring that the 818  
certificates issued encompass a mixture of high and low qualified 819  
rehabilitation expenditures, and criteria for issuing certificates 820  
under division (C)(3)(b) of this section; 821

(3) Eligibility requirements for obtaining a certificate 822  
under this section; 823

(4) The form of rehabilitation tax credit certificates; 824

(5) Reporting requirements and monitoring procedures; 825

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

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

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

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

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

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

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

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

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

(D)(1) If the director of development services determines 856  
that an application meets the criteria in divisions (C)(1), (2), 857  
and (3) of this section, the director shall conduct a cost-benefit 858  
analysis for the historic building that is the subject of the 859  
application to determine whether rehabilitation of the historic 860  
building will result in a net revenue gain in state and local 861  
taxes once the building is used. The director shall consider the 862  
results of the cost-benefit analysis in determining whether to 863  
approve the application. The director shall also consider the 864  
potential economic impact and the regional distributive balance of 865  
the credits throughout the state. The director may approve an 866  
application only after completion of the cost-benefit analysis. 867

(2) A rehabilitation tax credit certificate shall not be 868  
issued for an amount greater than the estimated amount furnished 869  
by the applicant on the application for such certificate and 870  
approved by the director. The director shall not approve more than 871  
a total of sixty million dollars of rehabilitation tax credits per 872  
fiscal year but the director may reallocate unused tax credits 873  
from a prior fiscal year for new applicants and such reallocated 874  
credits shall not apply toward the dollar limit of this division. 875

(3) For rehabilitations with a rehabilitation period not 876  
exceeding twenty-four months as provided in division (A)~~(7)~~(8)(a) 877  
of this section, a rehabilitation tax credit certificate shall not 878  
be issued before the rehabilitation of the historic building is 879  
completed. 880

(4) For rehabilitations with a rehabilitation period not 881  
exceeding sixty months as provided in division (A)~~(7)~~(8)(b) of 882  
this section, a rehabilitation tax credit certificate shall not be 883  
issued before a stage of rehabilitation is completed. After all 884  
stages of rehabilitation are completed, if the director cannot 885  
determine that the criteria in division (C) of this section are 886  
satisfied for all stages of rehabilitations, the director shall 887

certify this finding to the tax commissioner, and any 888  
rehabilitation tax credits received by the applicant shall be 889  
repaid by the applicant and may be collected by assessment as 890  
unpaid tax by the commissioner. 891

(5) The director of development services shall require the 892  
applicant to provide a third-party cost certification by a 893  
certified public accountant of the actual costs attributed to the 894  
rehabilitation of the historic building when qualified 895  
rehabilitation expenditures exceed two hundred thousand dollars. 896

If an applicant whose application is approved for receipt of 897  
a rehabilitation tax credit certificate fails to provide to the 898  
director sufficient evidence of reviewable progress, including a 899  
viable financial plan, copies of final construction drawings, and 900  
evidence that the applicant has obtained all historic approvals 901  
within twelve months after the date the applicant received 902  
notification of approval, and if the applicant fails to provide 903  
evidence to the director that the applicant has secured and closed 904  
on financing for the rehabilitation within eighteen months after 905  
receiving notification of approval, the director may rescind the 906  
approval of the application. The director shall notify the 907  
applicant if the approval has been rescinded. Credits that would 908  
have been available to an applicant whose approval was rescinded 909  
shall be available for other qualified applicants. Nothing in this 910  
division prohibits an applicant whose approval has been rescinded 911  
from submitting a new application for a rehabilitation tax credit 912  
certificate. 913

(E) Issuance of a certificate represents a finding by the 914  
director of development services of the matters described in 915  
divisions (C)(1), (2), and (3) of this section only; issuance of a 916  
certificate does not represent a verification or certification by 917  
the director of the amount of qualified rehabilitation 918  
expenditures for which a tax credit may be claimed under section 919

5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 920  
Revised Code. The amount of qualified rehabilitation expenditures 921  
for which a tax credit may be claimed is subject to inspection and 922  
examination by the tax commissioner or employees of the 923  
commissioner under section 5703.19 of the Revised Code and any 924  
other applicable law. Upon the issuance of a certificate, the 925  
director shall certify to the tax commissioner, in the form and 926  
manner requested by the tax commissioner, the name of the 927  
applicant, the amount of qualified rehabilitation expenditures 928  
shown on the certificate, and any other information required by 929  
the rules adopted under this section. 930

(F)(1) On or before the first day of ~~April~~ August each year, 931  
the director of development services and tax commissioner jointly 932  
shall submit to the president of the senate and the speaker of the 933  
house of representatives a report on the tax credit program 934  
established under this section and sections 5725.151, 5725.34, 935  
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 936  
report shall present an overview of the program and shall include 937  
information on the number of rehabilitation tax credit 938  
certificates issued under this section during the preceding fiscal 939  
year, an update on the status of each historic building for which 940  
an application was approved under this section, the dollar amount 941  
of the tax credits granted under sections 5725.151, 5725.34, 942  
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 943  
any other information the director and commissioner consider 944  
relevant to the topics addressed in the report. 945

(2) On or before December 1, 2015, the director of 946  
development services and tax commissioner jointly shall submit to 947  
the president of the senate and the speaker of the house of 948  
representatives a comprehensive report that includes the 949  
information required by division (F)(1) of this section and a 950  
detailed analysis of the effectiveness of issuing tax credits for 951

rehabilitating historic buildings. The report shall be prepared 952  
with the assistance of an economic research organization jointly 953  
chosen by the director and commissioner. 954

(G) There is hereby created in the state treasury the 955  
historic rehabilitation tax credit operating fund. The director of 956  
development services is authorized to charge reasonable 957  
application and other fees in connection with the administration 958  
of tax credits authorized by this section and sections 5725.151, 959  
5725.34, 5726.52, 5729.17, ~~5733.44~~ 5733.47, and 5747.76 of the 960  
Revised Code. Any such fees collected shall be credited to the 961  
fund and used to pay reasonable costs incurred by the department 962  
of development services in administering this section and sections 963  
5725.151, 5725.34, 5726.52, 5729.17, ~~5733.44~~ 5733.47, and 5747.76 964  
of the Revised Code. 965

The Ohio historic preservation office is authorized to charge 966  
reasonable fees in connection with its review and approval of 967  
applications under this section. Any such fees collected shall be 968  
credited to the fund and used to pay administrative costs incurred 969  
by the Ohio historic preservation office pursuant to this section. 970

**Sec. 150.10.** (A) On the first day of January of the second 971  
year after the date of entering into an agreement under section 972  
150.05 of the Revised Code and on the first day of August of each 973  
ensuing year, the authority shall file with the clerk of the house 974  
of representatives, the clerk of the senate, and the chairpersons 975  
of the house and senate standing committees predominantly 976  
concerned with economic development a written report on the Ohio 977  
venture capital program. The report shall include all the 978  
following: 979

(1) A description of the details of the investment policy 980  
established or modified in accordance with sections 150.03 and 981  
150.04 of the Revised Code; 982

(2) The authority's assessment of the program's achievement of its purpose stated in section 150.01 of the Revised Code;	983 984
(3) The value of tax credit certificates issued by the authority under section 150.07 of the Revised Code in each fiscal year ending on or before the preceding thirtieth day of June;	985 986 987
(4) The amount of tax credits claimed pursuant to section 5707.031, 5725.19, 5726.53, 5727.241, 5729.08, 5733.49, or 5747.80 of the Revised Code, as to the respective taxes involved;	988 989 990
(5) The financial status of the Ohio venture capital fund;	991
(6) The names of venture capital funds in which money from the program fund has been invested and the locations of their principal offices, and the names of the enterprises in which each of those venture capital funds has invested such money and the locations of those enterprises' principal offices;	992 993 994 995 996
(7) Any recommendations for modifying the program to better achieve the purpose stated in section 150.01 of the Revised Code.	997 998
(B) During each year that a report is issued under division (A) of this section, the chairperson of the authority, or another member of the authority designated by the chairperson as the authority's representative, shall be required to appear in person before the standing committees of the house and senate predominantly concerned with economic development to give testimony concerning the status of the Ohio venture capital program.	999 1000 1001 1002 1003 1004 1005 1006
<b>Sec. 166.13.</b> (A) Prior to entering into each agreement to provide innovation financial assistance under sections 166.12, 166.15, and 166.16 of the Revised Code, the director of development services shall determine whether the assistance will conform to the requirements of sections 166.12 to 166.16 of the Revised Code. Such determination, and the facts upon which it is	1007 1008 1009 1010 1011 1012

based, shall be set forth by the director in submissions made to 1013  
the controlling board when the director seeks a release of moneys 1014  
under section 166.12 of the Revised Code. An agreement to provide 1015  
assistance under sections 166.12, 166.15, and 166.16 of the 1016  
Revised Code shall set forth the determination, which shall be 1017  
conclusive for purposes of the validity and enforceability of the 1018  
agreement and any innovation loan guarantees, innovation loans, or 1019  
other agreements entered into pursuant to the agreement to provide 1020  
innovation financial assistance. 1021

(B) Whenever a person applies for innovation financial 1022  
assistance under sections 166.12, 166.15, and 166.16 of the 1023  
Revised Code and the eligible innovation project for which 1024  
innovation financial assistance is requested is to relocate an 1025  
eligible innovation project that is currently being operated by 1026  
the person and that is located in another county, municipal 1027  
corporation, or township, the ~~director~~ person shall provide 1028  
written notification to the appropriate local governmental bodies 1029  
and state officials. The ~~notification shall contain the following~~ 1030  
~~information:~~ 1031

~~(1) The name of the person applying for innovation financial~~ 1032  
~~assistance;~~ 1033

~~(2) The county, and the municipal corporation or township, in~~ 1034  
~~which the eligible innovation project for which innovation~~ 1035  
~~financial assistance is requested is located; and~~ 1036

~~(3) The county, and the municipal corporation or township, in~~ 1037  
~~which the eligible innovation project to be replaced is located~~ 1038  
director may not enter into an agreement to provide innovation 1039  
financial assistance until the director determines that the 1040  
appropriate local government bodies and state officials have been 1041  
notified. 1042

(C) As used in division (B) of this section: 1043

(1) "Appropriate local governmental bodies" means: 1044

(a) The boards of county commissioners or legislative 1045  
authorities of the county in which the project for which 1046  
innovation financial assistance is requested is located and of the 1047  
county in which the eligible innovation project to be replaced is 1048  
located; 1049

(b) The legislative authority of the municipal corporation or 1050  
the board of township trustees of the township in which the 1051  
eligible innovation project for which innovation financial 1052  
assistance is requested is located; and 1053

(c) The legislative authority of the municipal corporation or 1054  
the board of township trustees of the township in which the 1055  
eligible innovation project to be replaced is located. 1056

(2) "State officials" means: 1057

(a) The state representative and state senator in whose 1058  
districts the project for which innovation financial assistance is 1059  
requested is located; 1060

(b) The state representative and state senator in whose 1061  
districts the innovation project to be replaced is located. 1062

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

conclusive for purposes of the validity and enforceability of the 1074  
agreement, and any loans or other agreements entered into pursuant 1075  
to the agreement, to provide research and development financial 1076  
assistance. 1077

(B) Whenever a person applies for research and development 1078  
financial assistance, and the eligible research and development 1079  
project for which that assistance is requested is to relocate an 1080  
eligible research and development project that is currently being 1081  
operated by the person and that is located in another county, 1082  
municipal corporation, or township within the state, the ~~director~~ 1083  
person shall provide written notification to the appropriate local 1084  
governmental bodies and state officials. The ~~notification shall~~ 1085  
~~state all of the following:~~ 1086

~~(1) The name of the person applying for research and 1087  
development financial assistance;~~ 1088

~~(2) The county, and the municipal corporation or township, in 1089  
which the project for which research and development financial 1090  
assistance is requested will be located;~~ 1091

~~(3) The county, and the municipal corporation or township, in 1092  
which the eligible research and development project is located at 1093  
the time such financial assistance is requested director may not 1094  
enter into an agreement to provide research and development 1095  
financial assistance until the director determines that the 1096  
appropriate local government bodies and state officials have been 1097  
notified. 1098~~

(C) As used in division (B) of this section: 1099

(1) "Appropriate local governmental bodies" means all of the 1100  
following: 1101

(a) The board of county commissioners of or legislative 1102  
authorities of special districts in the county in which the 1103  
eligible research and development project for which research and 1104

development financial assistance is requested is located and of 1105  
the county in which the project will be located; 1106

(b) The legislative authority of the municipal corporation or 1107  
the board of township trustees of the township in which the 1108  
eligible research and development project for which research and 1109  
development financial assistance is requested is located and of 1110  
the municipal corporation or township in which the project will be 1111  
located. 1112

(2) "State officials" means both of the following: 1113

(a) The state representative and state senator in whose 1114  
district the eligible research and development project for which 1115  
research and development financial assistance is requested is 1116  
located; 1117

(b) The state representative and state senator in whose 1118  
district the eligible research and development project will be 1119  
located. 1120

**Sec. 184.02.** (A) In addition to the powers and duties under 1121  
sections 184.10 to 184.20 and 184.37 of the Revised Code, the 1122  
third frontier commission may perform any act to ensure the 1123  
performance of any function necessary or appropriate to carry out 1124  
the purposes of, and exercise the powers granted under, sections 1125  
184.01 and 184.02 of the Revised Code. In addition, the commission 1126  
may do any of the following: 1127

(1) Adopt, amend, and rescind rules under section 111.15 of 1128  
the Revised Code for the administration of any aspect of its 1129  
operations; 1130

(2) Adopt bylaws governing its operations, including bylaws 1131  
that establish procedures and set policies as may be necessary to 1132  
assist with the furtherance of its purposes; 1133

(3) Appoint and set the compensation of employees needed to 1134

carry out its duties; 1135

(4) Contract with, retain the services of, or designate, and 1136  
fix the compensation of, such financial consultants, accountants, 1137  
other consultants and advisors, and other independent contractors 1138  
as may be necessary or desirable to carry out its duties; 1139

(5) Solicit input and comments from the third frontier 1140  
advisory board, and specialized industry, professional, and other 1141  
relevant interest groups concerning its purposes; 1142

(6) Facilitate alignment of the state's science and 1143  
technology programs and activities; 1144

(7) Make grants and loans to individuals, public agencies, 1145  
private companies or organizations, or joint ventures for any of 1146  
the broad range of activities related to its purposes. 1147

(B) In addition to the powers and duties under sections 1148  
184.10 to 184.20 and 184.37 of the Revised Code, the commission 1149  
shall do all of the following: 1150

(1) Establish a competitive process for the award of grants 1151  
and loans that is designed to fund the most meritorious proposals 1152  
and, when appropriate, provide for peer review of proposals; 1153

(2) ~~Within ninety days after the end of each fiscal~~ On or 1154  
before the first day of August of each year, submit to the 1155  
governor and the general assembly a report of the activities of 1156  
the commission during the preceding fiscal year; 1157

(3) With specific application to the biomedical research and 1158  
technology transfer trust fund, periodically make strategic 1159  
assessments of the types of state investments in biomedical 1160  
research and biotechnology in the state that would likely create 1161  
jobs and business opportunities in the state and produce the most 1162  
beneficial long-term improvements to the public health of Ohioans, 1163  
including, but not limited to, biomedical research and 1164

biotechnology initiatives that address tobacco-related illnesses 1165  
as may be outlined in any master agreement. The commission shall 1166  
award grants and loans from the fund pursuant to a process 1167  
established under division (B)(1) of this section. 1168

**Sec. 1551.34.** On or before the ~~thirty-first~~ first day of 1169  
~~March~~ August of ~~the second~~ each even-numbered year ~~of each~~ 1170  
~~biennium~~, the director of the Ohio coal development office 1171  
established under section 1551.32 of the Revised Code shall submit 1172  
to the governor and the general assembly an Ohio coal development 1173  
agenda. Prior to each submission, the office shall solicit public 1174  
comment on the agenda to give interested parties an opportunity to 1175  
comment on the agenda. The director shall consider any public 1176  
comments received prior to the agenda's submission. The agenda 1177  
shall include, but is not limited to, all of the following: 1178

(A) A characterization of Ohio coal, constraints on its 1179  
maximum use, and opportunities for overcoming those constraints; 1180

(B) A characterization of the current and potential markets 1181  
for Ohio coal, constraints on increased market demand for it, and 1182  
opportunities for overcoming those constraints; 1183

(C) Identification of each of the office's programs and its 1184  
correspondence to the purposes of the office; 1185

(D) A description of the office's current projects that 1186  
includes the status of each project and a specific description of 1187  
the office's activities in all of the following areas: 1188

(1) Commercialization of available technology; 1189

(2) Marketplace adoption of that technology; 1190

(3) Enhancement of user markets for Ohio coal. 1191

(E) The types of projects to be funded in the succeeding 1192  
biennium; 1193

(F) Anticipated expenditures for, the relative priority of, 1194  
and the potential benefits of each type of project to be funded in 1195  
the succeeding biennium; 1196

(G) The results obtained from completed projects and 1197  
dissemination of those results; 1198

(H) A fiscal report of the office's activities under sections 1199  
1551.30 to 1551.35 and Chapter 1555. of the Revised Code during 1200  
the preceding biennium; 1201

(I) The criteria used to select the office's specific types 1202  
of projects. The criteria shall consider all of the following: 1203

(1) A project's relationship to and support of the office's 1204  
purposes; 1205

(2) The technology involved, its applicability to Ohio coal, 1206  
and its potential rate and probability of marketplace adoption; 1207

(3) The commercial readiness of a project's facility, 1208  
technology, or equipment; 1209

(4) The cost and relative risk to the state and the 1210  
participation of other investors or interested parties in a 1211  
project's financing; 1212

(5) The likelihood that results of a project would not be 1213  
achieved in the absence of the office's assistance. 1214

Sec. 3333.91. Not later than December 31, 2014, the 1215  
governor's office of workforce transformation, in collaboration 1216  
with the chancellor of the Ohio board of regents, the 1217  
superintendent of public instruction, and the department of job 1218  
and family services, shall develop and submit to the appropriate 1219  
federal agency a single, state unified plan for the adult basic 1220  
and literacy education program administered by the United States 1221  
secretary of education, the "Carl D. Perkins Vocational and 1222  
Technical Education Act," 20 U.S.C. 2301, et seq., as amended, and 1223

the "Workforce Investment Act of 1998," 29 U.S.C. 2801, et seq., 1224  
as amended. Following the plan's initial submission to the 1225  
appropriate federal agency, the governor's office of workforce 1226  
transformation may update it as necessary. If the plan is updated, 1227  
the governor's office of workforce transformation shall submit the 1228  
updated plan to the appropriate federal agency. 1229

**Sec. 3731.02.** (A) The state fire marshal shall make such 1230  
rules as are necessary to carry out this chapter, which shall 1231  
include, but are not limited to, rules establishing requirements 1232  
to renew a license issued under this chapter and fees for 1233  
licensure and renewal and for inspections of hotels. Except as 1234  
provided in division (G) of section 3731.12 of the Revised Code, 1235  
the state fire marshal and the assistant state fire marshals shall 1236  
enforce this chapter. 1237

(B) Except as otherwise provided in this division and 1238  
divisions (C) and (D) of this section, the board of building 1239  
standards shall adopt, pursuant to section 3781.10 of the Revised 1240  
Code, rules that specify that the building code standards for SRO 1241  
facilities shall be use group R-2. Any facility operating prior to 1242  
October 16, 1996, in the nature of an SRO facility that met the 1243  
building code standards for an SRO facility prior to that date, 1244  
whether previously licensed as a hotel or not, and after October 1245  
16, 1996, licensed as an SRO facility under section 3731.03 of the 1246  
Revised Code, shall be permitted under the rules to have a 1247  
building code standard of either use group R-1 or use group R-2 if 1248  
the facility meets the requirements for those use groups as 1249  
specified in the Ohio building code adopted pursuant to section 1250  
3781.10 of the Revised Code. The requirements of this division 1251  
apply to an SRO facility that holds a license as an SRO facility 1252  
on ~~the effective date of this amendment~~ September 12, 2008, unless 1253  
any of the following events occur on or after ~~the effective date~~ 1254

<del>of this amendment</del> <u>September 12, 2008</u> :	1255
(1) The owner of the SRO facility constructs or alters the facility.	1256 1257
(2) The owner of the SRO facility surrenders the license issued to that facility.	1258 1259
(3) The owner of the SRO facility changes the use or occupancy of that facility.	1260 1261
(4) The license issued to that SRO facility under this chapter is revoked or is not renewed.	1262 1263
(C) If any of the events described in divisions (B)(1) to (4) of this section occur, the owner of the structure shall comply with division (D) of this section to obtain a new license to operate as an SRO facility.	1264 1265 1266 1267
(D) Beginning on <del>the effective date of this amendment</del> <u>September 12, 2008</u> , the state fire marshal shall not issue a new license to operate a facility as an SRO facility, and shall not renew such a license issued under this division, unless the SRO facility is constructed providing individual sleeping rooms for each guest; has, on a per-room or a communal basis within each building to be licensed as an SRO facility, permanent provisions for living, eating, cooking, and sanitation; and is constructed in accordance with the requirements specified for SRO facilities and is approved by the building official having jurisdiction over that facility to be an SRO facility. An SRO facility subject to this division shall only operate with, and shall properly maintain, individual sleeping rooms for each guest and shall only operate with, and shall properly maintain, on a per-room or communal basis, permanent provisions available to all guests for living, eating, cooking, and sanitation.	1268 1269 1270 1271 1272 1273 1274 1275 1276 1277 1278 1279 1280 1281 1282 1283
<u>(E) The state fire marshal may, pursuant to division (A) of this section, adopt rules establishing a fire code and sanitary</u>	1284 1285

standards compliance incentive program for persons required to 1286  
procure a license for a hotel under section 3731.03 of the Revised 1287  
Code. The rules may include provisions for the creation of a "Safe 1288  
Stay Hotel" designation by the state fire marshal, the standards a 1289  
licensed hotel must meet to achieve and maintain that designation, 1290  
the procedures the state fire marshal shall use to publish and 1291  
maintain a registry of hotels receiving that designation, and any 1292  
monetary incentives offered by the state fire marshal to encourage 1293  
a licensed hotel to achieve and maintain that designation. At a 1294  
minimum, no hotel may be designated as a "Safe Stay Hotel" or 1295  
maintain such a designation unless it meets the fire code and 1296  
sanitary compliance standards established pursuant to this section 1297  
for a continuous period of at least twenty-four months. 1298

Nothing in this division shall be construed to limit the 1299  
power of this state, the department of commerce, the state fire 1300  
marshal, or any other political subdivision of the state to 1301  
administer and enforce any other sections of this chapter or any 1302  
other applicable laws, rules, and regulations. Nothing in this 1303  
division shall be construed to require the state fire marshal to 1304  
designate a hotel as a "Safe Stay Hotel" or require the state fire 1305  
marshal to award a monetary incentive to a hotel in any manner 1306  
that is inconsistent or in conflict with the rules adopted under 1307  
this section or any other applicable laws, rules, or regulations. 1308

**Sec. 4740.06.** (A) Any individual who applies for a license 1309  
shall file a written application with the appropriate section of 1310  
the Ohio construction industry licensing board, accompanied with 1311  
the application fee as determined pursuant to section 4740.09 of 1312  
the Revised Code. The individual shall file the application not 1313  
more than sixty days nor less than thirty days prior to the date 1314  
of the examination. The application shall be on the form the 1315  
section prescribes and verified by the applicant's oath. The 1316  
applicant shall provide information satisfactory to the section 1317

showing that the applicant meets the requirements of division (B) 1318  
of this section. 1319

(B) To qualify to take an examination, an individual shall: 1320

(1) Be at least eighteen years of age; 1321

(2) Be a United States citizen or legal alien who produces 1322  
valid documentation to demonstrate the individual is a legal 1323  
resident of the United States; 1324

(3) Either have been a tradesperson in the type of licensed 1325  
trade for which the application is filed for not less than five 1326  
years immediately prior to the date the application is filed, be a 1327  
currently registered engineer in this state with three years of 1328  
business experience in the construction industry in the trade for 1329  
which the engineer is applying to take an examination, or have 1330  
other experience acceptable to the appropriate section of the 1331  
board; 1332

(4) Maintain contractor's liability insurance, including 1333  
without limitation, complete operations coverage, in an amount the 1334  
appropriate section of the board determines; 1335

(5) Not have done any of the following: 1336

(a) Been convicted of or pleaded guilty to a crime of moral 1337  
turpitude or a disqualifying offense as those terms are defined in 1338  
section 4776.10 of the Revised Code; 1339

(b) Violated this chapter or any rule adopted pursuant to it; 1340

(c) Obtained or renewed a license issued pursuant to this 1341  
chapter, or any order, ruling, or authorization of the board or a 1342  
section of the board by fraud, misrepresentation, or deception; 1343

(d) Engaged in fraud, misrepresentation, or deception in the 1344  
conduct of business. 1345

(C) When an applicant for licensure as a contractor in a 1346

licensed trade meets the qualifications set forth in division (B) 1347  
of this section and passes the required examination, the 1348  
appropriate section of the board, within ninety days after the 1349  
application was filed, shall authorize the administrative section 1350  
of the board to license the applicant for the type of contractor's 1351  
license for which the applicant qualifies. A section of the board 1352  
may withdraw its authorization to the administrative section for 1353  
issuance of a license for good cause shown, on the condition that 1354  
notice of that withdrawal is given prior to the administrative 1355  
section's issuance of the license. 1356

(D) All licenses a contractor holds pursuant to this chapter 1357  
shall expire annually on the same date, which shall be the 1358  
expiration date of the original license the contractor holds. An 1359  
individual holding a valid, unexpired license may renew the 1360  
license, without reexamination, by submitting an application to 1361  
the appropriate section of the board not more than ninety calendar 1362  
days before the expiration of the license, along with the renewal 1363  
fee the section requires and proof of compliance with the 1364  
applicable continuing education requirements. The applicant shall 1365  
provide information in the renewal application satisfactory to 1366  
demonstrate to the appropriate section that the applicant 1367  
continues to meet the requirements of division (B) of this 1368  
section. 1369

Upon application and within one calendar year after a license 1370  
has expired, a section may waive any of the requirements for 1371  
renewal of a license upon finding that an applicant substantially 1372  
meets the renewal requirements or that failure to timely apply for 1373  
renewal is due to excusable neglect. A section that waives 1374  
requirements for renewal of a license may impose conditions upon 1375  
the licensee and assess a late filing fee of not more than double 1376  
the usual renewal fee. An applicant shall satisfy any condition 1377  
the section imposes before a license is reissued. 1378

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

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

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

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

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the section may use its discretion in granting or denying the individual a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the section may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any

offense unless the section, prior to ~~the effective date of this~~ 1411  
~~amendment~~ September 28, 2012, was required or authorized to deny 1412  
the application based on that offense. 1413

In all other circumstances, the section shall follow the 1414  
procedures it adopts by rule that conform to division (H)(1) of 1415  
this section. 1416

(3) In considering a renewal of an individual's license, the 1417  
section shall not consider any conviction or plea of guilty prior 1418  
to the initial licensing. However, the board may consider a 1419  
conviction or plea of guilty if it occurred after the individual 1420  
was initially licensed, or after the most recent license renewal. 1421

(4) The section may grant an individual a conditional license 1422  
that lasts for one year. After the one-year period has expired, 1423  
the license is no longer considered conditional, and the 1424  
individual shall be considered fully licensed. 1425

(I) Notwithstanding divisions (D) and (H) of this section and 1426  
sections 4740.04 and 4740.05 of the Revised Code, the board may 1427  
establish rules that amend the continuing education requirements 1428  
and license renewal schedule for licensees as provided in or 1429  
adopted pursuant to those sections for the purpose of establishing 1430  
a compliance incentive program. These rules may include provisions 1431  
for the creation of the program and the qualifications, continuing 1432  
education requirements, and renewal schedule for the program. 1433

Sec. 6301.11. The state board, in connection with the 1434  
department of job and family services, shall develop a methodology 1435  
for identifying jobs in high demand by employers operating in this 1436  
state. 1437

The board and the department shall use the methodology to 1438  
create a list of such high-demand jobs and shall publish the list 1439  
on the web site of the department on or before December 31, 2014. 1440

The state board and the department shall periodically update the list to reflect evolving workforce demands in this state. 1441  
1442

Local boards, workforce development agencies, and other providers of workforce training shall use the list of high-demand jobs to cultivate and prioritize workforce development activities that correspond to the employment needs of employers operating in this state and to assist individuals in maximizing their employment opportunities. 1443  
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1448

**Section 2.** That existing sections 121.08, 122.136, 122.21, 1449  
122.25, 122.37, 122.64, 122.89, 122.94, 122.941, 149.311, 150.10, 1450  
166.13, 166.18, 184.02, 1551.34, 3731.02, and 4740.06 of the 1451  
Revised Code are hereby repealed. 1452

**Section 3.** (A) The Chancellor of the Ohio Board of Regents, 1453  
in consultation with the parties specified in division (B) of this 1454  
section, shall develop recommendations for increasing access to 1455  
and participation in programs for adults who have not obtained a 1456  
high school diploma that offer credentials equivalent to a high 1457  
school diploma and also provide career pathways, such as an 1458  
associate degree, industry credential, or other type of career 1459  
training. 1460

(B) In developing recommendations under division (A) of this 1461  
section, the Chancellor shall consult with all of the following: 1462

(1) The Superintendent of Public Instruction; 1463

(2) Representatives of the Governor's Office of Workforce 1464  
Transformation, the Department of Job and Family Services, and the 1465  
Ohio Association of Community Colleges; 1466

(3) Representatives of career-technical planning districts 1467  
that provide post-secondary workforce education; 1468

(4) Representatives of programs that provide adult basic and 1469  
literacy education; 1470

(5) Representatives of any other interested parties at the 1471  
Chancellor's discretion. 1472

(C) Not later than December 31, 2014, the Chancellor shall 1473  
prepare a report of the recommendations developed under division 1474  
(A) of this section and submit it to the Governor, the President 1475  
of the Senate, and the Speaker of the House of Representatives. 1476