

Executive

As Passed by the House

As Reported by Senate Finance

COMCD25 Construction Compliance

No provision.

No provision.

R.C. 126.021, Section 515.50

Transfers the Construction Compliance Section of the Equal Employment Opportunity Office of the Department of Administrative Services (DAS) and all of its functions, together with its assets and liabilities, from within DAS to within the Department of Commerce.

Fiscal effect: Redirects GRF funding of \$920,000 per year for the Construction Compliance Section from DAS line item 102321, Construction Compliance, to COM line item 800401, Construction Compliance.

COMCD20 Assessments for Video Service Providers

No provision.

R.C. 1332.24

Requires assessments for video service providers, imposed by the Director of Commerce, to be deposited into the Video Service Authorization Fund (Fund 5X60) rather than the Division of Administration Fund (Fund 1630).

Fiscal effect: Provides ongoing adequate funding to support appropriations for the video service regulation program from Fund 5X60.

R.C. 1332.24

Same as the House.

Fiscal effect: Same as the House.

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COMCD4 Consent to Service of Process in Connection with Regulation D Exemption Notice Filings

R.C. 1707.11

Removes the requirement that a person not organized under Ohio law, not licensed as a foreign corporation, or that does not have a principal place of business in Ohio submit a consent to service of process when filing for an exemption for a security offered or sold in reliance on Regulation D of the Securities Act of 1933.

Fiscal effect: Conforms Ohio to the majority of states that have discontinued this requirement. Reduces the number of forms required to be filed with the Division of Securities.

R.C. 1707.11

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 1707.11

Same as the Executive.

Fiscal effect: Same as the Executive.

COMCD5 Waiver of Certain Securities Investment License, Renewal, and Notice Filing Fees

R.C. 1707.17

Permits the Division of Securities to waive, in part or in whole, certain license, renewal, and notice filing fees for dealers, salespersons, investment advisors, investment advisor representatives, state retirement system investment officers, or Bureau of Workers' Compensation chief investment officers involved in securities investment if the waiver is in the public interest and protects securities investors.

R.C. 1707.17

Same as the Executive.

R.C. 1707.17

Same as the Executive, but limits the application of the fee waiver provision to circumstances in which the applicable individuals subject to a fee would be required to pay an additional fee in the same calendar year as a result of certain changes in the Dodd-Frank Financial Reform law requiring them to be subject to state regulation rather than federal regulation.

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Fiscal effect: Minimal loss in revenue to the Division of Securities Fund (Fund 5500). This provision, though it applies to a broad range of circumstances, provides the Division the flexibility to waive fees in circumstances where a registrant would be forced to pay a double fee, for example. One such circumstance results from a provision in the federal Dodd/Frank Financial Reform Act of 2010. Effective July 21, 2011, that act requires states to be the primary regulator of investment advisors having up to \$100 million in assets under management. Currently, states regulate investment advisors with up to \$30 million in assets under management and the Securities and Exchange Commission (SEC) regulates entities above that threshold. As a result of the federal law, some investment advisors will be switching from regulation by the SEC to regulation by the state and thus must pay a filing fee of \$100. According to COM, investment advisor firms switching to Ohio regulation already had to pay a \$100 filing fee at the beginning of this year even though they were regulated by the SEC. This provision allows the additional filing fee for firms switching regulators to be waived.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive, though the potential loss in revenue may be smaller as a result of the more narrow circumstances in which a fee could be waived.

COMCD6 Increase in Credit Union Share Guaranty Corporation Annual Fee

R.C. 1761.04

Increases the maximum annual fee placed on credit union share guaranty corporations from \$5,000 to \$50,000 (unchanged is the basis for the fee, which is 0.5% of a corporation's guarantee fund as shown by the corporation's last annual financial report).

R.C. 1761.04

Same as the Executive, but reduces the maximum annual fee to \$25,000.

R.C. 1761.04

Same as the House.

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As Passed by the House

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Fiscal effect: Gain in revenue to the Credit Unions Fund (Fund 5520) of up to \$45,000 per year. Currently, there is only one credit union share guaranty corporation operating in Ohio, American Share Insurance (ASI). Increasing the maximum fee that may be charged is intended to make a credit union share guarantee corporation's assessment more comparable to what credit unions of similar size and complexity pay to the Division of Financial Institutions.

Fiscal effect: Same as the Executive, but reduces the gain in revenue to Fund 5520 by up to \$25,000 per year.

Fiscal effect: Same as the House.

COMCD7 Prevailing Wage Law Modifications

R.C. 4115.03, 4115.033, 4115.034, 4115.04, 4115.10, and 4115.16. Repealed: R.C. 4115.032

R.C. 4115.03, 4115.033, 4115.034, 4115.04, 4115.10, and 4115.16. Repealed: R.C. 4115.032 and 4582.37

R.C. 4115.03, 4115.033, 4115.034, 4115.04, 4115.05, 4115.10, 4115.13, and 4115.16. Repealed: R.C. 4115.032 and 4582.37

(1) Increases the current statutory monetary thresholds for determining when the Prevailing Wage Law applies to public improvements other than roads, sewers, ditches, and other related projects from \$78,258 (the inflation-adjusted statutory baseline threshold of \$50,000) to \$5 million for new construction and from \$23,447 (the inflation-adjusted statutory baseline threshold of \$15,000) to \$5 million for reconstruction. Requires these amounts to be adjusted biennially by the Director of Commerce, as under current law.

(1) Same as the Executive, but reduces the statutory monetary threshold for determining when the Prevailing Wage Law applies to construction and reconstruction on public improvements other than roads, sewers, ditches, and other related works, to \$3.5 million, still to be adjusted biennially by the Director of Commerce.

(1) Same as the House, but (a) reduces the statutory monetary threshold for determining when the Prevailing Wage Law applies to construction and reconstruction on public improvements other than roads, sewers, ditches, and other related works, to \$125,000 for the first year after the effective date of the amendment, \$200,000 for the second year, and \$250,000 thereafter, with no biennial adjustments and (b) reduces the statutory monetary threshold for determining when the Prevailing Wage Law applies to reconstruction on public improvements other than roads, sewers, ditches, and other related works, to \$38,000 for the first year after the effective date of the amendment, \$60,000 for the second year, and \$75,000 thereafter, with no biennial adjustments.

(2) Retains the Prevailing Wage Law thresholds at their current, inflation-adjusted levels for roads, sewers, ditches, and other related projects.

(2) Same as the Executive.

(2) Same as the Executive.

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As Passed by the House

As Reported by Senate Finance

(3) Excludes from the definition of "public improvement" an improvement that is neither constructed by a public authority nor constructed for the benefit of a public authority, even if the improvement uses or receives financing, grants, or in-kind support from a public authority.

(3) Same as the Executive.

(3) No provision.

(4) Exempts from the Prevailing Wage Law public improvements undertaken by, or under contract for, state institutions of higher education.

(4) Same as the Executive.

(4) No provision.

(5) No Provision.

(5) Exempts from the Prevailing Wage Law public improvements undertaken by, or under contract for, a port authority created by a municipal corporation, township, or county after 1964 under R.C. 4582.02 or 4582.22 and repeals the prevailing wage requirement that applies to the construction or repair of a port authority facility.

(5) Same as the House.

(6) No provision.

(6) No provision.

(6) Exempts from the Prevailing Wage Law any portion of a public improvement that is undertaken and completed solely with donated labor.

(7) Prohibits a public authority from applying prevailing wage requirements to a public improvement that is undertaken by, or under contract for, a state institution of higher education, a school district, or an education service center.

(7) Same as the Executive, but removes the prohibition against a public authority applying prevailing wage requirements to a public improvement undertaken by, or under contract for, a state institution of higher education.

(7) Same as the House.

(8) Repeals a provision of the Prevailing Wage Law that deemed certain projects to be public improvements and required all contractors and subcontractors on those projects to comply with the Prevailing Wage Law.

(8) Same as the Executive.

(8) Same as the Executive.

(9) Removes the right of an interested party to sue regarding a violation of the Prevailing Wage Law when the Director of Commerce fails to rule on the merits of an administrative complaint within 60 days after the party files that complaint with the Director.

(9) Same as the Executive.

(9) No provision.

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As Passed by the House

As Reported by Senate Finance

(10) No provision.

(10) No provision.

(10) Increases the time in which the Director or the designated representative must conclude the investigation and make the necessary recommendation, from 60 days to 120 days, with up to a 90-day extension if the parties are given proper notice and a longer a extension if agreed to by the parties. Specifies that the Director make a determination, rather than a recommendation, concerning alleged violations of the Law.

(11) No provision.

(11) No provision.

(11) Changes the definition of "interested party" so that contractors, subcontractors, labor organizations, and trade associations are interested parties only with respect to the particular public improvement contract with which they, or their members are involved.

(12) No provision.

(12) No provision.

(12) Requires all interested party complaints to allege a specific complaint by a specific contractor or subcontractor, in writing, on a form furnished by the Director and to include sufficient evidence to justify the complaint and prohibits the Director from investigating an interested party complaint that does not satisfy those requirements.

(13) No provision.

(13) No provision.

(13) Allows contractors, subcontractors, and public authorities to exceed the permissible ratio of apprentices to skilled workers by two or fewer apprentices for no more than two days in any 30-day period.

(14) No provision.

(14) No provision.

(14) Requires labor organizations to file with the Director, for purposes of determining the prevailing wage rate, the relevant portions of any applicable collective bargaining agreement, contract, or understanding within 90 days after executing the agreement or within 90 days after the amendment's effective date if the agreement is in effect on the effective date of the amendment. Requires those labor organizations also to certify under penalty of law that the portions of the agreement, contract, or understanding filed

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As Passed by the House

As Reported by Senate Finance

(15) No provision.

(15) No provision.

contains, in full, all provisions of the agreement, contract, or understanding concerning wages paid to persons and apprentice to skilled worker ratios under the agreement, contract, or understanding.

(15) Specifies that any change in the prevailing wage rate on an ongoing project takes effect two weeks after the Director receives the relevant portion of any agreement, contract, or understanding showing that the prevailing wage rate has changed.

(16) No provision.

(16) No provision.

(16) Provides that no contractor or subcontractor is responsible for paying the penalties under the Prevailing Wage Law for its subcontractor's violation of the Law, if the contractor or subcontractor made a good faith effort to ensure that its subcontractors complied with the Law.

(17) No provision.

(17) No provision.

(17) Exempts from further liability any contractor or subcontractor whose underpayment to an employee is less than \$1,000 if the contractor or subcontractor makes full restitution to the affected employee.

Fiscal effect: Uncertain. These provisions could lower the cost of a public improvement project falling under the proposed threshold amounts, but it could be that the savings in labor costs are put toward expanding the scope of the project. A reduction in labor costs could also result in certain tax effects that are difficult to quantify. Finally, the change in (7) above could reduce enforcement costs for the Department's Labor and Wage Section (LAWS) by preventing an interested party filing in court before LAWS has made a determination on the alleged violation.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive, but (a) reduces the number of projects to which an exemption of the Prevailing Wage Law would apply, (b) may reduce the number of complaints filed and investigated by the Labor and Wage Section, (c) may reduce enforcement costs for LAWS by increasing the amount of time to complete an investigation before an interested party files in court, and (d) may reduce prevailing wage penalty revenue received by the Labor Operating Fund (Fund 5560).

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As Passed by the House

As Reported by Senate Finance

COMCD8 Prevailing Wage Funds

R.C. 4115.10, 4115.101, Section 512.70

(1) Abolishes the Penalty Enforcement Fund (Fund 5K70) and instead requires that moneys received from prevailing wage penalties be deposited into the Labor Operating Fund (Fund 5560).

(2) Requires the Director of Commerce, if the Director determines that any back wages in the Prevailing Wage Custodial Fund are not returnable to employees, to certify to the Treasurer of State the amount of the funds that are not returnable. Requires the Treasurer, upon receipt of such certification, to transfer the certified amount of the funds from the Prevailing Wage Custodial Fund to Fund 5560.

(3) Requires the Director of OBM to transfer the cash balance of Fund 5K70 to Fund 5560 on July 1, 2011, or as soon as possible thereafter. Abolishes Fund 5K70 upon completion of the transfer.

Fiscal effect: Potential gain in revenue to Fund 5560 from the transfer of cash from Fund 5K70 and from any back wages certified as non-returnable to employees. As of the end of FY 2010, the cash balance of Fund 5K70 was approximately \$132,000. Currently, the cash balance is approximately \$54,700.

R.C. 4115.10, 4115.101, Section 512.70

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 4115.10, 4115.101, Section 512.70

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

Fiscal effect: Same as the Executive.

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As Passed by the House

As Reported by Senate Finance

COMCD24 Alcohol Content of Beer

No provision.

No provision.

R.C. 4301.01

Increases the legally permitted alcohol content of beer from 12% to 18% of alcohol by volume.

Fiscal effect: Minimal gain in revenue to the GRF from the alcoholic beverage and sales taxes if the provision leads to an increase in sales from specialty beers that have higher alcohol contents.

COMCD26 Spirituous Liquor Samples

No provision.

No provision.

R.C. 4301.17, 4301.62

Authorizes spirituous liquor agency stores to sell spirituous liquor tasting samples in accordance with rules adopted by the Division of Liquor Control, and exempts consumption of such spirituous liquor from the Open Container Law.

Fiscal effect: Potential minimal gain in revenue to the GRF from the liquor gallonage and sales taxes if the provision leads to increased sales of spirituous liquor.

COMCD23 Sale of Beer for Personal Consumption by A-1 Permit Holder

No provision.

R.C. 4303.02

Allows an A-1 liquor permit holder (a manufacturer of beer, ale, stout, and other malt liquors) to sell beer and beer products at retail, by the individual drink in a glass or from a container, for consumption on the premises of the permit holder.

R.C. 4303.02

Same as the House, but clarifies that the permit holder only may sell beer manufactured on the premises.

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As Passed by the House

As Reported by Senate Finance

Fiscal effect: Minimal. There are currently around 60 A-1 permit holders across the state. **Fiscal effect: Same as the House.**

COMCD22 Issuance of F-9 Liquor Permits to Certain City Parks

R.C. 4303.209, 4301.62

R.C. 4303.209, 4301.62

(1) No provision.

(1) Allows an F-9 liquor permit authorizing the sale of beer or intoxicating liquor by the individual drink to be issued to a nonprofit corporation that operates a city park or provides or manages entertainment for a nonprofit corporation that operates a city park.

(1) Same as the House.

(2) No provision.

(2) Specifies that the permit may be issued only in a park that is located in a county with a population of between 1.1 million and 1.2 million on the amendment's effective date.

(2) Same as the House.

(3) No provision.

(3) Allows the Division of Liquor Control to issue separate F-9 permits to a nonprofit corporation that operates a city park and a nonprofit corporation that provides or manages entertainment programming for the city park that are effective during the same time period, but specifies that the permit privileges may be exercised by only one of the permit holders at specific events and requires the other permit holder to certify to the Division that it will not use its permit privileges during that specific event.

(3) Same as the House.

(4) No provision.

(4) Requires the premises on which an F-9 permit will be used to be clearly defined and sufficiently restricted to allow proper supervision of the permit's use by state and local law enforcement officers and limits sales under an F-9 permit to the same hours permitted under a D-3 permit (until 1 a.m.).

(4) Same as the House.

(5) No provision.

(5) Specifies that the fee for an F-9 permit is \$1,700 and that an F-9 permit is effective for up to nine months. Prohibits an F-9 permit holder from transferring or renewing the permit,

(5) Same as the House.

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As Passed by the House

As Reported by Senate Finance

but allows an F-9 permit holder to apply for a new F-9 permit at any time. Requires the permit holder to notify in advance the Division of Liquor Control, the Department of Public Safety, and certain local law enforcement officers about the events at which beer or intoxicating liquor will be sold.

(6) No provision.

(6) Specifies that an application for the issuance of an F-9 permit is subject to existing local notice and hearing requirements.

(6) Same as the House.

(7) No provision.

(7) Allows a person to have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if certain conditions are met.

(7) Same as the House.

Fiscal effect: Potential minimal gain in revenue to the Undivided Liquor Permit Fund (Fund 7066), which would subsequently be distributed to the GRF (45%), the local taxing district where the permit was issued (35%), and the Statewide Treatment and Prevention Fund (Fund 4750) used by the Department of Alcohol and Drug Addiction Services (20%). The provision applies to Columbus Commons in downtown Columbus.

Fiscal effect: Same as the House.

COMCD9

Transfer of Spirituous Liquor Distribution System to Jobs Ohio

R.C. 4313.02, 4313.01, 4301.12

(1) Authorizes the state to transfer to JobsOhio all or a portion of the enterprise acquisition project for a transfer price payable by JobsOhio to the state, and requires any such transfer to be treated as an absolute conveyance and true sale of the interest in the enterprise acquisition project.

R.C. 4313.02, 4313.01, 4301.12; Section 801.30

(1) Same as the Executive.

R.C. 4313.02, 4313.01, 4301.12; Section 801.30

(1) Same as the Executive.

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(2) Prohibits the characterization of any such transfer as a true sale and absolute conveyance from being negated or adversely affected by (a) the acquisition or retention by the state of a residual interest in the enterprise acquisition project, (b) the participation of any state officer or employee as a member or officer of, or provision of staff support to, JobsOhio, (c) any responsibility an officer or employee of the state may have to collect amounts to be received by JobsOhio from the enterprise acquisition project, or the retention of the state of any legal title to or interest in any portion of the enterprise acquisition project for the purpose of these collection activities, or (d) any characterization of JobsOhio or obligations of JobsOhio under accounting, taxation, or securities regulations, or (e) any other reason whatsoever.

(2) Same as the Executive.

(2) Replaces the Executive provision with a provision that prohibits the characterization of any such transfer as a true sale and absolute conveyance from being negated or adversely affected by (a) the acquisition or retention by the state of a residual or reversionary interest in the enterprise acquisition project, (b) the participation of any state officer or employee as a member or officer of JobsOhio or any subsidiary of JobsOhio, (c) any regulatory responsibility of an officer or employee of the state, including the authority to collect amounts to be received in connection therewith, or (d) the retention of the state of any legal title to or interest in any portion of the enterprise acquisition project for the purpose of regulatory activities.

(3) Defines the "enterprise acquisition project" as all or any portion of the capital or other assets of the Liquor Control Commission or the Division of Liquor Control (DOLC), including inventory, real property rights, equipment, furnishings, the spirituous liquor distribution system, the monetary management system, warehouses, contract rights, rights to take assignment of contracts and related receipts and revenues, accounts receivable, the exclusive right to manage and control spirituous liquor distribution and sales in the state and to sell spirituous liquor in the state, and the assets and liabilities of the existing Facilities Establishment Fund.

(3) Same as the Executive, but (a) removes from the definition all or any portion of the capital or other assets of the Liquor Control Commission, (b) adds that the enterprise acquisition project means the capital or other assets of the spirituous liquor distribution and merchandising operations of DOLC, and (c) specifies that the spirituous liquor distribution system includes transportation.

(3) Same as the House.

(4) Defines "spirituous liquor profits" as all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in R.C. 4301.10(B)(4), after paying all costs and expenses of JobsOhio and DOLC and providing an adequate working capital reserve for JobsOhio and DOLC, but excluding the liquor gallonage tax, as it was in

(4) Replaces the Executive provision with a provision providing that "spirituous liquor profits" means all receipts representing the gross profit on the sale of spirituous liquor, as referred to in R.C. 4301.10(B)(4), less the costs, expenses, and working capital provided for therein, but excluding the liquor gallonage tax, as it was in effect on May

(4) Same as the House.

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effect on May 2, 1980, to be paid into the state treasury.

2, 1980, to be paid into the state treasury. Specifies that from and after the initial transfer of the enterprise acquisition project to JobsOhio and until the project is transferred back to the state, the reference in R.C. 4301.10(B)(4) to all costs and expenses of and an adequate working capital reserve for DOLC is to be considered of or for JobsOhio.

(5) Requires any transfer of the enterprise acquisition project that is a lease or grant of a franchise to be for a term not to exceed 25 years or that is an assignment and sale, conveyance, or other transfer to contain a provision that the state has the option to purchase back or have conveyed or transferred back to it the enterprise acquisition project no later than 25 years after the original transfer was authorized.

(5) Same as the Executive, but specifies that any transfer must contain a provision that the state has the option to have the enterprise acquisition project conveyed or transferred back to it at no cost.

(5) Same as the House.

(6) Specifies that any real or personal property of JobsOhio that is acquired, leased, or subleased under the bill and the purchase and sale of that property must be exempt from value added, sales, use, and franchise taxes and to zoning, planning, and building regulations and fees to the same extent and in the same manner as if title to that property was in the name of DOLC. In addition, exempts all income of JobsOhio from taxation in Ohio to the same extent and in the same manner as if received by the Division.

(6) Replaces the Executive provision with provisions that (a) continue the exemption from real property taxes or assessments for all or any portion of the enterprise acquisition project that would be exempt from such taxes or assessments in the absence of a transfer of the enterprise acquisition project to JobsOhio, (b) exempts the gross receipts and income of JobsOhio derived from the enterprise acquisition project from taxation by the state and political subdivisions, including, but not limited to, municipal income taxes, the sales tax, use tax, and the commercial activities tax, and (c) exempts any transfer of the enterprise acquisition project from the state to JobsOhio from sales and use taxes.

(6) Same as the House.

(7) States that the proceeds of any transfer may be expended as provided in the transfer agreement for any one or more of the following purposes: (a) Funding, payment, or defeasance of outstanding bonds secured by a pledge of spirituous liquor profits, (b) deposit into the GRF, (c) deposit into certain specified funds used by the Department of

(7) Same as the Executive, but clarifies that the transfer proceeds may be used to fund, pay, or defease outstanding bonds secured by pledged liquor profits as those profits are defined in R.C. 151.40.

(7) Same as the House.

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Development, and (d) conveyance to JobsOhio for the purposes for which it was created.

(8) Permits the state to covenant, pledge, and agree in the transfer agreement, with and for the benefit of JobsOhio, that it will maintain statutory authority for the enterprise acquisition project and the revenues of the enterprise acquisition project and not otherwise materially impair any obligations supported by a pledge of revenues of the enterprise acquisition project.

(8) Same as the Executive.

(8) Same as the Executive.

(9) Allows the Governor, Director of Development, Director of Commerce, and the Director of OBM to take any action and execute any documents, including transfer agreements, necessary to effect the transfer and the acceptance of the transfer of the enterprise acquisition project.

(9) Same as the Executive, but adds that these individuals may take any action and execute any documents without need for any other approval.

(9) Replaces the House provision with a provision that permits the Director of OBM, in consultation with the Director of Commerce, to, without need for any other approval, negotiate terms of any documents, including the transfer agreement, necessary to effect the transfer and the acceptance of the transfer of the enterprise acquisition project and requires the Director of Commerce to execute the transfer agreement on behalf of the state.

(10) Permits the Director of OBM, Director of Commerce, and Director of Development, without need for any other approval, to retain or contract for the services of commercial appraisers, underwriters, investment bankers, and financial advisors, as are necessary in their judgment to effect the transfer agreement.

(10) Same as the Executive.

(10) Same as the Executive, but authorizes only the Director of OBM to carry out these functions.

(11) No provision.

(11) Permits the Director of OBM to create any funds or accounts, within or without the state treasury, as are needed for the transactions and activities authorized to transfer the enterprise acquisition project to JobsOhio.

(11) Same as the House.

(12) Permits the transfer agreement to authorize JobsOhio to sell, lease, release, or otherwise dispose of real and personal property or interests therein, or a combination thereof, acquired by JobsOhio and no longer needed for the

(12) Same as the Executive, but adds that JobsOhio may sell, lease, release, or otherwise dispose of such real and personal property acquired by it and no longer needed for the purposes of the enterprise acquisition project (in addition

(12) Replaces the House provision with a provision that permits the transfer agreement to authorize JobsOhio, in the ordinary course of doing business, to convey, lease, release, or otherwise dispose of any regular inventory or tangible

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purposes of R.C. 4313 or of JobsOhio and permits JobsOhio to grant such easements and other interests and rights in, over, under, or across all or a portion of the enterprise acquisition project as will not interfere with its use of such property. Specifies that such sale, lease, release, disposition, or grant to be made without competitive bidding and in such manner and for such consideration as Jobs Ohio in its judgment deems appropriate.

to the purposes of R.C. 4313 and JobsOhio, as in the Introduced version).

personal property.

(13) No provision.

(13) Subject to specified provisions, states that ownership of the interest in the enterprise acquisition project that is transferred to JobsOhio must be maintained in JobsOhio or a nonprofit entity the sole member of which is JobsOhio until the enterprise acquisition project is transferred back to the state.

(13) Same as the House, but removes language specifying that this provision is subject to the specified provisions.

(14) Permits the transfer agreement to authorize JobsOhio to fix, alter, and collect rentals and other charges for the use and occupancy of all or any portion of the enterprise acquisition project, to lease all or a portion of the enterprise acquisition project to others, including a contract with, or the granting of an option to, the state or the lessee to purchase the enterprise acquisition project for such price as JobsOhio, in its sole discretion, determines to be appropriate, or for a price determined in accordance with the terms of the transfer agreement after retirement or redemption, or provision therefor, of all obligations supported by a pledge of spirituous liquor profits.

(14) Same as the Executive, but requires the transfer agreement to include a contract with, or the granting of an option to, the state to have the enterprise acquisition project, as it then exists, transferred back to it without charge in accordance with the terms of the transfer agreement after retirement or redemption of all obligations supported by a pledge of spirituous liquor profits.

(14) Same as the House, but clarifies that JobsOhio may lease any portion of the enterprise acquisition project to the state, rather than to others.

(15) Permits JobsOhio, the Director of OBM, the Director of Commerce, and the Director of Development, without the need for any other approval, to enter into a contract, which may be part of the transfer agreement, establishing the terms and conditions for the assignment of certain duties to, and the provision of advice, services, and other assistance

(15) Same as the Executive, but further clarifies that JobsOhio, the Director of OBM, the Director of Commerce, and the Director of Development may, without need for any other approval, enter into a contract for the continuing operation by DOLC of spirituous liquor distribution and merchandising subject to standards for performance

(15) Same as the House, but (a) requires, rather than permits, JobsOhio, the Director of OBM, and the Director of Commerce to enter into such a contract, (b) requires the contract to be subject to approval by the Controlling Board, (c) removes the Director of Development as a party to the contract, and (d) requires, rather than permits, the contract

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As Passed by the House

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by, DOLC with respect to the operation of the enterprise acquisition project, including providing for the necessary staffing and payment by JobsOhio of appropriate compensation to DOLC.

provided in that contract that may relate to the bill's provisions governing the transfer agreement and the impairment of obligations supported by pledged revenues.

to establish other terms and conditions for the assignment of duties to, and the provision of advice, services, and other assistance by, DOLC, including providing for the necessary staffing and payment by JobsOhio of appropriate compensation to DOLC for the performance of such duties.

(16) No provision.

(16) States that the provisions of, and activities under, any contract for the continuing operation by DOLC of spirituous liquor distribution and merchandising are subject to the requirements of current law regarding the following powers and duties of DOLC: (a) controlling the traffic in beer and intoxicating liquor in the state, including the manufacturing, importation, and sale of beer and intoxicating liquor, (b) operating, managing, and controlling a system of state liquor stores for the sale of spirituous liquor, (c) determining the locations of all state liquor stores and manufacturing, distributing, and bottling plants required in connection with those stores, (d) fixing the wholesale and retail prices of spirituous liquor sold by DOLC, and (e) allocating the equitable distribution of state liquor stores and agency stores in the state.

(16) Replaces the House provision with a provision that requires DOLC to manage and actively supervise the activities required or authorized under current law regarding the powers and duties of DOLC, as those powers exist on the effective date of the bill's provisions governing the transfer, including controlling the traffic in beer and intoxicating liquor in Ohio and fixing the wholesale and retail prices at which the various classes, varieties, and brands of spirituous liquor are sold.

(17) No provision.

(17) Requires the transfer agreement between the state and JobsOhio to include a requirement that JobsOhio pay for the operations of DOLC with regard to DOLC's spirituous liquor merchandising operations and requires the payments from JobsOhio to be deposited into the state treasury to the credit of the Liquor Control Fund (Fund 7043).

(17) Same as the House.

(18) No provision.

(18) No provision.

(18) Requires the transaction and transfer to comply with all applicable provisions of the Ohio Constitution.

(19) Authorizes revenue resulting from any contracts with the Department of Commerce pertaining to responsibilities and operations described in the Liquor Control Law to be credited

(19) Same as the Executive.

(19) Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

to the Liquor Control Fund (Fund 7043). Allows the Director of OBM to transfer money from the GRF to Fund 7043 if the Director determines that the amount in Fund 7043 is insufficient.

(20) No provision.

(20) States that the revenue estimates for FY 2012 assume receipt of \$500 million in cash from JobsOhio pursuant to the transfer of the enterprise acquisition project.

(20) Same as the House.

Fiscal effect: The Governor's proposal envisions the transaction yielding at least \$1.2 billion, though the final amount will depend on the terms of the transfer agreement. The transfer fee to the state would be funded through the issuance of revenue bonds by JobsOhio. Of the transfer proceeds, \$700 million will be needed to pay off outstanding bonds backed by liquor profits. In addition, \$500 million will be provided to the GRF to compensate the state for the loss of liquor profits. In addition, the agreement may also provide for annuity payments to the state beginning in FY 2014. The transfer agreement is expected to occur on or around January 1, 2012. As a result of the agreement, no FY 2013 appropriations have been provided to purchase spirituous liquor merchandise for resale or to pay the debt service on bonds backed by liquor profits.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

COMCD28 Real Estate Brokers Law Revisions

R.C. 4735.01, 4735.02, 4735.03, 4735.05, 4735.052, 4735.06, 4735.07, 4735.09, 4735.10, 4735.13, 4735.14, 4735.141, 4735.142, 4735.15, 4735.16, 4735.17, 4735.18, 4735.181, 4735.182, 4735.19, 4735.20, 4735.21, 4735.211, 4735.32, 4735.55, 4735.58, 4735.59, 4735.62, 4735.68, 4735.71, and 4735.74

No provision.

No provision.

Makes a variety of changes to the Real Estate Brokers Law, including the following:

(1) No provision.

(1) No provision.

(1) Limits or changes the exclusion of persons from the definitions of "real estate broker," "real estate salesperson," "foreign real estate dealer," and "foreign real estate salesperson."

(2) No provision.

(2) No provision.

(2) Limits members of the Ohio Real Estate Commission from holding office for more than two consecutive full terms.

(3) No provision.

(3) No provision.

(3) Requires the Superintendent of Real Estate to appoint a hearing examiner for proceedings involving disciplinary actions under the civil penalty section of the Real Estate Brokers Law.

(4) No provision.

(4) No provision.

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

(5) No provision.

(5) No provision.

(5) 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).

Executive

As Passed by the House

As Reported by Senate Finance

(6) No provision.

(6) No provision.

(6) Permits, instead of requires, the Director of Commerce to pay excess funds from the Real Estate Operating Fund (Fund 5490) to the Real Estate Education and Research Fund (Fund 5470).

(7) No provision.

(7) No provision.

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

(8) No provision.

(8) No provision.

(8) Changes the procedures regarding check or draft instruments used to pay fees that are returned unpaid, including the imposition in additional circumstances of a \$100 penalty fee for checks received with non-sufficient funds.

(9) No provision.

(9) No provision.

(9) Increases the maximum size of a loan that may be advanced from the Real Estate Education and Research Fund (Fund 5470) from \$800 to \$2,000.

(10) No provision.

(10) No provision.

(10) Clarifies when the initial year of a licensing period commences and ends for most licenses for the purposes of license renewal.

(11) No provision.

(11) No provision.

(11) Changes certain educational requirements for real estate brokers and salespersons, including the nature of the classroom instruction that may be used to fulfill the ten hours of instruction required.

(12) No provision.

(12) No provision.

(12) Requires a licensee to notify the Superintendent of Real Estate in writing, within 15 days, for certain categories of misconduct, including being the subject of an order revoking or permanently surrendering any professional license, certificate, or registration issued by certain public entities.

(13) No provision.

(13) No provision.

(13) Permits the Ohio Real Estate Commission to commence an investigation and take disciplinary action that relates to unlicensed persons and entities, in addition to

Executive

As Passed by the House

As Reported by Senate Finance

(14) No provision.

(14) No provision.

licensees.

(14) Makes certain changes with regard to advertising by real estate brokers or salespersons.

(15) No provision.

(15) No provision.

(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.

Fiscal effect: Provides greater flexibility and efficiency for the Division of Real Estate and Professional Licensing to carry out its duties by removing or lengthening various time limitations in addressing complaints and by making various other updates to the Real Estate Brokers Law. Provides additional means to bolster the fund balance of the Real Estate Operating Fund (Fund 5490) through various provisions.

COMCD29 Residential Construction Advisory Committee Membership

No provision.

No provision.

R.C. 4740.14, Section 747.40

Requires the terms of the members of the Residential Construction Advisory Committee to be staggered so that three members serve until June 30, 2012, three members serve until June 30, 2013, and three members serve until June 30, 2014. Specifies that, after the expiration of these appointments, all successive terms are to last for the three year period specified in continuing law.

Fiscal effect: None.

Executive

As Passed by the House

As Reported by Senate Finance

COMCD10 Small Government Fire Departments

Section: 243.10

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: 243.10

Same as the Executive.

Section: 243.10

Same as the Executive.

COMCD11 Unclaimed Funds Payments

Section: 243.10

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, thereby ensuring that unclaimed funds owners receive the funds due them.

Section: 243.10

Same as the Executive.

Section: 243.10

Same as the Executive.

COMCD12 Unclaimed Funds Transfers

Section: 243.10

Requires the Director of Commerce to transfer up to \$70 million of unclaimed funds to the GRF prior to June 30, 2012 and up to another \$85 million of unclaimed funds to the GRF prior to June 30, 2013.

Section: 243.10

Same as the Executive, but increases the amount transferred to \$115 million and \$100 million, respectively.

Section: 243.10

Same as the House.

Executive

As Passed by the House

As Reported by Senate Finance

COMCD13 Fire Department Grants

Section: 243.10

(1) Earmarks up to \$1,647,140 each year from SSR Fund 5460 appropriation item 800639, Fire Department Grants, for grants to volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships.

(2) Requires the grants to be used to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in the grant recipient's jurisdiction.

(3) Limits grant awards for firefighting or rescue equipment or gear or fire department costs of providing fire protection services to \$15,000 per fiscal year, or up to \$25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded, and to \$15,000 per fiscal year for full or partial reimbursement of the documented costs of firefighter training, which could be in addition to any grant funds awarded for equipment or fire protection services.

Section: 243.10

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

Section: 243.10

(1) Same as the Executive, but adds private fire companies to the list of entities eligible for the grants.

(2) Same as the Executive.

(3) Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

(4) Requires the State Fire Marshal to determine the total amounts to be allocated for each eligible purpose.

(4) Same as the Executive.

(4) Same as the Executive.

(5) Requires the State Fire Marshal to administer the grant program in accordance with rules adopted as part of the State Fire Code, which may further define eligible entities and establish criteria for the awarding and expenditure of grant funds.

(5) Same as the Executive.

(5) Same as the Executive.

(6) Permits any appropriations in excess of the amount allocated for the grants to be used to administer the grant program.

(6) Same as the Executive.

(6) Same as the Executive.

COMCD14 Cash Transfers to the Division of Securities Investor Education and Enforcement Expense Fund

Section: 243.10

Section: 243.10

Section: 243.10

Requires the Director of OBM, upon the request of the Director of Commerce, to transfer up to \$485,000 in cash in each fiscal year from the Division of Securities Fund (Fund 5500) to the Division of Securities Investor Education and Enforcement Expense Fund (Fund 5GK0).

Same as the Executive.

Same as the Executive.

COMCD21 Cash Transfer to Video Service Authorization Fund

Section: 243.10

Section: 243.10

No provision.

Requires the Director of OBM, upon the request of the Director of Commerce, to transfer up to \$340,000 in cash in each fiscal year from the Division of Administration Fund (Fund 1630) to the Video Service Authorization Fund (Fund 5X60).

Same as the House.

Executive

As Passed by the House

As Reported by Senate Finance

COMCD15 Increased Appropriation - Merchandising

Section: 243.10

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: 243.10

Same as the Executive.

Section: 243.10

Same as the Executive.

COMCD16 Development Assistance Debt Service

Section: 243.10

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

Section: 243.10

Same as the Executive.

Section: 243.10

Same as the Executive.

COMCD17 Revitalization Debt Service

Section: 243.10

Requires that LCF Fund 7043 appropriation item 800636, Revitalization Debt Service, be used to pay debt service and related financing costs in FY 2012 on bonds issued for the urban revitalization component of the Clean Ohio bond program and appropriates additional amounts if necessary.

Section: 243.10

Same as the Executive.

Section: 243.10

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

COMCD18 Liquor Control Fund Transfers

Section: 243.10

Authorizes the Director of OBM to transfer up to \$10,600,000 in FY 2012 and up to \$21,400,000 in FY 2013 from the GRF to the Liquor Control Fund (Fund 7043).

Specifies that the amounts transferred are to support the operations of the Department of Commerce, Liquor Control Commission, and the Department of Public Safety in carrying out the Liquor Control Law (Chapter 4301. of the Revised Code).

Section: 243.10

Same as the Executive, but decreases the amount of the FY 2012 transfer to up to \$7,390,407 and decreases the amount of the FY 2013 transfer to up to \$15,582,085.

Same as the Executive, but specifies that the portion of funding for the Department of Commerce is for the Division of Liquor Control's liquor permitting and compliance functions.

Section: 243.10

Same as the Executive, but increases the maximum amount of the FY 2013 transfer to \$21,800,000.

Same as the House.

COMCD19 Administrative Assessments

Section: 243.10

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: 243.10

Same as the Executive.

Section: 243.10

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

OBMCD34 Liquor Enterprise Transaction

Section: 229.10

(1) No provision.

(1) No provision.

(1) Requires GRF appropriation item 042423, Liquor Enterprise Transaction, to be used by the Director of OBM, without the need for any other approval, to retain or contract for the services of commercial appraisers, underwriters, investment bankers, and financial advisers, as are necessary in the Director's judgment to commence negotiation of the liquor enterprise transfer agreement authorized in the bill.

(2) No provision.

(2) No provision.

(2) Requires any amounts expended from appropriation item 042423 to be reimbursed from the proceeds of the enterprise acquisition project transaction.

(3) No provision.

(3) No provision.

(3) Permits the Director of OBM, in consultation with the Director of Commerce, to negotiate an initial agreement with JobsOhio and requires this initial agreement to be executed by the Directors of OBM and Commerce upon its completion.

Executive

As Passed by the House

As Reported by Senate Finance

DEVCD10 Prevailing Wage Requirements for Development Projects

R.C. 4115.032, (Repealed), 166.02, 1551.33, 1728.07, 4116.01, Repealed: 122.0818, 122.452, 165.031, 1551.13, 3706.042, 4981.23

R.C. 4115.032, (Repealed), 166.02, 1551.33, 1728.07, 4116.01, Repealed: 122.0818, 122.452, 165.031, 1551.13, 3706.042, 4981.23

R.C. 4115.032, (Repealed), 166.02, 1551.33, 1728.07, 4116.01, Repealed: 122.0818, 122.452, 165.031, 1551.13, 3706.042, 4981.23

Removes the requirements that prevailing wage be paid to contractors for:

Same as the Executive.

Same as the Executive.

(1) projects under the Department of Development's Job Ready Sites Program;

(1) Same as the Executive.

(1) Same as the Executive.

(2) any industrial, distribution, commercial, and research projects receiving funding from the Department under Chapter 122. of the Revised Code;

(2) Same as the Executive.

(2) Same as the Executive.

(3) projects involving the acquisition, construction, improvement, or equipping of property for industry, commerce, distribution, or research under Chapter 165. of the Revised Code;

(3) Same as the Executive.

(3) Same as the Executive.

(4) projects receiving funding from the Department under Chapter 166. of the Revised Code;

(4) Same as the Executive.

(4) Same as the Executive.

(5) energy resource development projects or facilities supported by the Department under Chapter 1551. of the Revised Code;

(5) Same as the Executive.

(5) Same as the Executive.

(6) projects undertaken by community urban redevelopment corporations in conjunction with municipal corporations under Chapter 1728. of the Revised Code;

(6) Same as the Executive.

(6) Same as the Executive.

(7) air quality projects financed by the Ohio Air Quality Development Authority under Chapter 3706. of the Revised Code; and

(7) Same as the Executive.

(7) Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

(8) rail service projects funded by the Ohio Rail Development Commission under Sections 4981.11 to 4981.26 of the Revised Code

(8) Same as the Executive.

(8) Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

HFACD1 Ohio Housing Study Committee

Section: 701.40

No provision.

Creates the Ohio Housing Study Committee for the purpose of reviewing the policies, programs, and partnerships of the Ohio Housing Finance Agency (OHFA). Requires the Committee to (1) perform a comprehensive review of Chapter 175. of the Revised Code, (2) review OHFA's relationships with its for-profit and non-profit partners, (3) review OHFA's leadership and the economic impact of its Single-Family Mortgage Revenue Bond Program, (4) review OHFA's Qualified Allocation Plan development process and underlying policy, (5) create a quantitative report measuring the economic benefits of OHFA's single-family and multi-family programs over the last ten years, and (6) evaluate the possible efficiencies of combining existing Department of Development housing programs with OHFA. Authorizes the Director of Commerce to include other relevant areas of study as necessary.

Section: 701.40

Same as the House, but requires review of OHFA's relationships generally, rather than just with its for-profit and non-profit partners; specifies that the study of economic impact is to include the measurable economic impact of all OHFA programs, rather than just the Single-Family Mortgage Revenue Bond Program; and specifies that the Committee's chairperson, rather than the Director of Commerce, may include other relevant areas of study as necessary.

No provision.

Requires the Committee to consist of the Director of Commerce, who is the chair, and two members of the General Assembly, to be appointed by the Speaker of the House and the President of the Senate, respectively.

Changes the membership of the Committee to include the Auditor of State or the Auditor's designee; the Director of Commerce or the Director's designee; the Director of Development or the Director's designee; and four members of the General Assembly, two from each chamber; and specifies that the chairperson is to be determined by the Governor, the Speaker of the House, and the President of the Senate.

No provision.

Requires the Committee to provide a report of its findings to the Governor, the Speaker of the House, and the President of the Senate on or before January 1, 2012.

Same as the House, but extends the deadline for submitting the report to March 31, 2012 and expands the required content of the report to include financial, policy, or legislative recommendations.

Executive

As Passed by the House

As Reported by Senate Finance

No provision.

No provision.

Requires reasonable expenses of the Committee to be paid from Ohio Housing Finance Agency funds, and authorizes the use of such funds to contract with the Auditor of State for services related to the Committee's responsibilities, including financial and performance audits. Further authorizes the Auditor of State to contract with an independent auditor, authorizes the Committee to contract with other outside entities for services related to its responsibilities, and caps the amount that may be spent on services of the Auditor, an independent auditor, or other entities at \$200,000.

No provision.

No provision.

Prohibits any entity contracting with the Committee for services rendered from having a financial or vested interest in OHFA, its affiliates, or its non-profit partners.

Fiscal effect: Requires OHFA to pay for the Committee's reasonable expenses, but restricts the amount of OHFA funds the Committee may allocate for contracts with the Auditor of State and other entities to \$200,000.

Executive

As Passed by the House

As Reported by Senate Finance

SOSCD11 Filing Fees for Transaction of Business, Mergers, and Consolidations

R.C. 1703.031, 1703.07

R.C. 1703.031, 1703.07

R.C. 1703.031, 1703.07

Removes provisions in current law specifying a \$100 fee that applies to banks transacting business in the state and a \$10 filing fee for certificates of merger or consolidation for foreign corporations, and instead specifies that the fees that apply to these entities are those under the fee schedule in R.C. 111.16, which currently sets the fee for all of these filings at \$125.

Same as the Executive.

Same as the Executive.

Fiscal effect: None, as the Secretary of State currently collects the higher fees.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.