



Ohio Legislative Service Commission

Final Analysis

Julie A. Rishel

Am. Sub. S.B. 1

130th General Assembly
(As Passed by the General Assembly)

- Sens.** Beagle and Balderson, Faber, Bacon, Eklund, Gardner, Hite, LaRose, Lehner, Manning, Oelslager, Seitz, Uecker, Widener, Peterson, Obhof, Schaffer, Burke, Hughes, Jones, Patton
- Reps.** Hottinger, Amstutz, R. Adams, Anielski, Antonio, Ashford, Baker, Beck, Boose, Brown, Buchy, Burkley, Butler, Damschroder, Derickson, Dovilla, Duffey, Fedor, Gonzales, Grossman, Hackett, C. Hagan, Hall, Henne, Hill, Huffman, Letson, Mallory, McClain, McGregor, Milkovich, O'Brien, Pelanda, Perales, Rogers, Romanchuk, Rosenberger, Ruhl, Scherer, Sears, Slaby, Smith, Sprague, Stebelton, Thompson, Williams, Winburn, Batchelder

Effective date: October 11, 2013; appropriation effective July 11, 2013

ACT SUMMARY

- Creates the OhioMeansJobs Workforce Development Revolving Loan Program and Fund.
- Requires the Chancellor of the Ohio Board of Regents to administer the Program and to award funds to specified educational institutions so that the institutions may award loans to participants in approved workforce training programs.
- Requires the Chancellor to give preference to a workforce training program in which an educational institution partners with a business to repay all or part of the program participant's loan or partners with a business that also provides funding for the program over a program that does not have such a partnership.
- Requires the Chancellor to consider a program that has employment opportunities in areas that are in demand, including energy exploration.
- Requires the Chancellor to consider several additional factors in determining whether to award funds to an institution for a workforce training program.
- Requires the Chancellor, in awarding additional funds to educational institutions after the initial funds have been awarded, to give greater weight to the existence of

business partnerships and the success rate of the institution's program than to any of the other additional factors.

- Requires an institution receiving funds under the Program to establish eligibility requirements that a participant in a workforce training program must satisfy to receive a loan.
- Requires an institution to disburse loans of up to \$10,000 each to program participants who satisfy eligibility requirements.
- Requires the Chancellor to adopt rules to prescribe procedures necessary to carry out the Program.
- Requires the Treasurer of State to serve as the Chancellor's agent in making deposits and withdrawals and maintaining the records of the Fund.
- Requires the Chancellor, a third party chosen by the Chancellor, the Treasurer of State (if designated by the Chancellor), or a third party chosen by the Treasurer of State, to service loans disbursed under the Program.
- Requires the Chancellor, under the Administrative Procedure Act, or the Treasurer, under R.C. 111.15, depending on which one of those officers or their designees are servicing the loans, to establish a loan servicing fee.
- Permits the Treasurer to adopt additional rules the Treasurer considers necessary to implement the loan servicing duties designated.
- Requires the Chancellor to prepare and submit to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate a report outlining the awards made under the Program.
- Appropriates \$25 million in fiscal year 2014 for the OhioMeansJobs Workforce Development Revolving Loan Fund, to be transferred from upfront casino license fee revenue, and re-appropriates in fiscal year 2015 any of that amount that is unspent and unencumbered at the end of fiscal year 2014.

CONTENT AND OPERATION

OhioMeansJobs Workforce Development Revolving Loan Program

The act creates the OhioMeansJobs Workforce Development Revolving Loan Program for the purpose of assisting with job growth and advancement through training and retraining. The Chancellor of the Ohio Board of Regents must administer



the Program and must award Program funds from the OhioMeansJobs Workforce Development Revolving Loan Fund to an "institution."¹ Any of the following entities is an institution for purposes of the act:

- A state institution of higher education;
- A private career school that holds a certificate of registration from the State Board of Career Colleges and Schools (that is, a for profit private institution or "proprietary school");
- A private for profit institution (such as DeVry University) that is exempt from regulation by the State Board of Career Colleges and Schools as prescribed under continuing law;
- A private, nonprofit institution that holds a certificate of authorization from the Ohio Board of Regents (a private university);
- A career-technical center, joint vocational school district, comprehensive career-technical center, or compact career-technical center offering adult training.²

The Fund, which the act creates in the state treasury, is to consist of a portion of the upfront license fees paid for the casino facilities authorized under the Ohio Constitution. The act appropriates \$25 million of this money in fiscal year 2014 to the Fund, transferring it from the Economic Programs Development Fund, which is used for state economic development programs that support regional job training. The investment earnings of the Loan Program Fund must be credited to the Fund. The act reappropriates in fiscal year 2015 any amount that remains unspent and encumbered at the end of fiscal year 2014. It also allows the Chancellor and the Treasurer of State to each use up to \$250,000 of the appropriation in each fiscal year for administrative expenses of the Program.³

An institution receiving Program funds must use those funds to award loans to individuals participating in a workforce training program that is administered by the institution and that has been approved by the Chancellor. For purposes of the act, a workforce training program includes courses, programs, or a degree from an

¹ Section 2(B) and (C).

² Section 2(A)(1).

³ R.C. 6301.14 and Sections 3 and 4; Article XV, Section 6 of the Ohio Constitution; and R.C. 3772.17(A), (not in the act).



institution, vocational classes offered to adult learners, or any other training program that is designed to meet the special requirements of a particular employer.⁴

Preference in awards

In awarding funds under the Program, the Chancellor must give preference to an institution for a workforce training program in which the institution partners with a business that is willing to repay all or part of a program participant's loan or partners with a business that also provides funding for the program over a program that does not have such a partnership. The Chancellor must consider a program that has employment opportunities in areas that are in demand, such as energy exploration.⁵

The act requires the Chancellor to also consider all of the following factors in determining whether to award funds to an institution, to the extent these factors apply to a workforce training program:

- The success rate of the workforce training program offered by the institution;
- The cost of the workforce training program based on a comparison of similar workforce training programs offered in Ohio;
- The rate that participants in the workforce training program obtain employment in the field in which they receive training under the program;
- The willingness of the institution to assist a participant in paying the costs of participating in the workforce training program;
- The extent to which the program has demonstrated support from business partners.

After the initial funds are awarded, the Chancellor must give greater weight to the success rate of the workforce training program than to the other prescribed factors. However, the greatest weight must be given to an institution's business partnerships for the repayment or funding of the workforce training program.⁶

⁴ Section 2(A)(2) and (B)(1).

⁵ Section 2(B)(2).

⁶ Section 2(B)(3) and (4).



Disbursements

The act requires the Chancellor to award Program funds to an institution offering a workforce training program that has been approved by the Chancellor, but the Chancellor may not award an institution more than \$100,000 per year for each approved program. An institution receiving Program funds must establish, in consultation with the Board of Regents, eligibility requirements that a participant in the workforce training program must satisfy in order to receive a loan. The institution must disburse loans to program participants who satisfy those requirements. A loan awarded by an institution to a program participant may not exceed \$10,000 per program in which the participant participates.⁷

Repayment

Except as discussed under "**Rules**" below, a loan to a program participant is interest-free until the earlier of the date that is six months after the participant successfully completes the workforce training program or the date the participant ceases to reside in Ohio. After the interest-free period, the Chancellor must assess interest on the outstanding principal balance of the loan, at a rate of 4% or less per year. The Chancellor may not assess a 0% interest rate after the interest-free period. The act also requires the Chancellor to establish a payment schedule of seven years or less after a participant successfully completes the workforce training program.⁸

Rules

The act requires the Chancellor to adopt rules in accordance with the Administrative Procedure Act (R.C. Chapter 119.) prescribing the procedures necessary for the administration of the Program, including all of the following:

- Application procedures for institutions seeking funds under the Program, which must require an applicant to provide a description of the workforce training program for which the institution intends to award loans and the number of individuals who will be participating in the program;
- Terms for repayment of a loan disbursed under the Program;
- Assessment of interest on a loan for a participant who fails to comply with continuing eligibility requirements, who fails to complete the workforce

⁷ Section 2(C).

⁸ Section 2(D).



training program for which the participant received the loan, or whose participation in the program is on a staggered basis;

- A method to determine the amount of funds to be awarded to an institution based on the costs of the workforce training program for which the program participant receives a loan and the number of individuals the institution estimates will participate in the program;
- A procedure for the disbursement of funds to an institution;
- The process by which the Chancellor approves workforce training programs under the Program.⁹

Treasurer to serve as agent for Fund maintenance

The Treasurer of State must serve as an agent of the Chancellor in the making of deposits and withdrawals and maintenance of records pertaining to the Fund.¹⁰

Loan servicing

The act allows the Chancellor to designate either the Treasurer or a third party to serve as the Chancellor's agent in servicing loans issued pursuant to the Program and authorizes the Treasurer or the third party to take any actions, enter into any contracts, and execute all instruments that are necessary or appropriate to service loans issued pursuant to the Program. If the Treasurer is designated the agent, the act allows the Treasurer to designate a third party to serve as an agent of the Treasurer in servicing the loans. The act authorizes the third party designated by the Treasurer to take such actions, to enter into such contracts, and to execute all instruments that are necessary or appropriate to service the loans.

The act requires the Chancellor or the Treasurer, depending on which officer or their designees are servicing the loans, to adopt rules establishing a fee to be charged to loan recipients to offset the cost servicing. The fee established must not exceed the actual servicing cost. If the Chancellor or an agent designated by the Chancellor who is not the Treasurer services the loans, the Chancellor must adopt the rules under the Administrative Procedure Act. If the Treasurer or an agent designated by the Treasurer

⁹ Section 2(E).

¹⁰ Section 2(F).



services the loans, the Treasurer must adopt the rules under R.C. 111.15 and may adopt additional rules necessary to implement the loan servicing requirements.¹¹

Annual report

The act requires the Chancellor to prepare and submit a report each year beginning July 1, 2014, to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate that outlines the amount of funds each institution received from the Fund and the amount awarded to each workforce development program during the previous year. The Chancellor also is permitted to include in the report any recommendations for legislative changes to the Program that the Chancellor determines are necessary to improve the functioning and efficiency of the Program.¹²

HISTORY

ACTION	DATE
Introduced	02-12-13
Reported, S. Workforce & Economic Development	04-17-13
Passed Senate (33-0)	04-17-13
Reported, H. Manufacturing & Workforce Development	06-19-13
Rereferred to H. Finance & Appropriations	06-19-13
Reported, H. Finance & Appropriations	06-25-13
Passed House (96-0)	06-26-13
Senate concurred in House amendments (32-0)	06-27-13

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¹¹ Section 2(G).

¹² Section 2(H).

