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## MISCELLANEOUS

### Trafficking in persons and promoting prostitution

- Extends the period within which a prosecution for trafficking in persons must be commenced from six years to 20 years after the offense is committed.
- Eliminates as an element of the offense of promoting prostitution that the transportation of a person for sexual activity be across the boundary of Ohio or any county of Ohio.
- Prohibits, as an element of the offense of promoting prostitution, establishing, maintaining, operating, managing, supervising, controlling, or having an interest in any enterprise the purpose of which is to facilitate engagement in sexual activity for hire.

### Annual report on risk management reserves

- Eliminates the requirement for an annual actuarial examination and written report for the preceding calendar year to be sent to the legislative leaders reporting on the amounts reserved and disbursements made from reserves in the state's Risk Management Reserve Fund.

### Joint Legislative Committee on the Affordable Care Act

- Creates the Joint Legislative Committee on the Affordable Care Act (Committee) to review or study any matter that it considers relevant to the operation and impact of the Affordable Care Act in Ohio.
- Requires the Committee to study and assess the impact of the Affordable Care Act on the income of students attending colleges and universities in Ohio who are employed by institutions of higher education.
- Requires the Committee to consist of six members: three members of the House of Representatives appointed by the Speaker, and three members of the Senate appointed by the President.
- Requires that two members of the Committee appointed by the Speaker of the House and two members appointed by the President of the Senate be from the majority party, and one member appointed by the Speaker and one member appointed by the President be from the minority party.



- Requires each member's appointment to last during the General Assembly in which the member was appointed and until a successor is appointed, regardless of the adjournment sine die of the General Assembly or the expiration of a member's term.
- Requires vacancies to be filled in the manner of the original appointment.
- Authorizes the Committee to have the same powers as other standing or select committees of the General Assembly and to request assistance from the Legislative Service Commission.

### **Bonds of statewide elected officials**

- Modifies the bonding requirements that apply to the Attorney General, Secretary of State, Treasurer of State, and Auditor of State.

### **Retention of investment interest**

- Provides that the investment earnings on the cash balance of the following funds are to be credited to the respective fund: the Job Ready Site Development Bond Service Fund, the Mental Health Facilities Improvement Fund, the Parks and Recreation Improvement Fund, the Facilities Establishment Fund, and the Coal and Research Development Fund.

### **Screening tool for high-risk youth**

- Requires the Office of Health Transformation to convene a team comprised of various state departments to evaluate the feasibility of implementing a trauma screening tool for high-risk youth, and permits the Department of Youth Services to receive funds for piloting the recommended tool in detention centers.
- Reduces the current law age requirement for certain members of the Ohio Advisory Council for the Aging, the Chemical Dependency Professionals Board, the State Board of Optometry, and the Insurance Agent Education Advisory Council.
- Exempts religious corporations, associations, educational institutions, and societies from the Ohio Civil Rights Law's prohibitions relating to the unlawful discriminatory practices in employment, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society.

### **Brain Injury Program**

- Transfers the Brain Injury Program to The Ohio State University from the Rehabilitation Services Commission.



## **Manufactured Homes Commission**

- Expands the definition of "violation" for the purposes of Manufactured Homes Commission's investigations, hearings, and penalties to include violation of any rule adopted under the Manufactured Homes Commission Law.
- Allows the Commission to refuse to grant, suspend, or revoke a license for a person's failure to comply with the Manufactured Homes Commission Law or any rule adopted under the Law.
- Makes a corrective change to a cross reference in the Law.

## **State Facility Utilization and Consolidation Task Force**

- Creates the State Facility Utilization and Consolidation Task Force to create an inventory of state-owned real property and related assets, to evaluate whether the real property and assets are being put to productive use, and to make recommendations based on its evaluation.

## **Ohio Council for Interstate Adult Offender Supervision**

- Increases membership of the Ohio Council for Interstate Adult Offender Supervision from seven to 12 or more by giving the Chief Justice and Governor two additional appointments each, the Attorney General one appointment, and the Director of Rehabilitation and Correction additional appointments as necessary.

## **Sale of state-owned employee housing sites**

- Authorizes the sale, by bid, auction, real estate sale agreement, or through any other available legal means, specified surplus state-owned employee housing sites under the jurisdiction of the Department of Rehabilitation and Correction that the Department of Administrative Services and the Department of Rehabilitation and Correction determine should be sold.

## **Authority to convey real estate**

- Extends the authorization to convey certain real estate that is under the jurisdiction of the Department of Youth Services to September 29, 2013, or November 1, 2015, whichever is later.

## **Public records correction**

- Corrects a cross-reference in a law that requires governmental entities and nonprofit organizations to prepare complete financial records of moneys expended under



service contracts with other governmental units, because the records and contracts are public records; the law should refer to and exclude the financial records of a joint self-insurance pool administrator.

## **Trafficking in persons and promoting prostitution**

(R.C. 2901.13 and 2907.22)

### **Statute of limitations for trafficking in persons**

Current law provides that, generally speaking, a prosecution for a felony offense is barred unless it is commenced within six years after the offense is committed, including the offense of trafficking in persons. For certain offenses including voluntary manslaughter, involuntary manslaughter, kidnapping, rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, compelling prostitution, and aggravated arson, a prosecution is barred unless it is commenced within 20 years after the offense is committed. The bill provides that trafficking in persons is subject to this 20-year period of limitation.

### **Promoting prostitution**

Under current law, a person is prohibited, in part, from (1) knowingly establishing, maintaining, operating, managing, supervising, controlling, or having an interest in a brothel and (2) from knowingly transporting another, or causing another to be transported across the boundary of Ohio or of any county in Ohio, in order to facilitate the other person's engaging in sexual activity for hire. Whoever violates either prohibition is guilty of "promoting prostitution," a third or fourth degree felony depending upon the circumstances of the offense.

The bill modifies the offense of promoting prostitution by also prohibiting a person from knowingly establishing, maintaining, operating, managing, supervising, controlling, or having an interest in any other enterprise a purpose of which is to facilitate engagement in sexual activity for hire. It also removes from the prohibition in (2) above the requirement that transporting of another be *across the boundary of Ohio or of any county in Ohio*.

## **Joint Legislative Committee on the Affordable Care Act**

(R.C. 101.392)

The bill creates the Joint Legislative Committee on the Affordable Care Act to review or study any matter that the Committee considers relevant to the operation and



impact of the federal Patient Protection and Affordable Care Act of 2010 in Ohio, including related regulations or guidance. The bill also requires the Committee to study and assess the impact of the Affordable Care Act on the income of students attending colleges and universities in Ohio who are employed by institutions of higher education.

The Committee is required to consist of six members: three members of the House of Representatives appointed by the Speaker of the House, and three members of the Senate appointed by the President of the Senate. Of these six members, the bill requires that two members appointed by the Speaker and two members appointed by the President be from the majority party, and one member appointed by the Speaker and one member appointed by the President be from the minority party.

Each Committee member's appointment lasts during the General Assembly in which the member was appointed and until a successor is appointed, regardless of the adjournment sine die of the General Assembly or the expiration of a member's term. The bill requires vacancies to be filled in the manner of the original appointment.

The bill authorizes the Committee to have the same powers as other standing or select committees of the General Assembly. Additionally, the bill permits the Committee to request assistance from the Legislative Service Commission.

### **Bonds of statewide elected officials**

(R.C. 109.06, 111.02, 113.02, and 117.03)

The bill modifies the bonding requirements that apply to the Attorney General, Secretary of State, Treasurer of State, and Auditor of State to assure their faithful discharge of the duties of their respective offices.

In this regard, the bill removes the requirement that the Attorney General's and Secretary of State's bond have "two or more sureties," and the requirement that the Treasurer of State's bond have "sureties," thus requiring only one surety on each of these bonds. (The Auditor of State's bond requires only "a surety" under continuing law.) The bill specifies with regard to all the officers that the one surety must be authorized to do business in Ohio.

Finally, the bill removes the requirement that the Attorney General's, Treasurer of State's, and Auditor of State's bond be approved by the Governor. Similarly, the bill removes the requirement that the Secretary of State's bond be approved by the Governor, Auditor of State, and Attorney General.



## **Retention of investment interest in funds**

(R.C. 151.11, 154.20, 154.22, 166.03, and 1555.15)

The bill provides that the investment earnings on the cash balance in each of the following funds are to be credited to the respective fund:

- (1) Job Ready Site Development Bond Service Fund;
- (2) Mental Health Facilities Improvement Fund;
- (3) Parks and Recreation Improvement Fund;
- (4) Facilities Establishment Fund;
- (5) Coal and Research Development Fund.

## **Screening tool for high-risk youth**

(Section 501.10)

Under the bill, the Office of Health Transformation is to convene a team comprised of the Departments of Youth Services, Medicaid, Job and Family Services, Health, and Mental Health and Addiction Services. The team is required to evaluate the feasibility of implementing a trauma screening tool for high-risk youth and issue a report that includes (1) the recommended trauma screening tool to be used to evaluate high-risk youth, (2) training in the administration of the recommended tool, (3) screening protocols, (4) the persons to whom the recommended tool should apply, and (5) the implications for treatment. The report is to be completed by December 1, 2013, and distributed to the Governor. The bill permits the Department of Youth Services to receive funds for piloting the recommended tool in detention centers.

## **Religious exemption from Ohio's Civil Rights Law**

(R.C. 4112.02)

The bill adds a religious employer exemption to the unlawful discriminatory practices provisions of Ohio's Civil Rights Law. Under continuing law, the following are considered unlawful and discriminatory practices:

- For any employer, because of the race, color, *religion*, sex, military status, national origin, disability, age, or ancestry (protected status) of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hire, tenure, terms,



conditions, or privileges of employment, or any matter directly or indirectly related to employment.

- For an employment agency or personnel placement service, because of a protected status, to do either of the following:
  - Refuse or fail to accept, register, classify properly, or refer for employment, or otherwise discriminate against any person;
  - Comply with a request from an employer for referral of applicants for employment if the request directly or indirectly indicates that the employer fails to comply with the provisions of Ohio's Civil Rights Law.
- For any labor organization to do either of the following:
  - Limit or classify its membership on the basis of a protected status;
  - Discriminate against, limit the employment opportunities of, or otherwise adversely affect the employment status, wages, hours, or employment conditions of any person as an employee because of a protected status.
- For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of a protected status in admission to, or employment in, any program established to provide apprentice training.
- Except where based on a bona fide occupational qualification certified in advance by the commission, for any employer, employment agency, personnel placement service, or labor organization, prior to employment or admission to membership, to elicit or attempt to elicit any information concerning the protected status of an applicant for employment or membership, as well as utilizing such information in other specified circumstances.

Under the bill, the unlawful discriminatory practices outlined above do not apply to a religious corporation, association, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society of its activities.



## **Age requirements for various board and council members**

(R.C. 173.03, 3905.483, 4725.03, and 4758.10)

Reduces, from 60 to 50, the age required under current law for the following Board and Council members:

- The majority of members of the Ohio Advisory Council for the Aging;
- One of the public members of the Chemical Dependency Professionals Board;
- The public member of the State Board of Optometry;
- One of the consumer representatives on the Insurance Agent Education Advisory Council.

## **Brain Injury Program**

(R.C. 3304.23 (3335.60) and 3304.231 (3335.61))

The bill transfers the Brain Injury Program and the Brain Injury Advisory Committee, which currently are part of the Rehabilitation Services Commission, to The Ohio State University. Current law provides that the Program is to consist of a program director and at least one support staff person. To the extent that funds are available, the Program may do a variety of things related to brain injury, including identifying existing services, promoting coordination of services, and promoting practices that will reduce the incidence of brain injury. Under the bill, the staff of the Program must complete a report on the incidence of brain injury in Ohio not later than two years after the bill's effective date and every two years thereafter.

Not fewer than 10 nor more than 12 of the members of the Advisory Committee are to be appointed. The bill requires that these appointments be made by the dean of the College of Medicine of The Ohio State University.

## **Manufactured Homes Commission**

(R.C. 4781.121, 4781.28, and 4781.29)

Under continuing law, the Manufactured Homes Commission is authorized to investigate any person who allegedly has committed a "violation," and where reasonable evidence exists, send a notice to that person and hold a hearing on the alleged violation. The bill expands the definition of "violation" for the purposes of Manufactured Homes Commission's investigations, hearings, and penalties to include a



violation of any rule adopted under the Manufactured Homes Commission Law. Existing law limited the violation to only certain rules of the Manufactured Homes Commission Law.

Additionally, the bill allows the Commission to refuse to grant, suspend, or revoke a license for a person's failure to comply with the Manufactured Homes Commission Law or any rule adopted under the Law. Under existing law, the Commission's authority to refuse to grant, suspend, or revoke a license was limited to failure to comply with only certain sections and rules under the Law.

Finally, the bill makes one corrective change to a cross reference in the Manufactured Homes Commission Law.

## **State Facility Utilization and Consolidation Task Force**

(Section 753.30)

The bill creates the State Facility Utilization and Consolidation Task Force and charges the Task Force with creating an inventory of state-owned real property and of assets related to the real property, studying the current utilization of the real property and related assets, determining which real properties and related assets are not being productively used, determining which real properties and related assets that are not being productively used could be productively used, and determining which real properties and related assets that are not being productively used could be productively used if consolidated.

The bill requires the Task Force, based on its study, to provide the Governor, the President of the Senate, and the Speaker of the House of Representatives, not later than one year after the effective date of the provision creating it, with a report expressing the Task Force's recommendations for the sale, productive use, or consolidation of state-owned real property and assets.

Upon completing delivery of its report, the Task Force ceases to exist.

The Task Force is to consist of the following members:

- Two members of the House of Representatives appointed by the Speaker of the House of Representatives;
- Two members of the Senate appointed by the President of the Senate;
- One individual appointed by the Governor;
- The Director of Administrative Services or the Director's designee; and



- The Director of Budget and Management or the Director's designee.

A vacancy on the Task Force is to be filled by the appointing authority.

The Task Force must select a chairperson and vice-chairperson from among its members.

The members of the Task Force are not entitled to compensation for serving on the Task Force. Members of the Task Force may continue to receive the compensation and benefits accruing from their regular offices or employments. A member of the Task Force is entitled to reimbursement of actual and necessary expenses incurred because of service on the Task Force.

The Task Force must first meet within one month after the effective date of the provision creating it, at the call of the Governor. Thereafter, the Task Force must meet at the call of its chairperson as necessary to carry out its duties.

The Director of Administrative Services must provide the Task Force with meeting space and with professional, technical, and clerical staff as is necessary for the Task Force successfully and efficiently to fulfill its duties.

## **Ohio Council for Interstate Adult Offender Supervision**

(R.C. 5149.22)

The bill increases the membership of the Ohio Council for Interstate Adult Offender Supervision from seven to 12 or more. The bill requires the Chief Justice to appoint three members instead of one and requires that two of the three be members of the judiciary. It increases the number of gubernatorial appointees from three to five and directs that the appointees include a prosecuting attorney, a member of the State Public Defender's Office and a chief probation officer. The bill requires the Attorney General to appoint one member, who must be from the Bureau of Criminal Identification and Investigation, and authorizes the Director of Rehabilitation and Correction to appoint as many additional members as the Director considers necessary to fulfill the mission of the Interstate Compact for Adult Offender Supervision.

## **Sale of state-owned employee housing sites**

(Section 753.20)

The bill authorizes the Director of Administrative Services (DAS), on behalf of the Department of Rehabilitation and Correction (DRC), to sell, by bid, auction, real estate sale agreement, or through any other available legal means, all of the state's right title, and interest any or all of in the state-owned employee housing sites, described



under "**Property list**" below, that the Director of DAS and the Director of DRC determine should be sold in the best interest of, and as surplus to, the needs of the state.

To this end, the bill authorizes the Governor to execute one or more deeds in the name of the state, conveying the real estate to one or more purchasers, their heirs and assigns or successors and assigns, all of the state's right, title, and interest in one or more of the real properties and the improvements thereon.

The Director of DAS must convey the real estate, its improvements and chattels, "as-is," in its present condition.

Consideration for conveyance of the real estate must be determined by bid, auction, or negotiated purchase agreement, at the discretion of the Director of DAS and the Director of DRC.

The real property must be conveyed subject to all easements, covenants, conditions, and restrictions of record; all legal highways; zoning, building, and other laws, ordinances, restrictions, and regulations; and real estate taxes and assessments not yet due and payable.

The deed or deeds to the real estate may contain any terms and conditions the Director of DAS and the Director of DRC determine to be in the best interest of the state. The deed or deeds may contain restrictions that the Directors determine are reasonably necessary to protect the interest of the state in neighboring state-owned land. The deed or deeds must contain restrictions prohibiting the purchaser from occupying, using, developing, or selling the real estate, such as will interfere with quiet enjoyment of the neighboring state-owned land.

The method of sale and disposition of the real estate must be determined by the Director of DAS and the Director of DRC.

The real estate may be sold as an entire tract, as multiple tracts, or in parcels.

The purchaser or purchasers must pay all costs associated with the purchase and conveyance of the real estate, including, but not limited to, title evidence, title insurance, transfer costs and fees, recording costs of the deed, taxes, and any other fees and costs that may be imposed. Surveys and legal descriptions as are required for the conveyance of the real estate must be prepared at the purchaser's expense.

The net proceeds of the sale of the real estate must be deposited into the state treasury to the credit of the Property Receipts Fund.



Upon payment of the purchase price for all or any of the real estate, the Auditor of State, with the assistance of the Attorney General, must prepare a deed or deeds for the real estate. A deed must state the consideration, and any terms or conditions and the restrictions. A deed must be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the purchaser. The purchaser must present the deed for recording in the office of the appropriate County Recorder.

**Property list:**

- 101 Oval Drive, Lima 45801
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- 1757 South Avon Belden Road, Grafton 44044
- 2069 South Avon Belden Road, Grafton 44044
- 900 East Capel Road, Grafton 44044
- 1088 North Main Street, Mansfield 44903
- 1659 Scioto Village Drive, Marion 43302
- 1674 Scioto Village Drive, Marion 43302
- 1686 Scioto Village Drive, Marion 43302
- 1693 Scioto Village Drive, Marion 43302
- 1705 Scioto Village Drive, Marion 43302
- 1710 Scioto Village Drive, Marion 43302
- 1717 Scioto Village Drive, Marion 43302
- 745 Likens Road, Marion 43302
- 813 Likens Road, Marion 43302
- PCI Unit 4 - 11781 State Route 762, Orient 43146
- 103 Reservation Circle, Chillicothe 45601
- 123 Reservation Circle, Chillicothe 45601



- 124 Reservation Circle, Chillicothe 45601
- 14166 Pleasant Valley Road, Chillicothe 45601
- 1187 Cook Road, Lucasville 45648

The authorization to sell the real estate expires two years after its effective date.

### **Authority to convey Department of Youth Services real estate extended**

(Sections 605.20 and 605.21)

The previous operating appropriations act, H.B. 153 of the 129th General Assembly, authorized the real estate of facilities under the management and control of the Department of Youth Services that were closed before January 1, 2012, to be conveyed not later than two years after its September 29, 2011, effective date. The bill specifies, instead, that the conveyance authority remains effective until September 29, 2013, or November 1, 2015, whichever is later.

### **Public records cross-reference correction**

(R.C. 149.431)

The bill corrects a cross-reference in R.C. 149.431, a law that requires governmental entities or agencies and nonprofit corporations or associations that enter into service contracts with other governmental units to prepare complete financial records of moneys expended under the contracts, because the records and contracts are public records. The law currently refers to R.C. 2744.08, which has no application to R.C. 149.431. The law is supposed to refer to R.C. 2744.081, which requires a joint self-insurance pool administrator to prepare a report of aggregate amounts reserved in, and aggregate disbursements made from, the pool, rather than preparing the financial records of moneys expended, and provides that the report is a public record, instead of the financial records.

