

**As Reported by the House Economic Development and
Regulatory Reform Committee**

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

Sub. H. B. No. 486

Representatives Baker, Stebelton

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A B I L L

To amend sections 121.08, 122.136, 122.21, 122.25,	1
122.37, 122.64, 122.89, 122.94, 122.941, 149.311,	2
150.10, 166.13, 166.18, 184.02, 1551.34, 3731.02,	3
and 4740.06 and to enact sections 107.35, 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
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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 ~~thirtieth~~ first day 336
of ~~June~~ August 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 instrumentality of a political subdivision has accepted the fourth contract as completed and all subcontractors and suppliers on the contract have been paid, upon a showing that with respect to a contract valued at three hundred thousand dollars or less with any political subdivision of the state or any instrumentality of a political subdivision, that the minority business or EDGE business enterprise either has been denied a bond by two surety companies or that the minority business or EDGE business enterprise has applied to two surety companies for a bond and, at the expiration of sixty days after making the application, has neither received nor been denied a bond, the minority business or EDGE business enterprise may repeat its participation in the unbonded political subdivision contractor program. Under no circumstances shall a minority business or EDGE business enterprise be permitted to participate in the unbonded political subdivision contractor program more than twice.

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

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

governor and the general assembly on or before the first day of 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 826
analyses of historic buildings that are the subjects of 827
applications filed under this section. The purpose of a 828
cost-benefit analysis shall be to determine whether rehabilitation 829
of the historic building will result in a net revenue gain in 830
state and local taxes once the building is used. 831

(7) Any other rules necessary to implement and administer 832
this section. 833

(C) The director of development services shall review the 834
applications with the assistance of the state historic 835
preservation officer and determine whether all of the following 836
criteria are met: 837

(1) That the building that is the subject of the application 838
is an historic building and the applicant is the owner or 839
qualified lessee of the building; 840

(2) That the rehabilitation will satisfy standards prescribed 841
by the United States secretary of the interior under 16 U.S.C. 842
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 843
that section; 844

(3) That receiving a rehabilitation tax credit certificate 845
under this section is a major factor in: 846

(a) The applicant's decision to rehabilitate the historic 847
building; or 848

(b) To increase the level of investment in such 849
rehabilitation. 850

An applicant shall demonstrate to the satisfaction of the 851
state historic preservation officer and director of development 852
services that the rehabilitation will satisfy the standards 853
described in division (C)(2) of this section before the applicant 854
begins the physical rehabilitation of the historic building. 855

(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 983
of its purpose stated in section 150.01 of the Revised Code; 984

(3) The value of tax credit certificates issued by the 985
authority under section 150.07 of the Revised Code in each fiscal 986
year ending on or before the preceding thirtieth day of June; 987

(4) The amount of tax credits claimed pursuant to section	988
5707.031, 5725.19, 5726.53, 5727.241, 5729.08, 5733.49, or 5747.80	989
of the Revised Code, as to the respective taxes involved;	990
(5) The financial status of the Ohio venture capital fund;	991
(6) The names of venture capital funds in which money from	992
the program fund has been invested and the locations of their	993
principal offices, and the names of the enterprises in which each	994
of those venture capital funds has invested such money and the	995
locations of those enterprises' principal offices;	996
(7) Any recommendations for modifying the program to better	997
achieve the purpose stated in section 150.01 of the Revised Code.	998
(B) During each year that a report is issued under division	999
(A) of this section, the chairperson of the authority, or another	1000
member of the authority designated by the chairperson as the	1001
authority's representative, shall be required to appear in person	1002
before the standing committees of the house and senate	1003
predominantly concerned with economic development to give	1004
testimony concerning the status of the Ohio venture capital	1005
program.	1006
Sec. 166.13. (A) Prior to entering into each agreement to	1007
provide innovation financial assistance under sections 166.12,	1008
166.15, and 166.16 of the Revised Code, the director of	1009
development services shall determine whether the assistance will	1010
conform to the requirements of sections 166.12 to 166.16 of the	1011
Revised Code. Such determination, and the facts upon which it is	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 governmental 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
~~of this amendment~~ September 12, 2008: 1255

(1) The owner of the SRO facility constructs or alters the 1256
facility. 1257

(2) The owner of the SRO facility surrenders the license 1258
issued to that facility. 1259

(3) The owner of the SRO facility changes the use or 1260

occupancy of that facility. 1261

(4) The license issued to that SRO facility under this 1262
chapter is revoked or is not renewed. 1263

(C) If any of the events described in divisions (B)(1) to (4) 1264
of this section occur, the owner of the structure shall comply 1265
with division (D) of this section to obtain a new license to 1266
operate as an SRO facility. 1267

(D) Beginning on ~~the effective date of this amendment~~ 1268
September 12, 2008, the state fire marshal shall not issue a new 1269
license to operate a facility as an SRO facility, and shall not 1270
renew such a license issued under this division, unless the SRO 1271
facility is constructed providing individual sleeping rooms for 1272
each guest; has, on a per-room or a communal basis within each 1273
building to be licensed as an SRO facility, permanent provisions 1274
for living, eating, cooking, and sanitation; and is constructed in 1275
accordance with the requirements specified for SRO facilities and 1276
is approved by the building official having jurisdiction over that 1277
facility to be an SRO facility. An SRO facility subject to this 1278
division shall only operate with, and shall properly maintain, 1279
individual sleeping rooms for each guest and shall only operate 1280
with, and shall properly maintain, on a per-room or communal 1281
basis, permanent provisions available to all guests for living, 1282
eating, cooking, and sanitation. 1283

(E) The state fire marshal may, pursuant to division (A) of 1284
this section, adopt rules establishing a fire code and sanitary 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 1379
section of the board that authorized that license to place the 1380
license in inactive status under conditions, and for a period of 1381
time, as that section determines. 1382

(F) Except for the ninety-day extension provided for a 1383
license assigned to a business entity under division (D) of 1384
section 4740.07 of the Revised Code, a license held by an 1385

individual immediately terminates upon the death of the 1386
individual. 1387

(G) Nothing in any license issued by the Ohio construction 1388
industry licensing board shall be construed to limit or eliminate 1389
any requirement of or any license issued by the Ohio fire marshal. 1390

(H)(1) Subject to divisions (H)(2), (3), and (4) of this 1391
section, no trade section of the board shall adopt, maintain, 1392
renew, or enforce any rule, or otherwise preclude in any way, an 1393
individual from receiving or renewing a license under this chapter 1394
due to any past criminal activity or interpretation of moral 1395
character, except as pursuant to division (B)(5)(a) of this 1396
section. If the section denies an individual a license or license 1397
renewal, the reasons for such denial shall be put in writing. 1398

(2) Except as otherwise provided in this division, if an 1399
individual applying for a license has been convicted of or pleaded 1400
guilty to a misdemeanor that is not a crime of moral turpitude or 1401
a disqualifying offense less than one year prior to making the 1402
application, the section may use its discretion in granting or 1403
denying the individual a license. Except as otherwise provided in 1404
this division, if an individual applying for a license has been 1405
convicted of or pleaded guilty to a felony that is not a crime of 1406
moral turpitude or a disqualifying offense less than three years 1407
prior to making the application, the section may use its 1408
discretion in granting or denying the individual a license. The 1409
provisions in this paragraph do not apply with respect to any 1410
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 section shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

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

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

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

The board and the department shall use the methodology to create a list of such high-demand jobs and shall publish the list on the web site of the department on or before December 31, 2014. The state board and the department shall periodically update the list to reflect evolving workforce demands in this state.

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. 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