

Executive

In House Finance and Appropriations

AGOCD11 State Lien Protection in Judicial Sales of Real Estate

R.C. 2329.192

- (1) Requires, generally, that a party seeking a judicial sale of real estate include a state lienholder as a party defendant unless no state lien has been recorded against the owner of the real estate for which the judicial sale is sought.
- (2) Presumes the appearance of the state lienholder for jurisdictional purposes and requires the court to take judicial notice that the state has a lien against the real estate subject to a judicial sale.
- (3) Allows the state lienholder to file an answer to the complaint or any other pleading if the amount, validity, or priority of the state lien is not identified as disputed and requires the state lienholder to file the above described answer if the amount, validity, or priority of the state lien is identified as disputed.
- (4) Requires that, as part of any order confirming the sale of the lands and tenements that is subject to any undisputed state lien or distributing the proceeds of any judicial sale of real estate, the undisputed state lien is protected as if the state had appeared in the action and filed an answer asserting the state lien.
- (5) Requires that notice be given to the state lienholder and the Attorney General if any party asserts a dispute as to the amount, validity, or priority of the state lien or of any lien or other interest that has priority over the state lien.

R.C. 2329.192

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

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(6) Requires that the interest of any undisputed state lien transfer to the proceeds of the sale of the real estate.

(6) Same as the Executive.

Fiscal effect: Potential cost savings for the Office of the Attorney General and certain state agencies as a result of the Attorney General being required to defend state agencies in foreclosure proceedings only in cases when there is a dispute as to a state lien or interest.

Fiscal effect: Same as the Executive.

AGOCD12 Annual Law Enforcement Agency Drug Fines Report

R.C. 2925.03

(1) No provision.

(1) Eliminates the requirement that a law enforcement agency that receives fine moneys for the agency's primary role in arresting and prosecuting an offender for specified drug offenses prepare an annual report and send a copy of the report to the Attorney General.

(2) No provision.

(2) Eliminates the requirement that the Attorney General send a notice to the President of the Senate and Speaker of the House of Representatives of the receipt of the reports described above.

Fiscal effect: The Attorney General and local law enforcement agencies may experience a minimal annual decrease in administrative costs.

AGOCD1 County Sheriffs' Pay Supplement

Section: 221.10

(1) Requires GRF appropriation item 055411, County Sheriffs' Pay Supplement, be used for the purpose of supplementing the annual compensation of county sheriffs as required by R.C. 325.06.

Section: 221.10

(1) Same as the Executive.

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(2) Permits the Director of Budget and Management, at the request of the Attorney General, to transfer appropriation from GRF appropriation item 055321, Operating Expenses, to GRF appropriation item 055411.

(2) Same as the Executive.

AGOCD2 County Prosecutors' Pay Supplement

Section: 221.10

(1) Requires GRF appropriation item 055415, County Prosecutors' Pay Supplement, be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by R.C. 325.111.

Section: 221.10

(1) Same as the Executive.

(2) Permits the Director of Budget and Management, at the request of the Attorney General, to transfer appropriation from GRF appropriation item 055321, Operating Expenses, to GRF appropriation item 055415.

(2) Same as the Executive.

AGOCD3 Workers' Compensation Section

Section: 221.10

(1) Permits the Workers' Compensation Fund (Fund 1950) to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided by the Attorney General to those two state agencies.

Section: 221.10

(1) Same as the Executive.

(2) Requires the advance payments to be subject to adjustment.

(2) Same as the Executive.

(3) Requires the Bureau of Workers' Compensation to transfer quarterly payments for the support of the Attorney General's Workers' Compensation Fraud Unit.

(3) Same as the Executive.

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(4) Requires that the amounts of these quarterly payments be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

(4) Same as the Executive.

AGOCD4 Attorney General Pass-Through Funds

Section: 221.10

Requires that FED Fund 3E50 appropriation item 055638, Attorney General Pass-Through Funds, be used to receive federal grant funds (generally pertaining to criminal justice activities such as law enforcement or victim services) provided to the Attorney General by other state agencies, including, but not limited to, the departments of Youth Services and Public Safety.

Section: 221.10

Same as the Executive.

AGOCD5 General Holding Account

Section: 221.10

(1) Requires that Holding Account Redistribution Fund appropriation item 055631, General Holding Account, be used to distribute money under the terms of relevant court orders or other settlements received in cases involving the Attorney General.

Section: 221.10

(1) Same as the Executive.

(2) Appropriates the additional amounts necessary for this purpose.

(2) Same as the Executive.

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AGOCD6

Antitrust Settlements

Section: 221.10

(1) Requires that Holding Account Redistribution Fund appropriation item 055632, Antitrust Settlements, be used to distribute money under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Attorney General.

(2) Appropriates the additional amounts necessary for this purpose.

Section: 221.10

(1) Same as the Executive.

(2) Same as the Executive.

AGOCD7

Consumer Frauds

Section: 221.10

(1) Requires that Holding Account Redistribution Fund appropriation item 055630, Consumer Frauds, be used for distribution of money from court-ordered judgments against sellers in actions brought by the Attorney General under certain R.C. sections to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments.

(2) Appropriates the additional amounts necessary for this purpose.

Section: 221.10

(1) Same as the Executive.

(2) Same as the Executive.

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AGOCD8 Organized Crime Commission Distributions

Section: 221.10

(1) Requires that Holding Account Redistribution Fund appropriation item 055601, Organized Crime Commission Distributions, be used by the Organized Crime Investigations Commission to reimburse political subdivisions for expenses incurred when their law enforcement officers participate in an organized crime task force.

(2) Appropriates the additional amounts necessary for this purpose.

Section: 221.10

(1) Same as the Executive.

(2) Same as the Executive.

AGOCD9 Collection Payment Redistribution

Section: 221.10

(1) Requires that Holding Account Redistribution Fund appropriation item 055650, Collection Outside Counsel Payments, be used for the purpose of paying contingency counsel fees for cases where debtors mistakenly paid the client agencies instead of the Attorney General's Revenue Recovery/Collections Enforcement Section.

(2) Appropriates the additional amounts necessary for this purpose.

Section: 221.10

(1) Same as the Executive, but renames appropriation item 055650 from Collection Outside Counsel Payments to Collection Payment Redistribution as well as modifies the related temporary law to more accurately describe the purpose for which the appropriation item is used and updates the name of the Attorney General's section that collects outstanding debt owed the state from Revenue Recovery/Collections Enforcement to Collections Enforcement.

(2) Same as the Executive.

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 AGOCD13 Cash Transfer from the GRF to the General Reimbursement Fund

No provision.

Section: 313.10

Requires the Director of Budget and Management, on July 1, 2013, or as soon as possible thereafter, to transfer \$80,000 from the GRF to the General Reimbursement Fund (Fund 1060), used by the Office of the Attorney General.

Fiscal effect: The transferred cash is appropriated to Fund 1060 appropriation item 055612, General Reimbursement, for FY 2014. GRF appropriation item 035407, Legislative Taskforce on Redistricting, in the LSC budget is reduced by \$80,000 in FY 2014.

AGOCD10 Cash Transfers to the Tobacco Oversight Administration and Enforcement Fund

Section: 521.33

Requires the Director of Budget and Management, on July 1, 2013, or as soon as possible thereafter, to transfer the cash balance from the following funds to the Tobacco Oversight Administration and Enforcement Fund (Fund U087) used by the Attorney General:

- (1) Tobacco Settlement Enforcement Fund (Fund T087) used by the Department of Taxation.
- (2) Education Technology Trust Fund (Fund S087) used by eTech Ohio.
- (3) Southern Ohio Agricultural Development Trust Fund (Fund K087) used by the Southern Ohio Agricultural and Community Development Foundation.

No provision.

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Abolishes each of the three above-noted funds subsequent to completion of the cash transfer. Cancels any existing encumbrances against their related appropriation items and reestablishes those cancelled encumbrances against TSF Fund U087 appropriation item 055402, Tobacco Settlement Oversight, Administration, and Enforcement. Appropriates the transferred cash and reestablished encumbrances.

No provision.

Requires the Director of Budget and Management, on July 1, 2014, or as soon as possible thereafter, to transfer the cash balance in the Law Enforcement Improvement Trust Fund (Fund J087) to Fund U087. Abolishes Fund J087 subsequent to completion of the cash transfer. Cancels any existing encumbrances against TSF Fund J087 appropriation item 055635, Law Enforcement Technology, Training, and Facility Enhancements, and reestablishes those cancelled encumbrances against TSF Fund U087 appropriation item 055402, Tobacco Settlement Oversight, Administration, and Enforcement. Appropriates the transferred cash and reestablished encumbrances.

No provision.

Fiscal effect: The amount of cash that could be transferred to Fund U087 is estimated at up to approximately \$145,000 in FY 2014 and as much as \$500,000 or so in FY 2015.

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DASCD10 Surety Bonds for State Elected Office Holders and Other Officials

R.C. *109.06, 111.02, 113.02, 117.03, 121.11*

(1) Eliminates the requirement that statewide elected office holders give a surety bond to the state that has been issued by a surety provider approved by the Governor, and instead allows the bond to be issued by any surety provider authorized to do business in the state.

(2) Removes the requirement for the Governor to approve surety and fix the amounts of surety for bonds of cabinet-level department appointees (but maintains the current law's minimum threshold of \$10,000 for such surety bonds). Allows DAS to procure a schedule in addition to a blanket bond from a duly authorized corporate surety provider authorized to do business in the state instead of from any duly authorized corporate surety for such appointees and any other officer the Governor designates.

(3) Removes the current authority for the director of each department, with the Governor's approval, to require any officer or employee in the director's department, to give a surety bond.

R.C. *109.06, 111.02, 113.02, 117.03, 121.11*

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

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AGRCD3 Prohibitions and Penalties under Concentrated Animal Feeding Facilities Law

R.C. 903.30, 903.99

(1) Requires the Attorney General, upon the written request of the Director of Agriculture, to prosecute any person who violates or fails to perform any duty required by specified provisions of the Concentrated Animal Feeding Facilities Law, a rule adopted by the Director under that Law, or an order or term or condition of a permit issued by the Director under that Law or rules adopted under it.

(2) Establishes the following three tiers of violations and penalties under this provision: (A) Negligent – Not more than 90 days in jail or no more than a \$10,000 fine or both. Defines a person is negligent with respect to circumstances when, because of a lapse from due care instead of because of a substantial lapse from due care, the person fails to perceive or avoid a risk that such circumstances may exist; (B) Reckless – Not more than one year in jail or no more than a \$10,000 fine or both; and (C) Knowing – Felony subject to not more than 3 years in jail and a fine between \$10,000 - \$25,000. (Current law prescribes different penalties for violating the Concentrated Animal Feeding Facilities (CAFF) Law. They range from a third degree misdemeanor on a first offense to a first degree misdemeanor on a third or subsequent offense, and a fine of not more than \$25,000 for specified violations.)

R.C. 903.30, 903.99

(1) No provision.

(2) Alters the penalty provisions proposed in the Executive as follows: Restores to current law the penalty for modifying an existing or constructing a new CAFF without first receiving a permit to install or permit to operate and the penalty for violating the conditions of a permit to install or permit to operate; Replaces the penalties in existing law and the Executive for violations of specified requirements governing an NPDES permit or the NPDES provisions of a permit to operate with the following penalties: (A) For negligent violations, a fine of not more than \$10,000, imprisonment for not more than 90 days, or both; (B) For reckless violations, a fine of not more than \$10,000, imprisonment for not more than one year, or both; and (C) For knowing violations, a fine of not more than \$25,000, imprisonment for not more than three years, or both; and creates a different standard for actions that constitute acting negligently from the standard established in the Criminal Code.

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Fiscal effect: May increase costs for the Department of Agriculture and local courts. These costs would be partially offset through fine revenues.

Fiscal effect: Same as the Executive.

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JFSCD28

Criminal Records Checks for Adult Residents of a Prospective Adoptive or Foster Home or a Foster Caregiver's Home

No provision.

R.C. 2151.86

Removes ODJFS authority, with respect to a criminal records check required for an adult resident of a prospective adoptive or foster home or a foster caregiver's home, to waive the requirement that the records check be based on fingerprints if it determines that the adult resident is physically unable to provide fingerprints and poses no danger to foster children or adoptive children who may be placed in the home; and specifies that, in such cases, the involved agency must request that the Bureau of Criminal Identification and Investigation perform a records check using the person's name and Social Security number.