

Executive

In House Finance and Appropriations

1 COM - 22 Fee for Administering Unclaimed Funds

No provision.

R.C. 169.08

Eliminates the requirement that the Director of Commerce retain in the Unclaimed Funds Trust Fund (Fund 5043) 5% of the total amount of unclaimed funds payable to a claimant as a fee for administering the funds.

Fiscal effect: Loss of several million dollars per year in revenue, depending on claims paid. Based on FY 2008 claims paid of \$57.8 million, the 5% administrative fee generated approximately \$3.0 million.

2 COM - 4 Mortgage Broker and Loan Officer License Fees

R.C. 1322.03, 1322.031, 1322.04, 1322.041

- (1) Increases the application and renewal fees for a mortgage broker certificate of registration from \$350 to \$500.
- (2) Increases the application and renewal fees for a loan officer license from \$100 to \$150.
- (3) Increases the threshold at which an applicant must pay for the Superintendent's excess costs of investigation outside Ohio from \$350 to \$500 for a mortgage broker's certificate and from \$100 to \$150 for a loan officer license.
- (4) Removes the provision exempting persons registered under the Mortgage Loan Law (R.C. 1321.51 to 1321.60) from having to pay such fees when applying for or renewing a mortgage broker certificate of registration.

R.C. 1322.03, 1322.031, 1322.04, 1322.041

- (1) Same as the Executive.
- (2) Same as the Executive.
- (3) Same as the Executive.
- (4) Same as the Executive.

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Fiscal effect: Gain in revenue of approximately \$488,000 per year to the Consumer Finance Fund (Fund 5530).

Fiscal effect: Same as the Executive.

3 COM - 8 Video Service Authorization Program Funding

R.C. 1332.24, 1332.25

(1) Permits the Director of Commerce to collect an annual assessment on video service providers, except for those classifications of video service providers exempted by rule of the Director based on the scope of its subscriber base or the purpose of the video service.

(2) Directs the assessment revenue to the Video Service Authorization Fund (Fund 5X60). Requires the assessment to (a) be based on actual administrative costs in overseeing the video service authorization program and (b) allocated proportionately among the video service providers using a competitively neutral formula established by rule.

(3) No provision.

(4) Grants rulemaking authority to the Director of Commerce to carry out the duties under the Video Service Authorization Law.

R.C. 1332.24, 1332.25

(1) Same as the Executive, but removes the discretion of the Director of Commerce to exclude video service providers from the assessment.

(2) Same as the Executive, but removes the requirement that the formula for allocating the total assessment be competitively neutral.

(3) Adds to the Director of Commerce's enforcement authority by permitting the Director to enforce payment of the new video service assessment.

(4) Same as the Executive.

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Fiscal effect: Gain in revenue to the Video Service Authorization Fund (Fund 5X60), sufficient to fund operating costs. The current authorization application and amendment fees paid by video service providers have generated minimal revenue to Fund 5X60, making the Department rely on the Division of Administration Fund (Fund 1630) to support the video service authorization (VSA) program. For FY 2009, the VSA's program's budget is \$336,800, as approved by the Controlling Board.

Fiscal effect: Same as the Executive.

4 COM - 2 Securities License and Filing Fees

R.C. 1707.17

Increases the following fees:
 (1) securities dealer license and annual renewal fee from \$100 to \$200;
 (2) investment advisor's license and annual renewal fee from \$50 to \$100;
 (3) investment advisor's notice filing fee from \$50 to \$100;
 (4) securities salesperson license and annual renewal fee from \$50 to \$60; and
 (5) investment advisor representative's license and annual renewal fee from \$35 to \$50.

Fiscal effect: Gain in revenue of about \$4.7 million per year to the Division of Securities Fund (Fund 5500), including the securities dealer or investment advisor transfer fees specified below.

R.C. 1707.17

Same as the Executive.

Fiscal effect: Same as the Executive.

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5 COM - 3 Securities Dealer or Investment Advisor License Transfer Fees

R.C. 1707.18

Increases the fee for every salesperson's license that is transferred from \$10 to \$15 in the case of a transfer of a dealer's license and the licenses of its salespersons to a successor entity.

Increases the fee for every investment advisor representative's license that is transferred from \$10 to \$15 in the case of a transfer of an investment advisor's license and the licenses of its investment advisor representatives.

Fiscal effect: Potential gain in revenue to the Division of Securities Fund (Fund 5500).

R.C. 1707.18

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

6 COM - 21 Securities Investor Education and Enforcement

(1) No provision.

(2) No provision.

(3) No provision.

R.C. 1707.37, Section 241.10

(1) Creates the Division of Securities Investor Education and Enforcement Expense Fund (Fund 5GK0) to pay the expenses of the Division relating to education or enforcement for the protection of securities investors and the public.

(2) Specifies that the fund is to consist of all money received in settlement of violations of the Securities Law (Chapter 1707. of the Revised Code) and any cash transfers.

(3) Provides that if the Director of OBM and the Director of Commerce determine that money in Fund 5GK0 is in excess of \$1 million at the end of a fiscal year and that any amount of that excess is not needed to defray the expenses of the Division of Securities, the Director of OBM

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(4) No provision.

may transfer that amount to the GRF.

(4) Requires the Director of OBM, upon the request of the Director of Commerce, to transfer up to \$200,000 in cash in each fiscal year from the Division of Securities Fund (Fund 5500) to Fund 5GK0.

Fiscal effect: Potential diversion of revenue from settlements arising from violations from Fund 5500 to Fund 5GK0. Supports the new program with an appropriation of \$200,000 each fiscal year.

7 COM - 1 State Fire Marshal's Fund Transfers

R.C. 3737.71

Allows the Director of OBM, at any time and upon determining that the money in the State Fire Marshal's Fund (Fund 5460) exceeds the amount necessary to defray ongoing operating expenses in a fiscal year, to transfer the excess to the GRF.

Fiscal effect: Potential gain in revenue to the GRF and corresponding decrease in available cash in Fund 5460.

R.C. 3737.71

Same as the Executive.

Fiscal effect: Same as the Executive.

8 COM - 5 Boiler Inspection and Related Occupational License Fees

R.C. 4104.07, 4104.101, 4104.18

(1) Eliminates a current law requirement that a renewal fee of \$45 be paid to the Treasurer of State before the renewal of any certificate of operation for a boiler.

(2) Increases the following inspection fees for boilers:

- (a) Annual inspection fee from \$45 to \$50;
- (b) Biennial inspection fee from \$90 to \$100;
- (c) Triennial inspection fee from \$135 to \$150; and

R.C. 4104.07, 4104.101, 4104.18

(1) Same as the Executive.

(2) Same as the Executive.

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(d) Quinquennial inspection fee from \$225 to \$250.

(3) Increases the examination application fee for a boiler and pressure vessel inspector from \$50 to \$150.

(4) Increases the application permit fee for making any installation or major repair or modification of a boiler from \$50 to \$100.

(5) Increases the application fee for applicants for steam engineer, high pressure boiler operator, or low pressure boiler operator licenses from \$50 to \$75

(6) Increases the fee for each original or renewal steam engineer, high pressure boiler operator, or low pressure boiler operator license from \$35 to \$50.

Fiscal effect: Gain in revenue of approximately \$645,000 per year to the Industrial Compliance Operating Fund (Fund 5560), proposed to be renamed the Labor Operating Fund in other provisions in the bill.

(3) Same as the Executive.

(4) Same as the Executive.

(5) Same as the Executive.

(6) Same as the Executive.

Fiscal effect: Same as the Executive.

9 COM - 6 Elevator Inspection Fees

R.C. 4105.17

(1) Requires a fee to be paid for the inspection or attempted inspection by a general inspector before the operation of an elevator after an adjudication under the Elevator Law.

(2) Increases the fee for inspections or attempted inspections of elevators by a general inspector from \$20 to \$120.

(3) Changes the amount of the additional fee the Superintendent of Industrial Compliance (proposed to be the Superintendent of Labor) may assess for the

R.C. 4105.17

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

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reinspection of an elevator under specified conditions from \$125 plus \$5 for each floor where the elevator stops to \$120 plus \$10 for each floor where the elevator stops.

(4) Increases the fee for issuing or renewing a certificate of operation for an elevator that is inspected every six months from \$200 plus \$10 for each floor where the elevator stops to \$220 plus \$12 for each floor where the elevator stops.

Fiscal effect: Gain in revenue of about \$729,000 per year to the Industrial Compliance Operating Fund (Fund 5560), proposed to be renamed to the Labor Operating Fund in other provisions of the bill.

(4) Same as the Executive.

Fiscal effect: Same as the Executive.

10 COM - 18 Changes to the Real Estate Brokers Law

R.C. 4735.01, 4735.03, 4735.05, 4735.051, 4735.052, 4735.06, 4735.07, 4735.09, 4735.10, 4735.12, 4735.13, 4735.14, 4735.141, 4735.15, 4735.16, 4735.17, 4735.18, 4735.182, 4735.19, 4735.21, 4735.211, 4735.22 (repealed), 4735.23 (repealed), 4735.32, 4735.55, 4735.58, 4735.71, 4735.72, 4735.74, 4735.99, 4767.05, 4767.07, 4767.08, Section 815.10

(1) Increases the application fee for a real estate broker's license from \$69 to \$100 and the renewal fee from \$49 to \$75.

(2) Increases the fee for application for a real estate salesperson's license from \$49 to \$75 and the associated renewal fee from \$39 to \$60.

(3) Increases the additional renewal fee for brokers that have between 11 and 20 salespersons from \$64 to \$75 and increases the additional renewal fee for brokers for

R.C. 4735.06, 4735.09, 4735.12, 4735.13, 4735.15, 4735.22 (repealed), 4735.23 (repealed), 4767.05, 4767.07, 4767.08, Section 815.10

(1) Same as the Executive, but reduces the increase in the renewal fee to \$60.

(2) Same as the Executive, but reduces the increase in the application fee to \$60 and reduces the increase in the renewal fee to \$45.

(3) No provision.

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every ten real estate salespersons or fraction of that number above 20 from \$37 to \$40.

(4) Increases the fee for reactivation or transfer of a license by a real estate salesperson from \$20 to \$25.

(5) Increases the fee for a branch office license from \$8 to \$15.

(6) Reduces the amount of certain application and renewal fees that must be credited to the Real Estate Education and Research Fund from \$4 to \$1.

(7) Eliminates the option for a real estate broker or salesperson license application fee to be partially refundable and makes non-refundable the fees for reactivation or transfer of a license.

(8) Increases the maximum fine for a violation committed by a licensed real estate broker or salesperson from \$2,500 to \$5,000.

(9) No provision.

(10) Requires any civil penalties collected for operating as a real estate broker or salesperson without a license to be deposited into the Real Estate Operating Fund (Fund 5490) instead of the Real Estate Recovery Fund (Fund 5480).

(11) Makes various changes to the complaint process regarding licensed real estate brokers and salespersons and unlicensed persons.

(4) Same as the Executive.

(5) Same as the Executive.

(6) Same as the Executive.

(7) No provision.

(8) No provision.

(9) Reduces from \$1 million to \$500,000 the Real Estate Recovery Fund cash balance threshold at which real estate brokers and salespersons must pay a special assessment of a maximum of \$10 per license year for renewal.

(10) No provision.

(11) No provision.

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(12) Requires a licensee to notify the Superintendent of Real Estate in writing, within 15 days, if the licensee has been convicted of certain crimes, violated certain laws, engaged in discriminatory practices regarding housing accommodations, or is required to permanently surrender any professional license, certificate or registration by order of anyone other than the Superintendent.

(12) No provision.

(13) Changes the experience requirements to qualify for a real estate broker's license. Changes the nature of the classroom instruction that may be used to fulfill the ten hours of instruction required for real estate brokers and salespersons.

(13) No provision.

(14) Changes the provision that allows payment out of the Real Estate Recovery Fund to require the application for payment to be filed in the Court of Common Pleas of Franklin County, instead of any court of common pleas as under current law.

(14) Same as the Executive.

(15) Makes various other changes to the regulation of real estate brokers, salespersons, and so forth as well as to the administration and enforcement of Chapter 4735. of the Revised Code.

(15) No provision.

(16) Repeals current law that (a) prohibits the sale of cemetery lots or cemetery interment rights without a written agreement identifying the lot or location, (b) prohibits persons who sell cemetery lots from promising or guaranteeing (or authorizing or permitting any person to promise or guarantee) future profits from the resale or repurchase of the real estate, and (c) and permitting commissions on the sale of cemetery lots in such reasonable amounts as may be fixed by the board of trustees of the cemetery company or association.

(16) Same as the Executive.

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Fiscal effect: (a) Gain in revenue of approximately \$563,000 per year to the Real Estate Operating Fund (Fund 5490) from license fee increases; (b) Gain in revenue of approximately \$200,000 to \$300,000 per year to Fund 5490 and corresponding loss to the Real Estate Education and Research Fund (Fund 5470) from the redirection of fees, based on revenue to Fund 5470 in recent years; (c) Potential gain in revenue to the Real Estate Operating Fund (Fund 5490) from the redirection of certain fines and penalties and corresponding loss in revenue to the Real Estate Recovery Fund (Fund 5480), depending on violations. In recent fiscal years, total fine and penalty revenue has ranged from \$65,300 to \$257,000; (d) Potential negligible increase in Franklin County Court of Common Pleas caseload from the requirement that all Fund 5480 payment cases be assigned to that jurisdiction; (e) Provides greater flexibility for the Division of Real Estate and Professional Licensing to carry out its duties by removing or lengthening various time limitations in addressing complaints.

Fiscal effect: Same as the Executive, but reduces the revenue gain to Fund 5490 in (a) by approximately \$125,000 per year because of the lowered or eliminated fee increases, eliminates the fiscal effects noted in (c) and (e); potential gain in revenue to the Real Estate Recovery Fund (Fund 5480) if that fund's cash balance is below the lowered assessment threshold on July 1 of each year .

11 COM - 7 Real Estate Appraiser Licensing Law Changes

R.C. 4763.01, 4763.03, 4763.04,
4763.05, 4763.07, 4763.09, 4763.11, 4763.13,
4763.14, 4763.17, Section 815.10

- (1) Expands the definition of "appraisal report" to include appraisal review and appraisal consulting service and defines those terms.
- (2) Changes the procedure for service of subpoenas to compel witnesses by allowing subpoenas to be made by certified mail, return receipt requested, rather than only by sheriffs and constables.

R.C. 4763.01, 4763.03, 4763.04,
4763.05, 4763.07, 4763.09, 4763.11, 4763.13,
4763.14, 4763.17, Section 815.10

- (1) Same as the Executive.
- (2) Same as the Executive.

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(3) Establishes that, instead of having to meet the continuing education requirements for appraisers, a state-registered real estate appraiser assistant must meet those continuing education requirements only after two years in that position.

(3) Same as the Executive.

(4) Increases the maximum initial license and annual renewal fee for a certified or registered real estate appraiser from \$125 to \$175; increases the maximum fee for appraiser assistants from \$50 to \$100.

(4) Same as the Executive.

(5) Changes the time periods for the Division of Real Estate and Professional Licensing to act on a complaint.

(5) Same as the Executive.

(6) Changes the procedures the Superintendent of Real Estate and Professional Licensing must follow in handling and investigating a complaint, including eliminating the requirement of a mandatory meeting but enabling a mediation meeting. Suggests the Real Estate Appraiser Board impose a fine of up to \$2,500 per violation, as a discretionary action.

(6) Same as the Executive.

Fiscal effect: Gain in revenue of approximately \$180,000 over the biennium to the Real Estate Appraiser Operating Fund (Fund 6A40). Potential decrease in administrative costs.

Fiscal effect: Same as the Executive.

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12 COM - 17 Merger of Division of Labor and Worker Safety with Division of Industrial Compliance

Sections: 121.04, 121.08, 121.083, 121.084, 124.11, 3301.55, 3703.01, 3703.03 to 3703.08, 3703.10, 3703.21, 3703.99, 3713.01 to 3713.10, 3721.071, 3722.02, 3722.04, 3722.041, 3743.04, 3743.25, 3781.03, 3781.102, 3781.11, 3783.05, 3791.02, 3791.04, 3791.05, 3791.07, 4104.01, 4104.02, 4104.06 to 4104.101, 4104.12, 4104.15 to 4104.19, 4104.21, 4104.33, 4104.42 to 4104.44, 4104.48, 4105.01, et al. Section 241.20

Sections: 121.04, 121.08, 121.083, 121.084, 124.11, 3301.55, 3703.01, 3703.03 to 3703.08, 3703.10, 3703.21, 3703.99, 3713.01 to 3713.10, 3721.071, 3722.02, 3722.04, 3722.041, 3743.04, 3743.25, 3781.03, 3781.102, 3781.11, 3783.05, 3791.02, 3791.04, 3791.05, 3791.07, 4104.01, 4104.02, 4104.06 to 4104.101, 4104.12, 4104.15 to 4104.19, 4104.21, 4104.33, 4104.42 to 4104.44, 4104.48, 4105.01, et al. Section 241.20

(1) Combines the Division of Labor and Worker Safety and the Division of Industrial Compliance in the Department of Commerce into the Division of Labor in the Department of Commerce, which will be led by the Superintendent of Labor.

(1) Same as the Executive.

(2) Transfers the duties of the Superintendent of Labor and Worker Safety, the Division of Labor and Worker Safety, the Superintendent of Industrial Compliance, and the Division of Industrial Compliance to the Superintendent of Labor and the Division of Labor.

(2) Same as the Executive.

(3) Renames the Industrial Compliance Operating Fund the Labor Operating Fund.

(3) Same as the Executive.

Fiscal effect: Potential minimal increase in administrative costs in the short term to effectuate the merger, but potential long-term decreases in administrative costs to the extent that operations are streamlined.

Fiscal effect: Same as the Executive.

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13 COM - 9 Small Government Fire Departments

Section: 241.10

Permits, notwithstanding R.C. 3737.17, GSF Fund 5F10 appropriation item 800635, Small Government Fire Departments, to be used to provide loans to private fire departments.

Section: 241.10

Same as the Executive.

14 COM - 10 Unclaimed Funds Payments

Section: 241.10

Requires GSF Fund 5430 appropriation item 800625, Unclaimed Funds-Claims, to be used to pay claims under R.C. 169.08 and appropriates additional amounts for this purpose if necessary, ensuring that unclaimed funds owners receive the funds due them.

Section: 241.10

Same as the Executive.

15 COM - 11 Unclaimed Funds Transfers

Section: 241.10

Requires the Director of Commerce to transfer up to \$200 million of unclaimed funds to the GRF prior to June 30, 2010 and another \$85 million of unclaimed funds to the GRF prior to June 30, 2011.

Section: 241.10

Same as the Executive, but increases the amount of unclaimed funds that may be transferred to \$250 million in FY 2010 and to \$135 million in FY 2011.

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16 COM - 12 Fire Department Grants

Section: 241.10

Earmarks from SSR Fund 5460 appropriation item 800639, Fire Department Grants, (1) up to \$760,000 in each fiscal year to make annual grants to volunteer fire departments of up to \$10,000 or up to \$25,000 if the volunteer fire department provides service for an area affected by a natural disaster, and (2) up to \$887,140 in each fiscal year for full or partial reimbursement to local units of government and fire departments for firefighter training and equipment, with priority given to fire departments that serve small villages and townships.

Section: 241.10

Same as the Executive.

17 COM - 24 Cash Transfers to the Real Estate Operating Fund

No provision.

Section: 241.10

Requires the Director of OBM, upon the request of the Director of Commerce, to transfer to the Real Estate Operating Fund (Fund 5490), (a) \$1.3 million over the FY 2010-FY 2011 biennium from the Real Estate Education and Research Fund (Fund 5470) and (b) \$600,000 over the FY 2010-FY 2011 biennium from the Real Estate Recovery Fund (Fund 5480).

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18 COM - 23 Division of Securities Technology Upgrades

(1) No provision.

Section: 241.10

(1) Requires such sums as are necessary over the biennium to be spent from SSR Fund 5500 appropriation item 800617, Securities, to support the development and implementation of information technology solutions designed to better protect the interests of investors and the public.

(2) No provision.

(2) Requires that these improvements enhance the ability to monitor complaints and actions against persons under Chapter 1707. of the Revised Code or defined as fraudulent in that chapter or any other deceptive scheme or practice in connection with the sale of securities.

(3) No provision.

(3) Permits the Director of Commerce to seek assistance from DAS in developing and implementing these information technology improvements.

19 COM - 13 Increased Appropriation - Merchandising

Section: 241.10

Specifies that the Division of Liquor Control must use LCF Fund 7043 appropriation item 800601, Merchandising, for operating expenses to pay for liquor products. Provides for additional appropriations that may be necessary.

Section: 241.10

Same as the Executive.

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20 COM - 14 Development Assistance Debt Service

Section: 241.10

Establishes that LCF Fund 7043 appropriation item 800633, Development Assistance Debt Service, is to pay debt service on bonds issued to support the Chapter 166 loan program operated by the Department of Development and appropriates additional sums if necessary.

Section: 241.10

Same as the Executive.

21 COM - 15 Revitalization Debt Service

Section: 241.10

Requires that LCF Fund 7043 appropriation item 800636, Revitalization Debt Service, be used to pay debt service on bonds issued for the urban revitalization component of the Clean Ohio bond program and appropriates additional amounts if necessary. Appropriation \$15,632,800 for this purpose in FY 2010 and \$20,359,000 in FY 2011.

Section: 241.10

Same the Executive.

22 COM - 16 Administrative Assessments

Section: 241.10

Specifies that the Division of Administration Fund (Fund 1630) is entitled to receive assessments from all operating funds of the Department, subject to OBM approval, in order to pay for centralized services such as communications, fiscal administration, human resources, legal, legislative affairs, quality control, training, employee development, and support services.

Section: 241.10

Same as the Executive.

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23 DOH - 23 Cash Transfer from Liquor Control Fund to Alcohol Testing and Permit Fund

Section: 289.20

Specifies that the Director of Budget and Management must set a schedule to transfer cash from LCF Fund 7043, Liquor Control, used primarily by the Department of Commerce, to SSR Fund 5C00, Alcohol Testing and Permit, used by the Department of Health, to meet the operating needs of the Alcohol Testing and Permit Program. Allows the Director to transfer amounts as determined by the transfer schedule.

Section: 289.20

Same as the Executive.
